

## **Attachment D**

### **Lancaster Municipal Code (LMC) – Proposed Amendments, i.e. “Clean Version”**

Note that the new proposed language is shown without any **blue underline** or **red strikethrough**. Each item or edit is flagged with a comment as inventoried in the 2025 Zone Text Amendment Table in the staff report.

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## **Chapter 2.36 DISASTER COUNCIL**

### **2.36.010 Purposes.**

The declared purposes of this chapter are to provide for:

- A. the preparation and carrying out of plans for the protection of persons and property within this city in the event of an emergency;
- B. the leadership, coordination, and management of the city's emergency response organization;
- C. the coordination of the emergency functions of this city with all other public agencies, corporations, organizations, and affected private persons; and
- D. the planned and orderly recovery from its adverse effects.

(Prior code § 3-9.1)

### **2.36.020 Definition.**

As used in this chapter, "emergency" means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy.

(Prior code § 3-9.2)

### **2.36.030 Disaster council membership.**

The Lancaster disaster council is created and shall consist of the following:

- A. Representative chosen by the city council from its members who shall be chair;
- B. The director of emergency services, who shall be vice-chair;
- C. The emergency preparedness coordinator;
- D. Such chiefs of emergency services as are provided for in a current emergency plan of this city, adopted pursuant to this chapter;
- E. Such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the director.

(Prior code § 3-9.3)

### **2.36.040 Disaster council powers and duties.**

It shall be the duty of the Lancaster disaster council, and it is empowered, to see to the development of, and recommend for adoption by the city council, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements.

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The disaster council shall meet upon call of the chair or, in their absence from the city or inability to call such meeting, upon call of the vice-chair.

(Prior code § 3-9.4)

## **2.36.050 Continuance of local government—City council.**

### **A. Designation and Duties of Standby Officers.**

1. Each member of the Lancaster planning commission shall serve as the standby officer in the event of a state of emergency in the order of succession as follows: chair, vice-chair, then planning commission members in order of seniority.
2. The duties of the standby officers shall be those as provided for by state law and identified in the city's emergency plan.

### **B. Term of Service of Standby Officers.**

1. General. Each standby officer shall serve in such position, as long as they are a member of the Lancaster planning commission.
2. State of Emergency. If, within seven days of declaration of local emergency by the director of emergency services as provided for in this chapter, a quorum of the city council is unable to meet, the standby officers representing the members of the council unable to meet shall serve on the city council until such time as the elected member of council is able to meet and serve, or until such time as a successor is selected by any means provided for in state law.

### **C. Order of Succession—Mayor.**

1. In the event the mayor is unable to serve during a state of emergency, the order of succession for the mayor shall be the vice-mayor, city councilmembers in order of seniority.
2. In the event no elected member of the city council is able to meet during a state of emergency, the standby officer appointed by the mayor shall serve in that position.

(Prior code § 3-9.5)

## **2.36.060 Director of emergency services and emergency preparedness coordinator.**

- A. There is created the position of director of emergency services. The city manager shall be the director of emergency services.
- B. There is created the position of emergency preparedness coordinator, who shall be designated by the director.

(Prior code § 3-9.6)

## **2.36.070 Powers and duties of the director of emergency services.**

### **A. Powers and duties of the director when no emergency exists:**

1. Designate the order of succession to the position of director, to take effect in the event that the director is unavailable to perform their duties during an emergency. Such order of succession shall be approved by the city council, and be reflected in the emergency plan.
2. Designate the emergency preparedness coordinator.

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- B. Powers and duties of the director under imminent threat of, during or after an emergency:
1. The director may request that the city council proclaim the existence or threatened existence of a "local emergency" if the city council is in session, or to issue such a proclamation if the city council is not in session. Whenever a local emergency is proclaimed by the director, the city council shall take action to ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect. The city council shall review, at each regular meeting until such local emergency is terminated, the need for continuing the local emergency, and shall proclaim the termination of such local emergency at the earliest possible date that conditions warrant.
- C. Powers and duties of the director when a local emergency has been proclaimed, or a "state of emergency" has been proclaimed by the Governor or the Director of the State Office of Emergency Services, or if a "state of war emergency" exists:
1. The director shall have complete authority over the city and the right to exercise all police power vested in the city by the Constitution and General Laws, as per Section 38791 of the Government Code; and
  2. The director is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the city council; and
  3. To control and direct the effort of the emergency organization of this city for the accomplishment of the purposes of this chapter; and
  4. To direct cooperation between the coordination of services and staff of the emergency organization of this city and resolve questions of authority and responsibility that may arise between them; and
  5. To represent this city in all dealings with public or private agencies on matters pertaining to emergencies as defined herein; and
  6. To obtain vital supplies, equipment and such other properties, from public or private sources, found lacking and needed for the protection of life and property and to bind the city for the fair value thereof and, if required immediately, to commandeer the same for public use; and
  7. To require emergency services of any city officer or employee and, in the event of the proclamation of a "state of emergency" in the county in which this city is located or the existence of a "state of war emergency" to command the aid of as many citizens of this community as they deem necessary in the execution of their duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered disaster service workers; and
  8. To requisition necessary personnel or material of any city department or agency; and
  9. To request the Governor to proclaim a "state of emergency" when, in the opinion of the director, the locally available resources are inadequate to cope with the emergency.

(Prior code § 3-9.7)

## **2.36.080 Powers and duties of the emergency preparedness coordinator.**

- A. Powers and duties of the coordinator when no emergency exists:
1. Under the supervision of the director, develop emergency plans and mutual aid agreements;
  2. Manage the emergency programs of this city;
  3. Other powers and duties as may be assigned by the director.

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B. Powers and duties of the coordinator when a local emergency, or a "state of emergency" has been proclaimed by the Governor or the Director of the State Office of Emergency Services, or if a "state of war emergency" exists:

1. The coordinator shall have such powers and duties as are designated in the emergency plan, and those that may be assigned by the director.

(Prior code § 3-9.8)

### **2.36.090 Emergency organization.**

All officers and employees of this city, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations and persons who may by agreement or operation of law, including persons impressed into service under the provisions of subsection (C)(7) of Section 2.36.070 during such emergency, shall constitute the emergency organization of the city.

(Prior code § 3-9.9)

### **2.36.100 Emergency plan.**

The Lancaster disaster council shall be responsible for seeing to the development of the city of Lancaster emergency plan, which plan shall provide for the effective mobilization of all of the resources of this city, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and shall provide for the organization, powers and duties, services, and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the city council.

(Prior code § 3-9.10)

### **2.36.110 Expenditures.**

- A. Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the city (Section 53021 Government Code). Records will be kept in such a manner that emergency-related expenditures and obligations of city departments can be broken out and identified, separate from regularly budgeted program activities.
- B. The city council may pass a resolution by a four-fifths vote of its members, declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property. Upon adoption of the resolution, the city council may expend any sum required in the emergency without complying with the Local Agency Public Construction Act (Section 20168 of the Public Contract Code).

(Prior code § 3-9.11)

### **2.36.120 Acceptance of assistance.**

The director of emergency services or their designee is authorized to accept services, equipment, supplies, materials or funds by gift, grant or loan for purposes of mitigating the effect of a declared local emergency from public and private sources. The director or their designee shall develop procedures for registration of such gift, grant or loan and for the recording of disposition of such.

(Prior code § 3-9.12)

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### **2.36.130 Punishment of violations.**

It shall be a misdemeanor, punishable by a fine of not to exceed one thousand dollars (\$1,000.00) or by imprisonment for a period not to exceed six months, or both, for any person, during an emergency to:

- A. Willfully obstruct, hinder or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him by virtue of this chapter;
- B. Do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such a nature as to give or be likely to give assistance to the enemy or to imperil the lives or property of inhabitants of this city, or to prevent, hinder or delay the defense or protection thereof;
- C. Wear, carry or display, without authority, any means of identification specified by the emergency agency of the state or of this city.

(Prior code § 3-9.13)

## Chapter 8.50 LANDSCAPING INSTALLATION AND MAINTENANCE

### 8.50.090 Landscape Design Plan.

- A. For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria and specifications shall be submitted as part of the landscape documentation package:
1. Plant Material.
    - (a) Any plant may be selected from the City of Lancaster approved plant list for the landscape providing the estimated applied total water use recommended for the project site in the landscape area does not exceed the maximum applied water allowance. Methods to achieve water efficiency shall include one or more of the following:
      - (i) Protection and preservation of native species and natural vegetation;
      - (ii) Selection of water conserving plant species, tree and turf species, especially local native plants;
      - (iii) Selection of plants based on local climate suitability, disease and pest resistance;
      - (iv) Selection of trees based on the City of Lancaster approved tree list, and size at maturity as appropriate for the planting area;
      - (v) Selection of plants from local and regional landscape program plant lists; and
      - (vi) Selection of plants from local fuel modification plan guidelines.
    - (b) Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use, as specified in Section 8.50.100A.2.(d).
    - (c) Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. Methods to achieve water efficiency shall include one or more of the following:
      - (i) Use the Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;
      - (ii) Recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure (e.g., buildings, sidewalks, power lines); allow for adequate soil volume for healthy root growth; and
      - (iii) Consider the solar orientation for plant placement to maximize summer shade and winter solar gain.
    - (d) Turf [or grass](#) shall not exceed twenty-five (25%) percent of the landscape area in residential areas and in non-residential areas;
    - (e) Turf areas shall be sized and shaped to minimize irrigation overspray and runoff.
    - (f) Installation of turf on slopes greater than 4:1 (horizontal to vertical) shall not be permitted.
    - (g) Installation of long, narrow, or irregularly shaped turf areas less than eight feet in width in any direction shall be irrigated with subsurface irrigation or other low volume irrigation technology.

- (h) Irrigated areas (including turf) within 24 inches of nonpermeable hardscape shall be irrigated with drip irrigation or subsurface irrigation technology unless waived by the Director of Development Services.
  - (i) High water use plants, characterized by a plant factor of 0.7 to 1.0, are prohibited in street medians.
  - (j) A landscape design plan for projects in fire-prone areas shall address fire safety and prevention. A defensible space or zone around a building or structure is required per Public Resources Code Section 4291(a) and (b). Avoid fire-prone plant materials and highly flammable mulches. Refer to the local fuel modification plan guidelines.
  - (k) The use of invasive plant species, such as those listed by the California Invasive Plant Council, is strongly discouraged. Invasive species of plants shall be avoided especially near parks, buffers, greenbelts, water bodies, and open spaces because of their potential to cause harm in sensitive areas.
  - (l) The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low water use plants as a group.
2. Water Features.
- (a) Recirculating water systems shall be used for decorative water features.
  - (b) Where available, recycled water shall be used as a source for decorative water features.
  - (c) Surface area of a water feature shall be included in the maximum applied water allowance (MAWA) high water use hydrozone area of the water budget calculation. The evaporation rate for all water features shall be equivalent to the evapotranspiration rate of a high water use plant.
3. Soil Preparation, Mulch and Amendments.
- (a) Prior to the planting of any materials, compacted soils shall be transformed to a friable condition. On engineered slopes, only amended planting holes need meet this requirement.
  - (b) Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see Section 8.50.080).
  - (c) For landscape installations, compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six inches into the soil. Soils with greater than six percent organic matter in the top six inches of soil are exempt from adding compost and tilling.
  - (d) A minimum of three-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. In mulched planting areas, the use of drip irrigation is highly recommended. To provide habitat for beneficial insects and other wildlife, up to five percent of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.
  - (e) Stabilizing mulching products shall be used on slopes that meet current engineering standards.
  - (f) The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.
  - (g) Organic mulch materials made from recycled or post-consumer products shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local fuel modification plan guidelines or other applicable local ordinances.



- B. The landscape design plan shall be drawn on project base sheets at a scale that accurately and clearly identifies the following specifications, where applicable, at a minimum:
1. Delineate and label each hydrozone by number, letter, or other method;
  2. Indicate the square footage of each hydrozone;
  3. Identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation;
  4. Identify recreational areas;
  5. Identify areas permanently and solely dedicated to edible plants;
  6. Identify any other pertinent factors (e.g., sun exposure, microclimate, etc.);
  7. Identify areas irrigated with recycled water;
  8. Identify type of mulch and application depth;
  9. Identify soil amendments, type, and quantity;
  10. Identify type and surface area of water features;
  11. Identify hardscapes (pervious and nonpervious);
  12. Identify location, installation details, and 24-hour retention or infiltration capacity of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Project applicants shall refer to the local agency or regional Water Quality Control Board for information on any applicable stormwater technical requirements. Stormwater best management practices are encouraged in the landscape design plan and examples are provided in section 8.50.200;
  13. Identify any applicable rain harvesting or catchment technologies as discussed in Section 8.50.200 and their 24-hour retention or infiltration capacity;
  14. Identify any applicable graywater discharge piping, system components and area(s) of distribution;
  15. Contain the following statement: "I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plan";
  16. Bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape (see Sections 5500.1, 5615, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, and 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agriculture Code);
  17. Location map with north arrow, scale, and legal description of the property;
  18. Project name;
  19. Title block with name, license number, mailing address, email address, and telephone number of licensed landscape architect;
  20. Total landscape area (square feet);
  21. Benchmark name, elevation, and location;
  22. Topography with proposed contour lines and elevations;
  23. Property lines and setbacks;
  24. Street names;
  25. Location of all utilities (e.g., telephone, electrical, gas, sewer, drainage, etc.). The use of this information is limited to the landscape design and installation;

26. Location and details of existing and proposed public improvements within right-of-way (e.g., curb, gutter, sidewalk, street light, fire hydrants, driveways, or approaches, etc.);
27. Location of all plant material (e.g., turf, annuals, perennials, groundcovers, shrubs, trees, and other vegetation, etc.);
28. Detailed legend explaining all the symbols used in the landscape design plan including botanical names, common names, quantity, container size, etc.;
29. Mulch types and depths (inches);
30. Design elements: water features, hardscapes (pervious and nonpervious), existing natural features including, but not limited to, rock outcropping, creeks or streams, wetlands, and plant materials that will remain;
31. Installation details for the landscape including soil preparation, plant material installation, tree planting and staking, and any other applicable details;
32. Location and installation details of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Examples include, but are not limited to:
  - (a) Infiltration beds, swales, and basins that allow water to collect and soak into the ground.
  - (b) Constructed wetlands and retention ponds that retain water, handle excess flows and filter pollutants.
  - (c) Pervious or porous surfaces (e.g., permeable pavers or blocks, pervious or porous concrete, etc.) that minimize runoff (volume and velocity).
  - (d) Each sheet of the landscape design plan shall contain the following statement along with a licensed landscape architect's or licensed landscape contractor's stamp and signature: "I have agreed to comply with the criteria and specifications of the ordinance and I have applied them accordingly for the efficient use of water in the landscape design plan."

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

### **8.50.261 Prescriptive Compliance.**

- A. This contains prescriptive requirements which may be used as a compliance option to the Model Water Efficient Landscape Ordinance.
- B. Compliance with the following items is mandatory and must be documented on a landscape plan in order to use the prescriptive compliance option:
  - 1. Submit a Landscape Documentation Package which includes the following elements:
    - (a) Date;
    - (b) Project applicant;
    - (c) Project address (if available, parcel and/or lot number(s));
    - (d) Total landscape area (square feet), including a breakdown of turf and plant material;
    - (e) Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed);
    - (f) Water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well;
    - (g) Contact information for the project applicant and property owner;
    - (h) Applicant signature and date with statement, "I agree to comply with the requirements of the prescriptive compliance option to the MWELO."
  - 2. Incorporate compost at a rate of at least four (4) cubic yards per one thousand (1,000) square feet to a depth of six (6") inches into landscape area (unless contra-indicated by a soil test).
  - 3. Plant material shall comply with all of the following:
    - (a) For residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for seventy-five (75%) percent of the plant area excluding edibles and areas using recycled water; For non-residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for one hundred (100%) percent of the plant area excluding edibles and areas using recycled water;
    - (b) A minimum three (3") inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.
  - 4. Turf shall comply with all of the following:
    - (a) Turf or grass shall not exceed twenty-five (25%) percent of the landscape area in residential areas, and there shall be no turf in non-residential areas;
    - (b) Turf shall not be planted on sloped areas which exceed a slope of one foot vertical elevation change for every four (4') feet of horizontal length;
    - (c) Turf is prohibited in parkways less than ten (10') feet wide, unless the parkway is adjacent to a parking strip and used to enter and exit vehicles. Any turf in parkways must be irrigated by sub-surface irrigation or by other technology that creates no overspray or runoff.
  - 5. Irrigation systems shall comply with the following:
    - (a) Automatic irrigation controllers are required and must use evapotranspiration or soil moisture sensor data.
    - (b) Irrigation controllers shall be of a type which does not lose programming date in the event the primary power source is interrupted.

- (c) Pressure regulators shall be installed on the irrigation system to ensure the dynamic pressure of the system is within the manufacturer's recommended pressure range.
  - (d) Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be installed as close as possible to the point of connection of the water supply.
  - (e) All irrigation emission devices must meet the requirements set in the ANSI standard, ASABE/ICC 802-2014, "Landscape Irrigation Sprinkler and Emitter Standard." All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.
- C. At the time of final inspection, the permit applicant must provide the owner of the property with a certificate of completion, certificate of installation, irrigation schedule, and a schedule of landscape and irrigation maintenance.

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

## **Chapter 15.04 ADMINISTRATIVE CODE**

### **15.04.080 Fees.**

Section 109.2 of the California Building Code, Chapter 1, Division II, is hereby amended to read as follows:

**109.2 Schedule of Permit Fees.** On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as adopted by resolution of the City Council of the City of Lancaster, as may be amended from time to time. For complex or atypical matters, the Building Official is authorized to assess fees based on published hourly rates.

#### **109.6.1 Refund of Permit Fees.**

- The Building Official shall not authorize the refund of any fee paid except upon the written application filed by the permit holder.
- No refunds shall be processed for expired permits or projects that have been abandoned. Abandoned is defined as no work or inspections for 180 days.
- No refunds shall be processed that have exceeded 45 days after the date of the payment.
- The Building Official may authorize the refunding of not more than 80 percent of the plans examination fee paid when an application is withdrawn or canceled prior to commencing any plan review.
- The Building Official may authorize the refunding of not more than 80 percent of the permit inspection fee paid when a permit that has been issued withdrawn or canceled by the original permittee before any inspection has been completed and the original permit and inspection card is returned.
- Permit Issuance, Fire Protection, Development Impact, Strong Motion, and Green Building fees are not refundable (unless erroneously paid/collected). This is because the money has already been put to use. If the project was canceled and/or the property sold, the new developer may receive credit towards Development Impact fees as approved by the Building Official.
- A processing fee will be applied to all refunds, in accordance with the schedule adopted by the resolution of the City Council of the City of Lancaster, as may be amended from time to time.

(Ord. No. 1094, § 1, 11-8-2022)

## **Chapter 15.64 DEVELOPMENT IMPACT FEES**

### **15.64.130 Payment of fees.**

After the adoption by the city council of a resolution establishing the amounts of the development impact fees, no building permit shall be issued and no development shall be permitted on any land within the city unless and until the development impact fees relating to such development and established by the resolution(s) adopted pursuant to Section 15.64.160 has been paid unless a determination has been made by the department that no fee is payable pursuant to this chapter. Development impact fees payable in connection with mobile home park development shall be paid by the property owner or land developer prior to issuance by the city of off-site improvement permits. With respect to residential developments, the requirement that a property owner or land developer pay the development impact fees at the date of the final inspection, or the date the certificate of occupancy is issued, whichever occurs first, is imposed pursuant to Government Code Section 66007(b).

(Ord. No. 1094, § 1, 11-8-2022)

# **Title 16**

## **SUBDIVISIONS**

### **Chapter 16.04 GENERAL PROVISIONS**

#### **16.16.030 Administrative parcel map.**

- A. In General. An administrative parcel map is a division of any vacant or developed real property that has all public improvements installed; and has been previously subdivided. An administrative parcel map does not include air space condominiums.
- B. Requirements. The director may waive the requirement for filing a tentative parcel map where the director of public works or city engineer has determined that the following conditions exist;
  - 1. Substantially all public improvements which serve the property have been installed, in consideration of existing conditions on neighboring properties and anticipated development in the surrounding area.
  - 2. The parcels resulting from the administrative parcel map will conform to the requirements of the general plan, Title 17 of this code, and the Uniform Building Code as applicable.
  - 3. The administrative parcel map does not adversely affect any existing access, easements or utilities, or that the adverse effect can be satisfactorily mitigated.
- C. Procedures.
  - 1. An application for administrative parcel map shall be filed, accompanied by a map and any other information required by the director.
  - 2. A request for an administrative parcel map shall be signed and acknowledged by all owners of record of the property.
  - 3. Before submitting the administrative parcel map, a map number shall be obtained from the land development department, county of Los Angeles.
  - 4. The administrative parcel map shall be prepared by a registered civil engineer or licensed land surveyor, and shall contain the following information:
    - a. Name and address of legal owner and person preparing the map;
    - b. Sufficient legal description to define the boundary of the proposed project;
    - c. Date, north arrow and scale;
    - d. Exterior boundary lines of the property indicating easements, dimensions and lot size;
    - e. The lot layout and the dimensions of each lot. The location, elevation and area of each building site;
    - f. Existing zoning;
    - g. Approximate location of the existing features on and off-site within fifty (50) feet of the site boundaries;
    - h. Any other information requested by the director.
  - 5. The applicant shall submit the number of blue line copies of the map specified by the director.

6. Once the city engineer has determined that the administrative parcel map does not adversely affect any existing access, easements or utilities, the director shall review the administrative parcel map and within thirty (30) days approve or deny the request.
7. The director shall find that the proposed division of land complies with the property development regulations of the zone.
8. The director shall provide the subdivider written notice of his action.
9. If the administrative parcel map is denied by the director, the subdivider may file a tentative parcel map for consideration by the planning commission. Such application shall be processed in the same manner as a request for tentative map; Chapter 16.08, Tentative Map Procedural Requirements.
10. After the director approves the administrative parcel map, the parcel map shall be submitted to the city engineer for recordation.

(Ord. 754 § 1 (Attach. A § 12), 1999; Ord. 718 §§ 3, 4, 1996; Ord. 661 § 1 (400.200—400.220), 1994)



## **Title 17**

### **ZONING**

#### **Chapter 17.04 GENERAL PROVISIONS**

##### **17.04.010 Adoption by reference of the county zoning ordinance.**

Except as hereinafter provided, that certain zoning ordinance of the county of Los Angeles, known as Ordinance No. 1494, as amended, and in full force and effect on May 7, 1979, is adopted as the zoning ordinance of the city of Lancaster, to provide for the creation within the city of zones and prescribing area requirements and classes of uses of buildings, structures, improvements and premises in the zones referred to therein.

Three copies of the Los Angeles County zoning ordinance have been deposited in the office of the city clerk of the city of Lancaster and shall be at all times maintained by the clerk for the use and examination by the public.

(Prior code § 9-1.1)

##### **17.04.020 Reserved.**

(Prior code § 9-1.2)

##### **17.04.030 Area designated.**

Whenever in Ordinance No. 1494 reference is made to the unincorporated area of the county of Los Angeles, such area shall be deemed to be the area included within the boundaries of the city of Lancaster.

(Prior code § 9-1.3)

##### **17.04.040 Interim zoning.**

This chapter is adopted as a temporary interim zoning ordinance. The city planning commission and the city attorney are directed to prepare or cause to be prepared a zoning ordinance to be presented to the city council for its adoption. Until such ordinance can be prepared and adopted, no building permit or other permit shall be issued by any officer of the city for any building, structure or use of any real property in the city, which building, structure or use is or would be in conflict with or in violation of said zoning ordinance of the county of Los Angeles, as it was in effect and applicable to that area of said county now incorporated and known as the city of Lancaster on the date immediately preceding the date of incorporation of said city, or as the same may have been amended between said date of incorporation and May 7, 1979, or as the same may hereafter be amended by this city council. Any permit issued contrary to the provisions of this ordinance shall be void. There is no intent to alter or amend any other amendments adopted by the city council to the zoning ordinance from date of incorporation.

(Prior code § 9-1.4)

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#### **17.04.050 Zoning map adopted.**

Due to the conditions referred to in Section 17.04.040, the city council further adopts as a temporary interim zoning map for the city, the zoning map for the county of Los Angeles which has until the incorporation of this city governed the zoning of the area within the city. The zoning shown on said map of all property formerly in the county and now within the city shall be, and is declared to be, the zoning of such property now that it is within the city, and governed according to classification by the zoning ordinance of the county of Los Angeles as referred to in Section 17.04.040.

(Prior code § 9-1.5)

#### **17.04.060 Highway master plan adoption.**

The council further adopts the master plan of highways of the county of Los Angeles, insofar as it affected the area now within the city of Lancaster before incorporation, the intention of this section being that the said master plan shall have the same effect on the area as it did before incorporation. The city clerk is directed to keep on file in his office for use by the public 3 copies of the master plan of the highways of Los Angeles County.

(Prior code § 9-1.6)

#### **17.04.070 Continuation of previously issued variances and permits.**

All variances, special permits, conditional use permits, exceptions and similar permits granted by the regional planning commission or the board of supervisors of Los Angeles County and validly in effect on the date of incorporation of the city of Lancaster, are approved, ratified and confirmed as to the entire premises to which the same relate with the same force and effect as if the same were reissued as of said date of incorporation in accordance with the provisions thereof.

(Prior code § 9-1.7)

#### **17.04.080 Providing ten-day notice prior to public hearings—Enactment.**

This section is enacted pursuant to Section 65854 of the Government Code of the state of California.

The convenience, health, safety and welfare of the citizens of the city of Lancaster are served by amending Chapter 6, Article 3, Section 631 of the zoning ordinance (Section 17.36.020 of this code) to provide for a minimum 10-day notification of public hearing prior to any such hearing.

(Prior code § 9-1.10)

#### **17.04.090 Short title.**

This title shall be known as, and may be cited as "The Zoning Ordinance of the City of Lancaster."

(Prior zoning ord. § 100.1)

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#### **17.04.100 List of zones.**

In order to implement the adopted city general plan and pertinent goals, objectives, policies, and programs thereof pursuant to Chapters 3 and 4 of Title 7 of the Government Code, the Planning Law, or any statutes superseding those chapters; to protect the public health, safety, and general welfare of the visitors to and residents of the city; to regulate the use of buildings, structures, and land for residential, commercial, industrial and institutional purposes; to regulate location, height, bulk, and area covered by buildings and structures; and to control lot size, yards, intensity of land use, signs and off-street parking, the incorporated area of the city is divided into the following zones:

##### **R Zones—Residential**

RR Zone—Rural Residential

SRR Zone—Semirural Residential

R Zone—General Residential

MDR Zone—Moderate Density Residential

HDR Zone—High Density Residential

MHP Zone—Mobilehome Park

##### **C Zone—General Commercial**

CPD Zone—Commercial Planned Development

H Zone—Hospital

OP Zone—Office Professional

##### **I Zones—Industrial**

LI Zone—Light Industrial

HI Zone—Heavy Industrial

O Zone—Open Space

SP Zone—Specific Plan

P Zone—Public Use

##### **MU Zones—Mixed Use**

MU-N—Mixed Use-Neighborhood

MU-C—Mixed Use-Commercial

MU-E—Mixed Use-Employment

MU-TOD—Mixed Use-Transit Oriented Development

(Ord. 743.1 § 2, 1998; Ord. 743 § 2, 1998; Ord. 651 § 1, 1993; Ord. 647 § 1, 1993; prior zoning ord. § 101)

(Ord. No. 945, § 2, 7-13-2010; Ord. No. 1106, § 4(Exh. A), 10-10-2023)

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#### **17.04.110 Combining zone.**

Zone ( ) -VM (Vegetative Management)—For every zone listed in Section 17.04.100 an additional zone designated by the symbol -VM in combination with the respective zoning symbol in Section 17.04.100 is established.

(Prior zoning ord. § 101.3)

#### **17.04.120 Purpose.**

It is declared that in the creation of the respective zones set forth in this title, the city council has given due consideration to the suitability of each such zone created for the particular uses contained therein, the area requirements, density of land occupancy and the necessary, proper and comprehensive groupings and arrangements of industry, commerce, and the population of the city in accordance with the adopted general plan of the city.

(Prior zoning ord. § 102)

#### **17.04.130 References to ordinances and state statutes.**

Any reference to an ordinance or state statute shall mean that ordinance or statute as amended from time to time.

(Prior zoning ord. § 103)

#### **17.04.140 Title requirements as minimums.**

In interpreting and applying the provisions of this title, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare.

(Prior zoning ord. § 105)

#### **17.04.150 Replacement of other ordinances.**

The provisions of the ordinance codified in this title shall not be deemed or construed to repeal, amend, modify, alter or change any other ordinance or any part thereof not specifically repealed, amended, modified, altered or changed herein, except in such particulars or matters as this title is more restrictive than such other ordinances or part thereof; and that in all particulars wherein this title is not more restrictive each such other ordinance shall continue and shall be in full force and effect.

(Prior zoning ord. § 106)

#### **17.04.160 Assumption of power or duty by public officer.**

Whenever a power is granted to, or a duty imposed upon, a public officer by this title, the power may be exercised or the duty may be performed by the commission, a deputy of the officer or a person authorized pursuant to law or ordinance by the officer, unless this title expressly provides otherwise.

(Prior zoning ord. § 107)

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#### **17.04.170 Delegation of power or duty by commission.**

Whenever by ordinance an administrative power is granted to, or an administrative duty imposed upon the commission, the commission may instruct the director to exercise such administrative power or perform such administrative duty. The director shall exercise all such powers, and perform all such duties as he is instructed to do by the commission.

(Prior zoning ord. § 107.5)

#### **17.04.180 Tenses.**

The present tense includes the past and future tenses, and the future the present.

(Prior zoning ord. § 109)

#### **17.04.190 Gender.**

The masculine gender includes the feminine and neuter.

(Prior zoning ord. § 110)

#### **17.04.200 Plural or singular.**

The singular number includes the plural, and the plural the singular.

(Prior zoning ord. § 111)

#### **17.04.210 Severability.**

If any provisions of this title, or the application thereof to any person or circumstance is held invalid, the remainder of the title, and the application of such provision to other persons or circumstances, shall not be affected thereby.

(Prior zoning ord. § 112)

#### **17.04.220 Violation—Penalty.**

Every person violating any provision of this title or any entitlement, permit, license, or exception granted hereunder is guilty of a violation of this code as specified in Chapter 1.12 of this code.

(Ord. 711 § 2, 1995: prior zoning ord. § 113)

#### **17.04.230 Administration of use classifications.**

A. In determining compliance with the provisions of this title as it applies to the uses enumerated in the various zones, each principal use shall be considered a separate use of land provided:

1. The accessory uses, buildings and structures shall be deemed an integral part of each principal use; and

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2. That more than one principal use may be placed on a single lot or parcel of land where not in conflict with other provisions of this title.
- B. The director shall determine whether a use, building or structure may be considered accessory pursuant to the definitions contained in this title provided, however, that where disagreement arises between said director and an applicant, the commission shall make such determination.

(Prior zoning ord. § 114)

#### **17.04.235 Reserved.**

Editor's note(s)—Ord. No. 1019, § 3, adopted February 28, 2017, repealed § 17.04.235, which pertained to medical marijuana dispensaries, cultivation and delivery, and derived from Ord. No. 1012, § 1, adopted February 9, 2016.

#### **17.04.240 Definitions.**

Unless otherwise provided in this title, the definitions established in this section shall apply wherever such terms are used in this title, whether or not such terms are capitalized. Note: Definitions which are found in Title 16 also apply to the same terms as they are used within this title.

"Accessory building or structure" means a detached subordinate building or structure, the use of which is customarily incidental to that of the main building or to the main use of the land, and which is located in the same or a less restrictive zone and on the same lot or parcel of land with the main building or use.

"Accessory dwelling unit (ADU)" shall have the meaning in subsection 17.41.012.A.

"Accessory dwelling unit, junior (JADU)" shall have the meaning in subsection 17.41.012.E.

"Accessory use" means a use customarily incidental to, related and clearly subordinate to a principal use established on the same lot or parcel of land, which accessory use does not alter said principal use nor serve property other than the lot or parcel of land on which the principal use is located.

"Adjacent" means 2 or more lots or parcels of land either adjoining or separated only by an alley, street, highway or recorded easement.

"Adjoining" means 2 or more lots or parcels of land sharing a common boundary line, or 2 or more objects in contact with each other. Lots or parcels of land which touch at corners only shall not be deemed adjoining. "Abut" or "abutting" and "contiguous" mean the same as adjoining.

"Adult" means a person who is 18 years of age or older.

"Affordability" means the economic feasibility to construct lower-income housing in the proposed development.

"Affordable housing" means housing as defined in Section 65589.5(h)(2) of the Health and Safety Code.

"Aircraft" means any contrivance, now known or hereafter invented, for use or designed for navigation of or flight in the air.

"Airport" means any area of land or water which is used or intended to be used for the landing and taking off of aircraft and any appurtenant areas used or intended to be used for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon. Airport includes heliport, helistop and landing strip.

"Alternative fuel" means biological materials, coal-derived liquids, electricity, ethanol, hydrogen, methanol, natural gas, propane and any other fuel that the Secretary of Energy finds to be substantially not petroleum and

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which would yield substantial energy security benefits and substantial environmental benefits. Reformulated gasoline or other fuel derived from crude oil is not considered an alternative fuel. (From Federal Energy Policy Act of 1992).

"Alternative fuel vehicle" means motor vehicles that run on fuels other than petroleum-based fuels. As defined by the National Energy Policy Act (EPACT), this excludes reformulated gasoline as an alternative fuel.

"Amphitheater" means unroofed or partially enclosed building or structure used for public assembly and/or entertainment including sports events, theatrical performances, concerts and recitals, circuses, stock shows and conventions. "Amphitheater" shall include stadium, sports arena and outdoor theater, but shall not include an entertainment park or its accessory buildings or structures.

"Antenna" means a device used in wireless communications which radiates and/or receives commercial cellular, personal communication service, and/or data radio signals. "Antenna" shall not include any satellite dish antenna or any antenna utilized for amateur radio, citizens band radio, television, AM/FM, or shortwave radio reception purposes.

"Apartment, bachelor" means a dwelling unit in an apartment house, that combines sleeping, living, cooking and dining facilities into one habitable room. "Light housekeeping room" shall mean the same as bachelor apartment.

"Apartment, efficiency" means a dwelling unit in an apartment house, that combines sleeping, living, cooking and dining facilities into 2 habitable rooms, one of which shall be a kitchen. "Single apartment" and "efficiency living unit" mean the same as efficiency apartment.

"Apartment, one-bedroom" means a dwelling unit in an apartment house, that contains a maximum of 3 habitable rooms, one of which shall be a kitchen.

"Apartment, two or more bedroom" means a dwelling unit in an apartment house that contains more than 3 habitable rooms.

"Area, net" means the total area within the lot lines of a lot or parcel of land after public street easements or other areas to be dedicated or reserved for public uses are deducted from such lot or parcel. Does not include trails easement, or landscape easement for lots of less than 7,000 square feet.

"Automobile dismantling yard" means any premises used for the dismantling or wrecking of motor vehicles and trailers required to be registered under the Vehicle Code of the state of California including the buying, selling or dealing in such vehicles or integral parts or component materials thereof, and the storage, sale or dumping of dismantled, partially dismantled or wrecked inoperative vehicles and trailers.

Automobile dismantling shall not include the incidental storage of inoperative or disabled vehicles in connection with the legal operation of an automobile repair garage or automobile body and fender repair shop.

"Automobile impound yard" means any premises used for the temporary storage of vehicles which have been legally removed or impounded at the direction of a peace officer or by judicial order from public or private property as prescribed by law.

"Automobile parking space," as used in this title, means any permanently maintained space on the same lot or parcel of land as is located the structure it is designed to serve, so located and arranged as to permit the storage of, and be readily accessible under its own power to, a passenger automobile of average size. "Automobile storage space" means automobile parking space.

"Automobile repair" means general repair including but not limited to replacement of parts, engine and transmission rebuilding, electronic diagnosis, brakes and alignment, muffler and exhaust replacement, radiator repair or replacement, reconditioning and restoration; maintenance including tune up, oil change, and lubrication; damage repair including but not limited to body work, frame repair, upholstery and painting.

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"Automobile service station" means uses where the primary business is the sale of motor vehicle fuels (including but not limited to alternative fuels such as compressed natural gas (CNG), liquified petroleum gas (LPG), and electric recharging stations), lubricants and other refined petroleum products, and automobile accessories such as tires, batteries, windshield wiper blades and other incidental auto parts, and may also offer minor automobile repair services, but not convenience items such as food or drink other than from vending machines.

"Basement" means that portion of a building between floor and ceiling, which is partly below and partly above grade (as defined in this section), but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

"Biosolid material" shall have the same meaning as "Sludge."

"Borrow pit" means the same as quarry.

"Buildable area" means that portion of the lot remaining after deducting all required setbacks from the lot when considered in conjunction with maximum lot coverage.

"Building" means any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, chattels or property of any kind.

"Building and safety official" means the building and safety official of the city.

"Building, enclosed" means a building enclosed on all sides.

"Building-mounted" means mounted to the side of a building, to the façade of a building, or to the side of another structure such as a water tank, church steeple, freestanding sign, utility tower, light pole, or similar structure, but not to include the roof of any structure.

"Campground" means a lot or parcel of land designed or used for tent camping including picnic areas, but excluding any structures for permanent human occupancy.

"Caretaker" means:

1. A person employed by and residing on the premises of an employer; or
2. The owner of any commercial/industrial enterprise or a member of his immediate family who assumes the primary responsibility for the necessary repair, maintenance, supervision or security of the real or personal property of the employer or owner which is located on the same or contiguous lots or parcels of land.

"Cargo container" means and includes, without limitation, a pre-manufactured, assembled reusable structure, typically made of metal but which can be made of other materials, that is delivered to a property in the city for use by an owner, occupant or licensed contractor as storage for construction materials and equipment, household items or other personal property. "Cargo container" includes, without limitation, vessels designed for packing, shipping or transportation of freight, articles, goods or commodities, and includes containers that are designed for and capable of being moved by railcar, motor vehicle, or ship. "Cargo container" does not include a storage shed or other structure that is or may be assembled at a property.

"Cellar" means that portion of a building between floor and ceiling which is wholly or partly below grade (as defined in this section) and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

"Cellular" means an analog or digital wireless communication technology that is based on a system of interconnected neighboring cell sites.

"Centerline" means where reference is made to the centerline of any parkway, major or secondary highway, such centerline is deemed to be the centerline established by the county engineer for any proposed or dedicated public way which, in whole or in part, is included in any such parkway, major or secondary highway. Said established centerlines are those shown on a series of maps entitled "County Surveyor's Maps" or "County



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Surveyor's Filed Maps" on file in the office of the county engineer, except that, where two or more such centerlines are shown on any map in said series of maps, the centerline labeled "Proposed Centerline" is deemed to be the centerline of the parkway, major or secondary highway.

"Chapter" means a chapter of this title unless some other ordinance or statute is mentioned.

"City" means the city of Lancaster.

"City engineer" means the city engineer of the city. The functions of the city engineer may be performed by the Director of Public Works.

"Clean fuel vehicle" shall have the same meaning as stated in division 1 of the Motor Vehicle Code of California.

"Co-located facilities" means wireless telecommunication devices that are attached to existing telecommunication towers or other existing structures such as light standards and power poles.

"Commercial coach" means a structure transportable in one or more sections, designed and equipped for human occupancy for industrial, professional or commercial purposes, which is required to be moved under permit and shall include a trailer coach as defined in Section 18001.8 of the Health and Safety Code.

"Commercial parking lot or building" means a parking area or structure established or operated as a business, providing off-street parking for a fee or charge.

"Commission" means the planning commission of the city of Lancaster.

"Communication equipment building" means a building housing operating electrical and mechanical equipment necessary for the conducting of a public utility communications business, with or without personnel.

"Community care facility" means any State licensed facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically, handicapped, mentally impaired, incompetent persons, and abused or neglected children and includes those types of facilities defined in section 1502 of the State Health and Safety Code.

"Consignment store" means a store which, for a mutually agreed upon method of compensation, accepts new or used merchandise to sell on behalf of the owner.

"Dairy" means any place or premises upon which milk is produced for sale or other distribution and where 3 or more cows or 7 or more goats are in lactation.

"Day care center" means any child day care facility other than a family home, and includes infant centers, preschools, and extended day care facilities as defined in Section 1596.76 of the Health and Safety Code.

"Density bonus" means an increased density of at least 25% over the maximum authorized density of the zone which is granted to a developer or property owner of a housing project agreeing to construct a prescribed percentage of lower-income units as defined by the California Government Code Section 65915 et seq.

"Director" means the Director of Community Development of the City of Lancaster or duly authorized representative(s).

"Domestic animal" means an animal which is commonly maintained in residence with man.

"Duplex" means a building designed or used for residential purposes and containing 2 dwelling units.

"Dwelling unit" or "(DU)" means one or more habitable rooms in a building, portion of a building or mobilehome which is designed, intended to be used, or used for occupancy by one family with facilities for living, sleeping, cooking, eating and sanitation, which are legally constructed, placed or installed in accordance with all applicable provisions contained within this code including, but not limited to, the city building, plumbing, electrical

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and fire codes. Dwelling unit shall also include any room which contains either a kitchen, kitchenette, cooking facilities or cooking appliance. (See definition of "guest room.")

"Earth station" means structures comprising one or more large parabolic reflectors which may be mounted on a circular control building and all appurtenant equipment necessary for the receiving, amplifying or transmitting of microwave signals in connection with a public utility communication route or system employing such earth stations and satellites in space.

"Electric distribution substation" means an assembly of equipment which is part of a system for the distribution of electric power where electric energy is received at a subtransmission voltage and transformed to a lower voltage for distribution for general consumer use.

"Electric transmission substation" means an assembly of equipment which is part of a system for the transmission of electric power where electric energy is received at a very high voltage from its source of generation by means of a network of high voltage lines and where, by means of transformers, said high voltage is transformed to a lower sub-transmission voltage for purposes of supplying electric power to large individual consumers, interchange connections with other power producing agencies or electric distribution substations for transformation to still lower voltage for distribution to smaller individual users.

"Electric vehicle (EV)" means an automotive-type vehicle for highway use, such as passenger automobiles, buses, trucks, vans and the like, primarily powered by an electric motor that draws current from a rechargeable storage battery, fuel cell, photovoltaic array or other source of electrical current. For the purpose of this title, electric motorcycles and similar type vehicles and off-road self-propelled electric vehicles such as industrial trucks, hoists, lifts, transports, golf carts, airline ground support equipment, tractors, boats, and the like are not included within the definition of electric vehicle. If any significant difference, as determined by the Director, exists between this definition and the definition of electric vehicle as stated in the National Electrical Code, then the definition as stated in the National Electrical Code shall apply.

"Electric vehicle charging station (EVCS)" means a location, either within a building or out-of-doors, which is properly and legally equipped with an electric vehicle connector and at which an electric vehicle may park, connect and charge its electrical storage system.

"Electric vehicle supply equipment" means the conductors, including the ungrounded, grounded and equipment grounding conductors, the electric vehicle conductors, attachment plugs, and all other fittings, devices, power outlets or apparatuses installed specifically for the purpose of delivering energy from the premises wiring to the electric vehicle. If any significant difference, as determined by the Director, exists between this definition and the definition of electric vehicle supply equipment as stated in the National Electrical Code, then the definition as stated in the National Electrical Code shall apply.

"Emergency shelter," as defined in health and safety code 50801(e), means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

"Entertainment park" means an entertainment or amusement complex developed as a regional visitor tourist attraction and organized around a central theme such as amusement rides and attractions, tours or exhibitions, including all related accessory uses, buildings and structures designed and operated for patron participation and pleasure in conjunction therewith.

"Equivalent financial value" means the cost to the developer/property owner based on the land cost per dwelling unit. This is determined by the difference in the value of land with and without the density bonus.

"Family" means an individual or 2 or more persons living in a single dwelling unit. "Family" also mean the persons living together in a residential facility, including transitional and supportive housing.

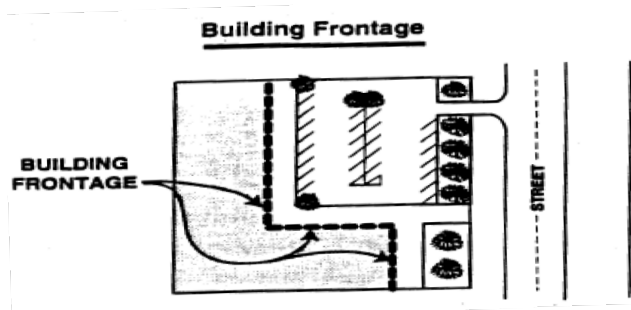
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"Family day care home" means a home which regularly provides care, protection and supervision of 14 or fewer children, in the provider's own home, for periods of less than 24 hours a day, while the parents or guardians are away, as defined in Section 1596.78 of the Health and Safety Code and includes the following:

1. "Large family day care home" means a home which provides family day care to 7 to 14 children, inclusive, including children under the age of 10 years who reside at home.
2. "Small family day care home" means a home which provides family day care to 8 or fewer children, including children under the age of 10 years who reside at the home.

"Floor area ratio" means the numerical value obtained through dividing the aboveground gross floor area of a building or buildings located on a lot or parcel of land by the total area of such lot or parcel of land.

"Frontage, Building" means that exterior building wall of a ground floor business establishment on the side or sides of the building fronting and/or oriented toward a public street, highway or parkway. Building frontage shall be measured continuously along said building wall for the entire length of the business establishment, including any portion thereof which is other than parallel to the remainder of the wall.



"Frontage, Street or Highway" means that portion of a lot or parcel of land which borders a public street, highway or parkway. Street or highway frontage shall be measured along the common lot line separating said lot or parcel of land from the public street, highway or parkway.

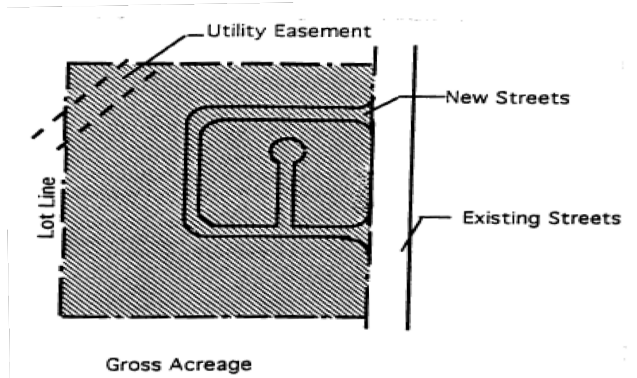
"Garage, Residential" means an enclosed building, or portion thereof, used for the storage of motor vehicles owned or operated by residents, and for storage and other uses related to normal household purposes.

"General plan" means the adopted general plan of the city and all subsequent amendments thereto.

"GPS Coordinates" means a system used in geography that enables every location on earth to be specified by a set of numbers, letters or symbols. GPS coordinates are usually expressed as the combination of latitude and longitude.

"Grade" (ground level) is the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of sidewalks, the above ground level shall be measured at the sidewalks.

"Gross acreage" means the total area within the boundary lines of a lot or parcel of land before public streets, easements, or other areas to be dedicated or reserved for public uses are deducted from such lot or parcel, and does not include adjacent lands already dedicated for such purposes.



"Gross floor area" means the total horizontal area of all the floors of a building enclosed within the surrounding walls, exclusive of areas within a building designed and used for the parking of vehicles.

"Ground-Mounted" means mounted to a pole, monopole, tower, or other freestanding structure specifically constructed for the purpose of supporting an antenna.

"Guest house" means living facilities having no kitchen or cooking facilities, located on the same premises with the main building, which is provided for the sole use of family members, temporary guests, or persons permanently employed on the premises. The guest house shall be either attached or detached with a separate entrance and the floor area is limited to 500 square feet. The structure shall comply with all yard, coverage and other provisions of the title for the main dwelling unit and may not be rented. (See definition for "detached living quarters.")

"Guest ranch" means any property operated as a ranch which offers guest rooms for rent or hire and which has outdoor recreational facilities such as horseback riding, swimming or hiking.

"Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material which a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment; or as this definition is hereafter amended by the state of California.

"Health facility" means a facility, place, or building that is organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness, physical or mental, including convalescence and rehabilitation and including care during and after pregnancy, or for any one or more of these purposes, for one of more persons, to which the persons are admitted for a 24-hour stay or longer, and include those facilities types defined in 1250 of the Health and Safety Code.

"Health retreat" means any use providing a preventive and rehabilitative health care program on a live-in basis and offering dietary education and control as well as physical therapy including gymnasium and other exercise equipment, solariums, yoga, swimming and outdoor recreational activities. "Health retreat" shall not include hospital, medical office or clinic or nudist camp.

"Heavy equipment" means bulldozers, graders, tractors, plows, cultivators, and similar earthmoving or farming vehicles and tools, and trucks designed to pull detachable trailers and the trailers they pull.

"Heavy equipment training school" means a lot or parcel of land used to train operators in the use of earth-moving and construction equipment including motor graders, bulldozers, rollers, earth-movers, cable and hydraulic shovels, front loaders, drilling equipment, pile drivers, standing and truck cranes, fork lifts, welders and similar equipment.

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"Height" means the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof. In calculating the height, roof structures which comply with the provisions of Chapter 36 of the Building Code, Ordinance No. 2225, shall not be considered.

"Heliport" means any helicopter landing area used, designed or intended to be used for the receiving or discharging of passengers and cargo and shall include any appurtenant facilities for passengers, cargo, or for the servicing, repair, shelter or storage of helicopters.

"Helistop" means any helicopter landing area used, designed or intended to be used for the receiving or discharging of passengers and cargo but shall not include other appurtenant facilities permitted at a heliport other than a shelter for passengers.

"Highway line" means the ultimate right-of-way established for a regional, primary, secondary, or other arterial street or any other street by the general plan, by this title, or by Title 16 of this code. Such line is coterminous with the lot line on property adjoining a fully widened arterial or other street.

"Hog ranch" means any premises where 3 or more weaned hogs are maintained.

"Home occupation" means a use conducted for monetary gain within the boundaries of one's property, which use is incidental and secondary to the use of the property for residential purposes, and does not change the residential character or appearance of the dwelling, or adversely affect the uses permitted in the residential zone. These provisions do not apply to uses which are permitted as a matter of course within residential zones.

"Hospital" means any institution, place, building or agency licensed by the Departments of Public Health or Mental Hygiene of the state of California, which maintains and operates organized facilities for the diagnosis, care and treatment of human illness, including care during and after pregnancy. Hospital includes sanitarium, sanatorium, maternity home and convalescent hospital.

"Hospital, Small Animal" means any facility providing medical or surgical treatment, clipping, bathing, or other services, including incidental boarding to dogs, cats and other small animals.

"Hotel" means any building containing 6 or more completely furnished guest rooms or dwelling units, the majority of which have an entrance directly from an inside corridor, with automobile parking spaces provided on the lot or parcel of land for such guest rooms or dwelling units as required therefor, and such guest rooms or dwelling units are designed, intended to be used, or used for temporary sleeping purposes by registered guests. No hotel shall be allowed to have more than 40% of its total gross floor area devoted to dwelling units. (See definition of "dwelling unit.")

"Household Appliance, Large" means a tool or machine designed for a particular household use, which is operated by gas or electricity. A large household appliance includes stoves, furnaces, refrigerators, washers, dryers, and similar devices of like size.

"Junk and salvage" means old, secondhand or scrap ferrous and nonferrous metals, paper and paper products including roofing and tar paper, cloth and clothing, wood and wood products, manufactured rubber products, rope, manufactured plastic products, paint, manufactured clay and porcelain products, trash, and similar materials, and shall include dismantled machinery, equipment and parts. Junk and salvage shall also include the baling of cardboard boxes, paper and paper cartons.

"Junk and salvage yard" means any premises, establishment or place of business which is maintained, operated or used for storing, keeping, buying, selling or dismantling of junk and salvage.

"Kitchen" means any room, all or part of which is designed and used for the storage, refrigeration, cooking and preparation of food.

"Land reclamation project" means a project established to restore otherwise unsuitable land to useful purposes through the use of fill materials such as rubbish, waste, excluding sludge or biosolid materials, soil and other unwanted materials. "Land reclamation project" shall include a dump or waste disposal facility.

"Landscape maintenance" means the regular, periodic care that is necessary to keep landscaped areas active and healthy and shall include but not be limited to weed and trash removal, cultivation, irrigation, fertilizing, pruning and replacement of damaged, dying or dead plants with the approved species.

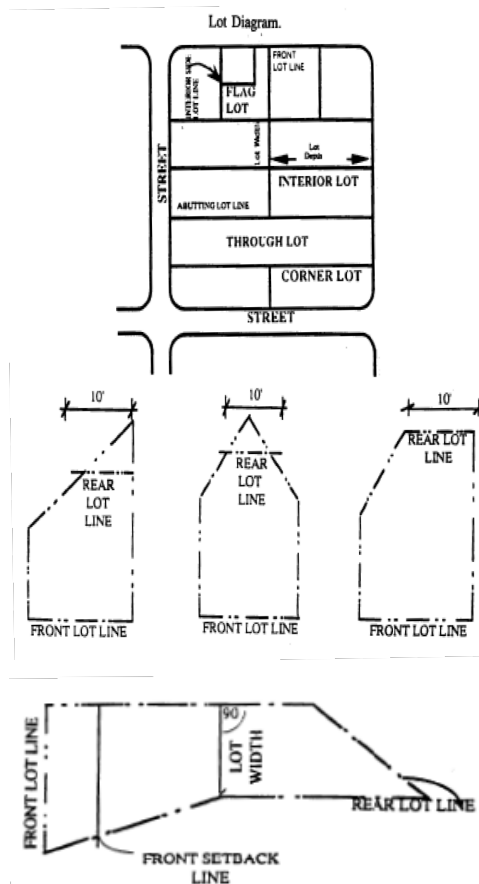
"Landscaping" means the preparation of the ground and the subsequent planting of trees, shrubs, vines, ground cover, flowers, or lawns singly or in combination with each other. In addition, the combination or design may include natural features such as rock or stone and structural features including but not limited to fountains, sculpture, walls, fences, and street furniture.

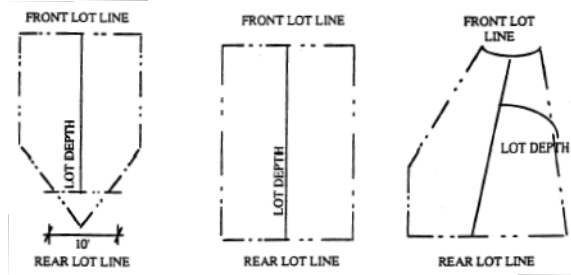
"Lodger" means a person who occupies a rented room in the house of another.

"Lot, corner" means a lot or parcel of land situated at the intersection of two or more parkways, highways or streets, which parkways, highways or streets have an angle of intersection measured within said lot or parcel of land of not more than 135 degrees.

"Lot coverage" means the total horizontal area of a lot, parcel or building site covered by any building which extends more than 3 feet above the surface of the ground and including any covered vehicular parking spaces.

"Lot depth" means the horizontal distance from the highway line to the rear lot line of the lot or parcel of land, measured from the midpoint of the highway line, where it fronts the lot, to the midpoint of the rear lot line. (See also the definition of "highway line.")





"Lot, flag" means a lot or parcel of land taking access by a strip, the owner of which lot or parcel of land has fee simple title to said strip extending from the main portion of the lot or parcel of land to the adjoining parkway, highway or street.

"Lot, interior" means a lot or parcel of land other than a corner or flag lot.

"Lot line" means a boundary line of a lot or of a parcel of land.

"Lot line, front" means a line separating the front yard from the parkway, highway or street upon which the yard fronts or, in the case of a flag lot where the front yard is oriented toward an adjoining lot, the line separating such front yard from said adjoining lot.

"Lot line, rear" means a lot line which is opposite and most distant from the front lot line. For a triangular or gore-shaped lot, the rear lot line shall mean a line 10 feet in length within the lot which is parallel to the front lot line, or parallel to the chord of a curved front lot line, and at the maximum distance from the front lot line.

"Lot line, side" means any lot boundary line which is not a front lot line or a rear lot line.

"Lot, through" means a lot having frontage on two parallel or approximately parallel parkways, highways and/or streets.

"Lot width" means the horizontal distance between side lot lines as measured at a right angle from the midpoint of a straight line drawn in accordance with the definition of "lot depth."

"Low and very low income households" means income limits published by the State Department of Housing and Community Development. This definition applies to both for-rent and for-sale housing.

"Low-barrier navigation center" means a housing first, low-barrier, service-enriched shelter focused on moving individuals experiencing homelessness into permanent housing and connecting them to services. A "low barrier navigation center" includes any facility that meets the definition and requirements set forth in Sections 65660 and 65662 of the Government Code or any similar facility owned by the city, regardless of whether it strictly meets the definition and requirements set forth in Sections 65660 and 65662 of the Government Code.

"Major highway" means a major highway or primary arterial designated on the circulation element of the general plan.

"Major wireless telecommunication facilities" means self-supporting, ground mounted facilities that exceed the maximum allowable height in the zone in which they are located. These facilities require Federal Communications Commission and Federal Aviation Administration review. The design of these structures shall best match the background color scheme as seen from the primary roadways adjacent to the site. Ground mounted cabinetry shall complement the adjacent buildings in color and material treatment. Typical major wireless telecommunication facilities include data transfer services or personal communication services (PCS), and cellular telephone towers.

"May" is permissive.

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"Microwave station" means a building housing equipment necessary for the receiving, amplifying or transmitting of microwave signals, including necessary antenna systems, along a communications route or system which employs microwave frequencies assigned by the Federal Communications Commission.

"Ministorage warehouse" means a warehouse and associated office and/or residence designed and intended to serve the storage needs of a variety of users from individuals to businesses on a rental basis.

"Mini wireless telecommunication facilities" means accessory structures attached to roof tops or buildings as an accessory or complementary use to the primary land use on the site. These structures do not exceed 10% of the height of the buildings on which they are mounted and must be fully enclosed or designed in a way that is consistent with the architectural design of the buildings on-site. Typical uses of mini wireless telecommunication facilities include building to building communications, local dispatch facilities, and small satellite communications facilities.

"Minor wireless telecommunication facilities" means freestanding structures essential to the primary use of the property and which do not exceed the height limit in the zone in which they are located. The structure can be roof or building mounted or solely ground mounted and be consistent with the design of the existing buildings on-site. Typical minor wireless telecommunication facilities include radio and television towers, regional dispatch facilities, and larger satellite communications facilities.

"Mixed use development" means the development of two or more land uses including, but not limited to a combination of residential, commercial or industrial uses on a single parcel of land or in a physically integrated group of structures.

"Mobilehome" means either of the following:

1. A structure transportable under permit in one or more sections, designed and equipped to contain not more than two dwelling units to be used with or without a foundation system; or
2. A structure transportable under permit in one or more sections, designed to be used with a foundation system for any of the following purposes:
  - a. Three or more dwelling units, as defined in Section 18003.3 of the Health and Safety Code,
  - b. A dormitory. A dormitory shall mean a room or rooms inhabited for the purposes of temporary residence by two or more persons,
  - c. A residential hotel, as defined in Section 50519 of the Health and Safety Code,
  - d. Efficiency units, as defined in Section 17958.1 of the Health and Safety Code.

Mobilehome does not include a recreational vehicle, commercial coach, or factory-built housing as defined in Section 19971 of the Health and Safety Code. The handicap accessibility and adaptability requirements of Title 24 of the California Code of Regulations applicable to dormitories, hotels and apartment houses shall be applicable to mobilehomes constructed for those purposes.

"Mobilehome lot" means a lot created through the approval of a mobilehome subdivision by the city.

"Mobilehome park" means any area or tract of land where two or more mobilehome spaces are rented or leased or held out for rent or lease to accommodate manufactured homes or mobilehomes used for human habitation as defined in Section 18211 of the Health and Safety Code.

"Mobilehome space" means an area of land within a mobilehome park designed for the accommodation of one mobilehome which is rented or leased by the owner or occupant of a mobilehome for placing a mobilehome thereon for residential purposes.

"Mobilehome subdivision" means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as



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contiguous units into lots, for the purpose of sale of such lots, for use as individually owned sites for the installation of mobilehomes on foundation systems.

"Mobile recycling unit" means an automobile, truck, trailer or van, licensed by the department of motor vehicles which is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers transported by trucks, vans or trailers, and used for the collection of recyclable materials.

"Model home" means a dwelling unit which is constructed upon a proposed or recorded lot in a subdivision for which a tentative map has been approved or a final map recorded, and which is intended to be temporarily utilized as an example of a dwelling unit which has been, or is proposed to be, built in the same or similar subdivision or within a 3-mile city radius of the approval location. The number of model homes in a subdivision shall not exceed the number of separate and distinct floor plans offered by the developer. (A reverse or mirror image of an offered floor plan shall not be considered as a separate floor plan.)

"Model studio" means:

1. Any premises on which there is conducted the business of furnishing figure models who pose for the purpose of being observed or viewed by any person or of being sketched, painted, drawn, sculptured, photographed, or otherwise similarly depicted for persons who pay a fee or other consideration or compensation or a gratuity for the right or opportunity so to depict the figure model, or for admission to or for permission to remain upon or as a condition of remaining upon the premises; and/or
2. Any premises where there is conducted the business of furnishing or providing or procuring for a fee or other consideration or compensation or gratuity, figure models to be observed or viewed by any persons or to be sketched, painted, drawn, sculptured, photographed, or otherwise similarly depicted.

"Monopole" means a structure composed of a single spire, pole, or tower used to support antennas or related equipment.

"Motel" means a single building or group of attached or detached buildings containing completely furnished guest rooms or dwelling units, the majority of which have a separate entrance directly from outside the building, with conveniently located automobile parking spaces provided on the lot or parcel of land for such rooms or dwelling units as required therefor, which are designed, intended to be used, or used wholly or in part for the accommodation of registered guests who are primarily transient automobile travelers. No motel shall be allowed to have more than 40% of its total gross floor area devoted to dwelling units. "Motel" shall also include auto courts, motor lodges and tourist courts. (See definition of "dwelling unit.")

"Mounted" means attached or supported.

"Multiple-family project" means a building, or a portion of a building designed or used for occupancy by three or more families, living independently of each other and containing three or more dwelling units.

"Nightclub" means a place of entertainment, typically open at night, usually serving food and/or alcoholic beverages, which may have a floor show and/or offer live or recorded entertainment or music and/or space for dancing. A use that contains these operational characteristics shall be deemed a nightclub even if alcoholic beverages are not served.

"Nodes" means a connection point, redistribution point, or communication endpoint (e.g., data terminal equipment) within a telecommunications network.

"Nonconforming building or structure" means, unless otherwise specified by this title, any building or structure that was lawfully established and in compliance with all applicable ordinances and laws at the time this title or any amendment thereto became effective, but which, due to the application of this title or any amendment thereto, no longer complies with all the applicable regulations and standards of development in the zone in which it is located.

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"Nonconforming use" means any use of land or property that was lawfully established and in compliance with all applicable ordinances and laws at the time this title or any amendment thereto became effective, but which due to the application of this title or any amendment thereto, no longer complies with all of the applicable regulations and standards of the zone in which it is located.

"Nudist camp" means any place where three or more persons not all members of the same family congregate, assemble, associate or engage in any activity while without clothing or covering or with partial clothing or covering but with any pubic area or any portion of the crease of the buttocks exposed in the presence of others or of each other, other than an occasional gathering in, or on the premises of a private home. Nudist camp includes growth center.

"Nuisance" means everything that endangers life, the public health, safety and welfare, gives offense to the senses, violates the laws of decency, or obstructs the reasonable and comfortable use of property by the owner or the occupant.

"Oath" means and includes affirmation.

"Open space" means space upon the land which is unoccupied by buildings, driveways and parking areas.

"Open space, private" means open space which is intended for the exclusive use of the owner or tenant of a dwelling unit, which abuts said dwelling unit and is bounded by a wall, fence or landscaping on at least two sides, and may include a patio or balcony (covered or uncovered).

"Open space, public" means open space which is available for use by the public at large.

"Open space, usable common" means open space which is available for use by all residents of the development and which is landscaped with lawns, trees and shrubs, and may contain paved walkways, patios, swimming pools, and similar improvements. Such open space shall have no dimension thereof less than 10 feet and area thereof not less than 200 square feet. All usable common open space shall be exclusive of required yards.

"Ordinance" means an ordinance of the city of Lancaster.

"Outdoor festival" means any music festival, dance festival, rock festival or similar musical activity to which both of the following apply:

1. Attendance by more than 500 persons is desired or may reasonably be expected; and
2. The festival will be held at any place other than in a permanent building or permanent installation which has been constructed for the purpose of or is so constructed that it can be used for conducting such activities.

It is immaterial whether music will be provided by paid or professional, or amateur performers or by prerecorded means; or whether admission is to be charged.

"Outside display" means the placement of goods, equipment, merchandise or exhibits at a location visible to the public view, other than within a building.

"Outside storage" means the storage of goods, equipment or materials outside of a building for any purpose other than outside display.

"Parcel of land" means a contiguous quantity of land, owned by, or recorded as the property of the same claimant or person, or in the possession of the same claimant or person pursuant to a recorded lease with a term of not less than 20 years.

"Pawnshop" means an establishment where a pawnbroker loans money on the security of personal property which is pledged in his keeping.

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"Person" means any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, county, city and county, municipality, district or other political subdivision, or any other group or combination acting as a unit.

"Personal Communication Service means digital low-power, high-frequency commercial wireless radio communication technology that has the capacity for multiple communication services and the routing of calls to individuals, regardless of location.

"Pest control operator" means a person who engages in the business of eradicating or controlling any pest which is or is liable to be dangerous or detrimental to agriculture by the application of any substance, method or device, or who engages in the business of preventing, destroying, repelling, mitigating or correcting any disorder of plants by the same means or both. "Pest control operator" does not include a person engaged in the business of termite eradication or control.

"Plot plan." Whenever this title refers to a "plot plan" or "plan" it shall be construed to mean a site plan.

"Pool hall" means any entertainment establishment which has more than four pool tables or in which more than 50% of the gross floor area is devoted to pool tables and the space required to use such tables.

"Portable sign" means a freestanding sign not permanently affixed, anchored or secured to either the ground or a structure on the premises it occupies.

"Pot-bellied pig" means a pig classified as *Sus scrofa jubatus* Muller, or *Sus scrofa (cristatus) vittatus*, as commonly referred to as a Vietnamese pot-bellied pig, which stands no higher than 20 inches at the shoulder and is no longer than 40 inches from the tip of the head to the end of the buttocks, and weighs no more than 120 pounds. When such animals are located in an R zone they shall be registered with a nationally recognized registry as one of the above species of pot-bellied pigs and considered as pets.

"Premises" means any lot or lots and the buildings, structures, or other improvements located thereon.

"Principal use" means a primary or dominant use established, or proposed to be established, on a lot or parcel of land.

"Private property" means any property other than public property.

"Project grading" means any excavation or fill or combination thereof, necessary and incidental to impending building construction or other lawful development of the premises. Impending building construction or other development as used in this section shall mean the initiation of such construction or development within one year of the date of application.

"Property line" means lot line.

"Pro shop" means an incidental commercial use operated in conjunction with, and on the same premises as a principal recreational use, which offers for retail sale sporting equipment and supplies customarily utilized in participating in such recreational activity. "Pro shop" does not include a general sporting goods store.

"Public property" means any real or personal property in which the city or any other governmental entity or any publicly regulated utility company possesses an ownership interest. Public property shall include, without limitation, any street, sidewalk, curb, curbstone, street lamp post, hydrant, tree, tree stake or guard, railroad trestle, electric light, power, telephone or telegraph system, any lighting system, public bridge or wall, drinking fountain, life preserver, lifesaving equipment, street sign, traffic sign or signal, street median, public park, or other publicly owned property or structure.

"Public utility service center" means any buildings or premises used for the administration of public utility repair, maintenance and installation crews including parking for vehicles, not to exceed 2 tons rated capacity, but not including warehouses or storage yards.

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"Public utility service yard" means any buildings or premises used for the office, warehouse, storage yard, or maintenance garage of a public utility including microwave repeater stations when incorporated as a part of the service yard use.

"Quarry" means any place on a lot or parcel of land where dirt, soil, sand, gravel, rock, clay, decomposed granite, or other similar material is removed by excavation or otherwise. Quarry shall include mining operations for the removal of ores, precious stones, or other solid materials but shall not include project grading.

"Recreation club, commercial" means a commercial enterprise offering the use of outdoor recreational facilities to the public.

"Recreation club, private" means an association of persons who are bona fide members, paying regular dues, and organized to provide outdoor recreational facilities for members and their guests but not including an association organized primarily to render a service customarily carried on as a commercial enterprise.

"Recreation facilities, neighborhood" means outdoor recreation facilities established by an association of persons who are bona fide members and operate as a nonprofit corporation to provide outdoor recreation facilities for residents in the immediate vicinity and their guests. Such facilities may include a clubhouse, changing rooms and similar subordinate facilities in conjunction with the outdoor recreation activity but shall not include a restaurant, bar or pro shop.

"Recreational trailer park" means any area or tract of land, within an area zoned for recreational use, where one or more lots are rented or leased or held out for rent or lease to owners or users of recreational vehicles or tents and which is occupied for temporary purposes.

"Recreational vehicle" means a motor home, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy as defined in Section 18010 of the Health and Safety Code.

"Recyclable material" means reusable material including but not limited to metals, glass, plastic and paper, which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials. Recyclable material may include used motor oil collected and transported in accordance with Section 25250.11 and 25143.2(b)(4) of the California Health and Safety Code.

"Recycling facility" means a center for the collection and/or processing of recyclable materials. A "certified recycling facility" or "certified processor" means a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. Recycling facilities may include the following:

1. "Collection facility." A collection facility is a center for the acceptance by donation, redemption or purchase, of recyclable materials from the public. Such a facility does not use power-driven processing equipment except as indicated in Article VI of Chapter 17.40, Criteria and Standards for Recycling Facilities. Collection facilities may include the following:
  - a. Reverse vending machine(s);
  - b. Small collection facilities which occupy an area of not more than 500 square feet, and may include:
    - 1) A mobile unit,
    - 2) Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet,
    - 3) Kiosk type units which may include permanent structures,

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- 4) Unattended containers placed for the donation of recyclable materials;
  - c. Large collection facilities which may occupy an area of more than 500 square feet and may include permanent structures.
  2. "Processing facility." A processing facility is a building or enclosed space used for the collection and processing of recyclable materials. "Processing" means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning and remanufacturing. Processing facilities include the following:
    - a. A light processing facility occupies an area of under 45,000 square feet of gross collection, processing and storage area and has up to an average of 2 outbound truck shipments per day. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact or bale ferrous metals other than food and beverage containers.
    - b. A heavy processing facility is any processing facility other than a light processing facility.

"Redevelopment agency" means the redevelopment agency of the city of Lancaster.

"Renovation, exterior façade" means a resurfacing of an existing building frontage so that the façade and signs are integrated into one unit.

"Required area" means:

1. The area of a lot which is shown as a part of a subdivision for purposes of sale, recorded as a final map or filed as a record of survey map approved as provided in the Subdivision Map Act or as provided in Ordinance No. 4478, entitled "Subdivision Ordinance," adopted March 19, 1945, except that where a parcel which otherwise would have been shown as one lot, is divided into two or more lots because of a city boundary line or a line between land the title to which was registered under the Land Title Law (Torrens Title) and land the title to which was not so registered, in which case "required area" means the area of such parcel; or
2. The area of a lot or parcel of land the right of possession of which, by virtue of a deed duly recorded, or by a recorded contract of sale, is vested in a person who neither owns nor has a right of possession of any contiguous parcel of property; provided, that the deed or contract of sale by which such right of possession was separated has been recorded prior to the adoption by the city council of the ordinance, which imposes the area requirements upon such lot or parcel of land; or
3. Minimum lot area is specified in the property development regulations of the zone. Required area shall not include the access strip of a flag lot extending from the main portion of the lot or parcel of land to the adjoining parkway, highway or street.
4. Where neither subsection 1, 2 or 3 applies, the required area is:
  - a. In the CPD zone the minimum lot area is 5,000 square feet.
5. A lot shown as such on a subdivision for the purpose of lease only does not have the required area unless it complies with subsection 2, 3 or 4 of this definition.

"Residence" means a building designed as a one-family dwelling unit or a two-family dwelling unit which complies with the current adopted U.B.C.

"Reverse vending machine(s)" means an automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as

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determined by the state. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all 3 container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary. A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet, is designed to accept more than one container at a time; and will pay by weight instead of by container.

"Roof-mounted" means mounted above the eave line of a building.

"Room, habitable" means an enclosed subdivision in a building commonly used for sleeping, living, cooking or dining purposes, excluding closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage space, cellars, utility rooms, and similar spaces. For purposes of applying parking space requirements:

1. If any of the above excluded rooms or spaces equals or exceeds 90 square feet of superficial floor area and is capable of being used for living or sleeping purposes, such room or space shall be considered a habitable room; or
2. If any room or space equals or exceeds 150 square feet of superficial floor area and is so designed to be capable of being used for both cooking and living, living and sleeping, or cooking and sleeping purposes, such room or space shall be considered as 2 habitable rooms, except in a bachelor or efficiency apartment. Superficial floor area shall be measured as clear floor space, exclusive of fixed or built-in cabinets or appliances.

"Rooming house and boarding house" means a lodging house, or other building or structure maintained, advertised or held out to the public as a place where sleeping or rooming accommodations are furnished to the whole, or any part of the public whether with or without meals. Rooming house includes fraternity and sorority houses.

"Safety" means and includes a water supply for fire protection which complies with the requirements of Ordinance No. 7834 entitled "water ordinance," adopted August 2, 1960.

"Scenic highway" means a highway within the state scenic highway system of the state of California.

"Service provider" means an entity that has traditionally provided telephone and similar services. This includes incumbent local exchange carriers, competitive local exchange carriers, and mobile wireless communication companies. Examples include Verizon, AT & T, and Sprint.

"Scrap metal processing yard" means any establishment or place of business which is maintained, used or operated solely for the processing and preparing of scrap metals for remelting by steel mills and foundries.

"Section" means a section of this title unless some other ordinance or statute is mentioned.

"Senior mobilehome park" is a mobile home park in which at least 80% of the spaces are occupied by or intended for occupancy by at least one person who is 55 years of age or older, or in which 100% of the spaces are occupied or intended for occupancy by persons 62 years of age or older.

"Shadow plan" means a diagram of the total area likely to be shaded from the sun on December 21st by an object of given height and dimension.

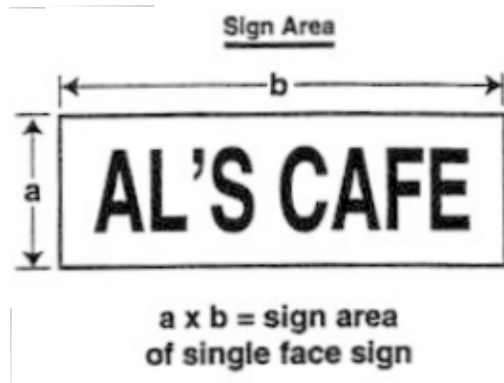
"Shall" is mandatory.

"Shopping center" means a group of attached commercial buildings, with a common architectural theme, which is designed and intended to house retail commercial uses on a lot(s) or parcel(s) of land with a total net area of 2 acres or more which is planned, developed and managed as an operating unit including the provision of on-site common parking and access to serve each use and its customers.

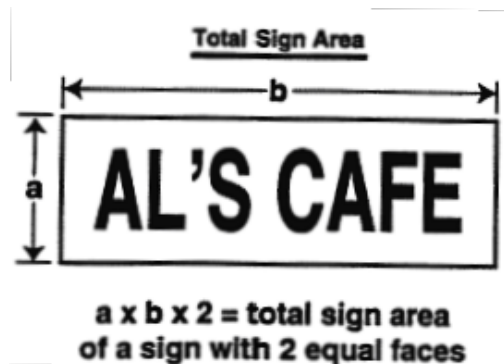
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"Sign" means any name, figure, character, outline, spectacle, display, delineation, announcement, advertising, billboard, signboard, device, appliance, or any other thing of similar nature to attract attention outdoors or on the face, wall or window of any building, and shall include all parts, portions, units and materials composing the same, together with the frame, background and support of anchorage therefor, as the case may be. Any sign authorized by this title is allowed to contain noncommercial copy in lieu of any other copy.

"Sign area" means the entire surface area, excluding all support structures, of a single-faced sign or the largest face of a sign having 2 or more faces.



"Sign Area, Total" means the sum of the surface areas, excluding all support structural faces of a sign.



"Sign, awning or entrance canopy" means any sign affixed to an awning or removable canopy not permanently attached to or built as part of a building. Such signs shall be considered the same as a projecting sign for purposes of regulation.

"Sign, building identification" means a sign which contains no advertising matter other than the name and/or trademark and/or address of the building to which it is affixed or of the occupant located therein.

"Sign, bulletin or special event" means a changeable copy sign on which bulletins, notices, messages or displays are placed.

"Sign, business" means a sign directing attention to the principal business, profession or industry located upon the premises upon which the sign is displayed, to type of products sold, manufactured or assembled, or to services or entertainment offered on said premises.

"Sign, changeable copy" means a sign which is characterized by manually changeable copy, letters, symbols or numerals.

"Sign, civic organization" means a sign which contains the names of, or any other information regarding civic, fraternal or religious organizations located within an unincorporated community or city but which contains no other advertising matter

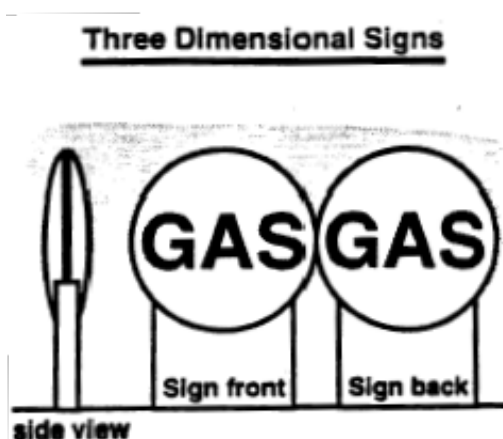
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"Sign, community identification" means a sign which contains the name of an unincorporated community or city of the county and appropriate travel directions but which contains no other advertising matter.

"Sign, construction" means temporary sign denoting the architects, engineers, owners, lenders, contractors, future tenants and others associated with a construction project, but which contains no other advertising matter.

"Sign, directional and/or informational" means a sign which indicates the route to, direction of, or location of a given goal, or which provides regulatory or service information of a nonadvertising character.

"Sign face" means that portion of a sign intended to be viewed from one direction at one time. Spherical, cylindrical, or other 3-dimensional signs not having conventional sign faces shall be considered to have 2 faces and the area of each sign face shall be computed from the smallest 3-dimensional geometrical shape or shapes which will best approximate the actual surface area of said faces.



"Sign face height" means the vertical dimension of a sign face.

"Sign face length" means the horizontal dimension of a sign face.

"Sign, flashing or scintillating" means any sign which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion or creates the illusion of motion, or revolves in a manner to create the illusion of being on or off.

"Sign, freestanding" means a sign which is placed on the ground or has as its primary structural support one or more columns, poles, uprights or braces in or upon the ground. "Freestanding sign" includes ground, monument, pole and post signs.

"Sign, freeway-oriented" means a sign oriented to be viewed primarily from an adjacent freeway which identifies a business engaged in the provision of food, lodging or motor vehicle fuel, and which is primarily dependent upon said freeway.

"Sign, fuel pricing" means a sign indicating, and limited to, the brand or trade name, method of sale, grade designation, and price per gallon of gasoline or other motor vehicle fuel offered for sale on the business premises; and such other information as may be required by county ordinance or state law.

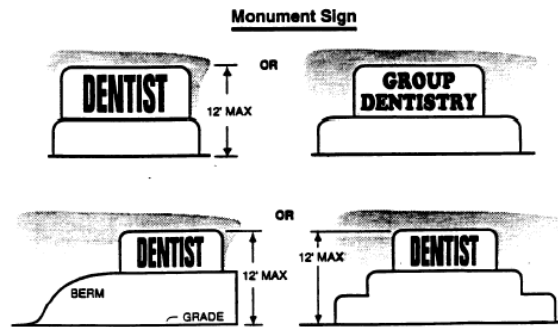
"Sign, incidental business" means a business sign indicating credit cards accepted, trading stamps offered, trade affiliations and similar matters.

"Sign, lighted" means a sign which is illuminated by any source whether internal, external or indirect.

"Sign, marquee" means any sign painted on or affixed to the perimeter or border of a permanently roofed structure constructed as a part of a building and protruding over public or private sidewalks or rights-of-way. Such signs shall be considered wall signs for purposes of regulation.



"Sign, monument" means a freestanding sign which does not exceed 12 feet in height and is supported by an enclosed structure which has at least the same length and width as the sign face it supports.

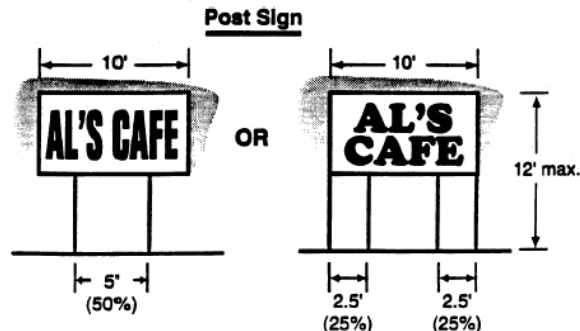


"Sign, outdoor advertising" means any sign directing public attention to a business, profession, product or service that is not a primary business, profession, product or service which is sold, manufactured, conducted or offered on the premises where such sign is erected or maintained. "Outdoor advertising sign" includes billboard.

"Sign, pole" means a freestanding sign which is supported entirely by unenclosed poles or uprights in or on the ground. (This definition shall not apply to outdoor advertising signs.)

"Sign, portable" means a freestanding sign which is not permanently affixed, anchored or secured to either the ground or a structure on the premises it is intended to occupy.

"Sign, post" means a freestanding sign which is supported by not more than 2 enclosed poles or uprights in or on the ground, and the horizontal dimensions of such enclosure where it faces the same direction as the sign face is not less than 50% of the maximum length of the sign face. Where 2 enclosed poles or uprights are used the sum of the 2 equal horizontal dimensions of the enclosures is not less than 50% of the maximum length of the sign face.



"Sign, project identification" means a sign which displays only the name of a multiple-family development or project and shall be only a wall sign or monument sign.

"Sign, projecting" means a sign which is affixed to and wholly supported by an exterior wall of a building or structure other than a wall sign.

"Sign, pylon" means a freestanding sign in which the sign face is separated from ground by means of one or more supports such as enclosed poles, pole covers or columns.

"Sign, revolving" means a sign or any portion thereof which rotates, moves or appears to move in some manner by mechanical, electrical, natural or other means.

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"Sign, roof" means any sign erected upon and wholly supported by the roof of any building or structure. "Roof sign" shall not include a wall sign affixed to the roof eaves or that portion of an actual or false roof varying less than 45 degrees from a vertical plane as provided by this title.

"Sign, sidewalk" means a temporary, portable sign typically near or upon a sidewalk.

"Sign structure" means a structure existing, erected or maintained to serve exclusively as a stand, frame or background for the support or display of signs.

"Sign, subdivision directional" means a temporary single-faced sign used for the purpose of providing travel directions to a subdivision development offered for public sale for the first time.

"Sign, subdivision entry" means a temporary sign which provides necessary travel directions to and within a subdivision offered for sale or lease for the first time but contains no other advertising matter.

"Sign, subdivision kiosk" means a sign erected for the purpose of providing directional information in a uniform manner to new residential developments offered for sale for the first time to the public. Said sign may identify multiple developments and shall contain no advertising information other than the name of the development and a directional arrow. Subdivision kiosk signs may also contain directional information to public facilities.

"Sign, subdivision sales" means a temporary sign which contains the name of, and information relating to, a subdivision being offered for sale or lease for the first time.

"Sign, subdivision special-feature" means a temporary sign which contains a description of the features and related information pertaining to a model home complex in a subdivision offered for sale or lease for the first time.

"Sign, temporary" means any sign which is intended to be posted for a maximum period of one year. Temporary signs include, without limitation as to content, political campaign signs, garage sale signs, search lights, real estate—for sale, lease, rent, or open house signs, holiday decorations, and seasonal sales signs.

"Sign, temporary personal message" means a sign which is of a temporary nature and which displays only personal, as opposed to commercial, messages from the resident owner or occupant of the residential premises. Such messages may include, but are not limited to, birth announcements, greeting for a birthday or anniversary, and other messages of a personal nature.

"Sign, temporary window" means any sign painted on a window or constructed of paper, cloth, canvas or other similar lightweight material, with or without frames, and affixed to the interior side of a window and displayed so as to call to the attention of persons outside the building a sale of merchandise or a change in the status of the business.

"Sign, time, temperature and public service" means a sign which uses any system to display the time of day and/or atmospheric temperature, and which may have the means to display a programmable electronic public service message. Electronic messages of an advertising nature are not permitted on such signs.

"Sign, under-marquee" means any sign suspended from the underside of a permanently roofed structure constructed as part of a building and protruding over public rights-of-way or private sidewalks.

"Sign, wall or wall-mounted" means a sign, other than a roof sign, affixed to and wholly supported by a building in such a manner that its exposed face is approximately parallel to the plane of said building and is not projecting more than 18 inches from the building face or from a permanent roofed structure projecting therefrom.

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## Wall Sign

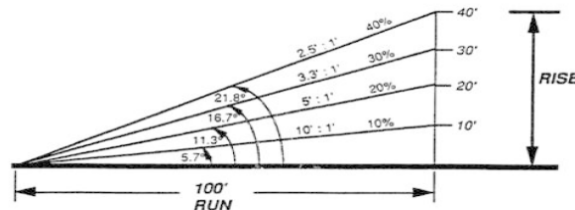


"Sign, window" means any sign which is painted on or otherwise permanently affixed to the display window glass or located inside the building within 3 feet of the display window glass.

"Single-family attached residence" means a building, containing only one kitchen, designed or used to house not more than one dwelling unit, which shares a common wall or walls with another dwelling unit or units of the same type, and which is located on a separate lot from the unit or units with which it shares a common wall or walls. No such dwelling unit may occupy any space over or above another dwelling unit.

"Single-family detached residence" means a building containing only one kitchen, designed or used to house not more than one dwelling unit, not attached to or sharing a common wall with any other dwelling.

"Slope" means the degree of deviation of surface from the horizontal, usually expressed in percent or degrees.



Slope Percentage = rise / run = (x) feet run to one foot rise

"Sludge" means the accumulated matter, whether mechanically treated, irradiated, digested, stabilized, composted, or untreated, produced in the treatment of wastewater. This includes liquid, semi-liquid, and solid material that has been mechanically dewatered or air dried.

"Solar energy system" means either of the following depending upon the context of the ordinance:

1. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling, or for water heating, or generation of electricity; or
2. Any structural design feature of a building, whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling, or for water heating.

"Solid fill" means any noncombustible materials, insoluble in water, such as soil, rock, sand or gravel, that can be used for grading land or filling depressions.

"Solid fill project" means any operation on a parcel of land where more than 1,000 cubic yards of solid fill materials are deposited for any purpose including the grading or reclaiming of land.

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"Special use permit" means whenever this title, or any case granted thereunder, refer to a "special permit" or a "special use permit" it shall be construed to mean a conditional use permit.

"Stable, boarding" means a stable for the boarding of horses, mules or ponies for compensation.

"Stable, commercial" means a stable which offers horses, mules or ponies for hire. Such stables may also offer training for such animals and/or riding instruction. Commercial stables may also board such animals for compensation.

"Stand" means a structure for the display and sale of products with no space for customers within the structure itself.

"Station" means the stopping place in a transportation system designed or intended to be used for the receiving or discharging of passengers and cargo, but shall not provide for the storage of the conveyance vehicle and shall not include any appurtenant facilities other than a shelter and ticketing facilities for passengers. Stations include train stations, bus stations, and similar transit stations.

"Stealth communication facilities" means wireless telecommunication facilities that may be over the height limit in the zone in which they are located, but are designed or camouflaged to blend into the surrounding background environment or be enclosed into the structure upon which they are mounted. Stealth facilities would not be recognizable as a wireless telecommunication device. Examples include wireless telecommunication facilities constructed within church steeples or towers, camouflaged by vegetation, or designed into the construction of other architectural building features.

"Story" is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the roof above. Story includes a basement but not a cellar.

"Street." See Section 16.04.060 of this code for definitions of the various types of streets.

"Structure" means anything construed or erected, which requires a fixed location on the ground, or is attached to something having a fixed location on the ground.

"Subdivision development" means a subdivision located wholly or partially within the city, a final map of which has been recorded prior to the date on which an application for a subdivision directional sign pursuant to the provisions of Section 17.40.220C has been filed.

"Subdivision directional sign base" means the base structure upon which subdivision directional signs are placed.

"Subdivision ordinance" means the subdivision ordinance of the city, codified as Title 16 of this code.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

"Telephone repeater station" means a building used for housing amplifying equipment along aerial or underground telephone cable routes.

"Temporary wireless communications facility" means a wireless communications facility that is kept portable or mobile and deployed while a permanent facility is under construction.

"Terminal" means any facility designed or intended to be used for the receiving or discharging of passengers or cargo and providing for the temporary or permanent storage of the conveyance vehicle. Terminals include train terminals, airports, bus terminals, freight terminals, harbor terminals, or any combination of the above commonly referred to as multipurpose terminals.

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"Theater" means an enclosed building used for public assembly and/or entertainment including sports events, theatrical performances, concerts and recitals, circuses, stock shows and conventions. "Theater" includes auditorium.

"Tower height" means the height of the actual tower plus one-half the rotor diameter on horizontal axis installations, and the distance from the base of the tower to the top of the unit on vertical axis installations.

"Transitional housing" means buildings configured as rental housing developments but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than 6 months from the beginning of the assistance.

"Travel trailer" means a vehicle other than a motor vehicle which is designed for human habitation and which may be moved upon a public highway without a special permit or chauffeur's license.

"Travel trailer park" means any area or tract of land or a separate designated section within a mobilehome park where one or more lots are rented or leased or held out for rent or lease to owners or users of recreational vehicles used for travel or recreational purposes.

"Use" means and includes construction, establishment, maintenance, alteration, moving onto, enlargement and occupation. Wherever this title prohibits the use of any premises for any purposes, such premises and any building, structure or improvement on such premises shall not be used, occupied, altered or improved for such purpose, and no building, structure or improvement on such premises shall be erected, constructed, established, maintained, allowed to remain, altered, moved onto, or enlarged which is designed, arranged or intended to be occupied or used for such purpose.

"Veterinary clinic, small animal" means any facility providing medical or surgical treatment, clipping, bathing and similar services to dogs, cats and other small animals, but excluding boarding or the keeping of animals on the premises other than those requiring emergency treatment or those recovering from anesthetic.

"Video game arcade" means any use where five or more coin-operated games of skill are kept and maintained for public use.

"Waste disposal facility" means any dump, transfer station, land reclamation project, incinerator except household incinerators and wood refuse to be burned in a suitable furnace, or other similar site or facility which is used or intended to be used for the transfer, salvage or disposal of rubbish, garbage or industrial waste. Waste disposal facilities do not stockpile, commercially compost, process, or handle sludge or biosolid materials.

"Wild animal" means any wild, exotic, dangerous or nondomestic animal, including but not limited to mammals, fowl, fish or reptiles.

"Wind energy conversion system" means a mechanism which is designed to utilize the natural movement of air as a means of generating electricity. The following terminology as it pertains to wind energy conversion systems is listed below:

"AWEA" means American Wind Energy Association.

"FAA" means Federal Aviation Administration.

"Guy wires" means wires or cables used in tension to support a tower.

"Non-commercial wind energy system ("NC-WES")" means a small wind energy system suitable for Rural Residential Zone (RR-1 and RR-2.5 only) meeting the requirements of Section 17.08.337, consisting of a wind turbine, tower, blades, associated controls and conversion electronics, which has a rated capacity that does not exceed the allowable rated capacity under the Emerging Renewables Fund of the Renewables Investment Plan administered by the California Energy Commission and which will be used primarily to reduce on-site consumption of utility power by converting mechanical energy into electricity.

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"Tower" means the portion of the NC-WES upon which the wind turbine is mounted.

"Tower height" means the height above grade of the fixed portion of the tower measured from the ground to the top of the tower, excluding the wind turbine, blades and wind-measuring devices.

"USGS" means the United States Geological Survey.

"Utility pole" means any pole or tower owned by any utility company that is primarily used to support wires or cables necessary to the provision of electrical or other utility services regulated by the California Public Utilities Commission.

"Vertical axis wind turbine (VAWTS)" means a small scale, non-commercial vertical axis wind turbine system, designed with a vertical axis, suitable for residential zones consisting of a wind turbine, tower, blades, associated controls and conversion electronics, which has a rated capacity that does not exceed the allowable rated capacity under the Emerging Renewables Fund of the Renewables Investment Plan administered by the California Energy Commission and which will be used primarily to reduce on-site consumption of utility power by converting mechanical energy into electricity.

"Wind turbine" means a non-commercial small wind turbine consisting of a wind turbine generator and rotors, which has a rated capacity of not more than one hundred (100) kilowatts (kW) and which converts kinetic energy in wind into mechanical energy.

"Wireless telecommunications facility" means a land use facility supporting antennas whips, panels or microwave dishes that send or receive radio frequency signals. Wireless telecommunication facilities include the structures or towers and related equipment buildings or cabinetry supporting the facility and can be manned or unmanned. Wireless telecommunications do not include noncommercial communication facilities such as licensed amateur radio stations and standard radio and television receive-only antennas.

"Writing" means and includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this title, it shall be made in writing in the English language unless it is expressly provided otherwise.

"Yard" means an open space on the same lot or parcel of land, other than a court, unoccupied and unobstructed from the ground upward, except as otherwise permitted by this title.

"Yard, front" means a yard extending across the full width of the lot or parcel of land. The depth of a required front yard shall be a specified horizontal distance between the highway line of any arterial or other street on which the property fronts, and a line parallel thereto on the lot or parcel of land, except as otherwise provided for a flag lot in Section 17.08.170A. On corner lots the front yard shall be located across the narrower frontage of the lot. A yard shall not be deemed a front yard if there is no right of access of any kind, pedestrian or vehicular, from the adjoining arterial or other street.

"Yard, rear" means a yard extending across the full width of the lot or parcel of land. The depth of the required rear yard shall be a specified horizontal distance between the rear lot line and a line parallel thereto on the lot or parcel of land.

"Yard, side, corner" means a yard bounded by an arterial or other street, extending from the required front yard, or the highway line on which the property fronts where no front yard is required, to the required rear yard or to the rear lot line where no rear yard is required. The width of such required side yard shall be a specified horizontal distance between the highway line of the arterial or other street on which the property sides, and a line parallel thereto on the lot or parcel of land.

"Yard, side, interior" means a yard extending from the required front yard, or the highway line on which the property fronts where no front yard is required, to the required rear yard or to the rear lot line where no rear yard is required on other than a corner side yard. The width of a required interior side yard shall be a specified horizontal distance between each such side lot line and a line parallel thereto on the lot or parcel of land.

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"Yard, street side" means the same as corner side yard.

(Ord. 900 § 1, 2008; Ord. 896 § 1 (Exh. A §§ 1, 2), 2008; Ord. 862 § 1, 2006; Ord. 849 § 1 (Exh. A § 1), 2005; Ord. 758 § 1 (Exh. A § 1 (part)), 1999; Ord. 753 § 1 (Exh. A § 1 (part)), 1999; Ord. 713 § 1, 1995; Ord. 711 § 3, 1995; Ord. 681 §§ 1, 2, 1995; Ord. 663 § 1, 1994; Ord. 661 § 3, 1994; Ord. 651 § 3, 1993; prior zoning ord. §§ 120—120.25)

(Ord. No. 921, § 1, 6-9-09; Ord. No. 954, § 1, 12-14-2010; Ord. No. 989, §§ 2—5, 7, 4-9-2013; Ord. No. 1070, § 4(Exh. A), 1-14-2020; Ord. No. 1106, § 4(Exh. A), 10-10-2023)

## **Chapter 17.08 RESIDENTIAL ZONES<sup>1</sup>**

### ***Article I. In General***

#### **17.08.010 In general.**

As used in this title, "residential zones" mean the RR, R, MHP, MDR and HDR zones.

(Ord. No. 989, § 1, 4-9-2013)

### ***Article II. Non-urban, Urban, Medium and High Density Residential Zones***

#### **17.08.020 Purpose and intent.**

The purpose and intent of the residential zones are to implement the city's general plan, and land use designations as set forth in the text of the general plan and as delineated on the general plan map. The adopted general plan specifies goals, objectives, policies, and specific actions with regard to residential uses and development.

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<sup>1</sup>Editor's note(s)—Ord. No. 989, § 1, adopted April 9, 2013, repealed ch. 17.08, §§ 17.08.010—17.08.400 and added a new ch. 17.08, §§ 17.08.010—17.08.500. The former chapter pertained to similar subject matter and derived from prior zoning ord. §§ 200.000, 201.010—201.021, 201.023—201.025, 201.027, 201.040, 201.050, 201.060—201.062, 201.070—201.075, 201.080, 201.083, 201.085, 201.086, 201.088, 202.010, 202.015, 202.020, 202.021, 202.024, 202.025, 202.050, 202.052, 202.053, 202.070, 211.000—211.130, 212.000—212.140, 212.200—212.230, 213.100—213.130, 213.500—213.585, 214.200, 214.300; Ord. 651 §§ 4(part), 5, 1993; Ord. 658, § 1, 1994; Ord. 663 § 2, 1994; Ord. 681 § 3, 1995; Ord. 711 §§ 4—13, 18(part), 19(A), 30(part), 31, 43(part), 1995; Ord. 713 §§ 2, 4, 1995; Ord. 752 § 1, 1999; Ord. 758 § 1(Exh. A §§ 2, 3), 1999; Ord. 812 § 2, 2003; Ord. 815, Exh. A, 2003; Ord. 816, Exh. A(part), 2003; Ord. 837, § 1 Exh. A(part), 2004; Ord. 854, § 1(Exh. A), 2006; Ord. 879 § 1(part), 2007; Ord. 896, § 1(Exh. A §§ 3, 4), 2008; Ord. 900 §§ 2—6, 2008; Ord. No. 907, § 4, adopted October 28, 2008; Ord. No. 921, §§ 2—4, adopted June 9, 2009; Ord. No. 924, § 1, adopted August 25, 2009; Ord. No. 933, §§ 1—3, adopted October 13, 2009; Ord. No. 941, § 3, adopted February 9, 2010; Ord. No. 954, §§ 2—6, adopted December 14, 2010; Ord. No. 956, §§ 1, 2, adopted January 11, 2011; Ord. No. 964, § 1, adopted May 24, 2011; Ord. No. 971, §§ 4—6, adopted October 25, 2011.

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It shall not be the intent of this title to render previously legally created building lots or legally constructed buildings which do not comply with the property development regulations of this title to be nonconforming where these lots or buildings complied with the ordinances in effect at the time of their creation or construction.

(Ord. No. 989, § 1, 4-9-2013)

### **17.08.030 Purposes of the Residential zones.**

- A. Non-Urban Residential or RR Zones. These zones are intended to provide for single-family dwellings in a non-urban environment with minimal urban services. The primary difference between the zones is the minimum lot size. Only those additional uses that are complementary to and exist in harmony with a rural residential neighborhood are allowed.
  - 1. The RR-2.5 (rural residential) zone implements the "non-urban residential, rural residential" designation. This zone is intended for rural single-family residential use, allowing one dwelling unit per minimum net area of one hundred thousand (100,000) square feet;
  - 2. The RR-1 (rural residential) zone implements the "non-urban residential, low density" designation. This zone is intended for low density single-family residential use, allowing one dwelling unit per minimum net area of forty thousand (40,000) square feet; and
  - 3. The SRR (semi-rural residential) zone implements the "non-urban residential, transitional density" designation. This zone is intended for transitional density between the rural and urban land uses, allowing one dwelling unit per minimum net area of twenty thousand (20,000) square feet.
- B. Urban Residential or R Zones. These zones are intended to provide for single-family dwellings in an urban environment with full urban services. Only those additional uses that are complementary to and exist in harmony with an urban residential neighborhood are allowed.
  - 1. The R-15,000 zone implements the "urban residential, transitional density" land use designation. This zone is intended for single-family dwellings, allowing one dwelling unit per minimum net area of fifteen thousand (15,000) square feet;
  - 2. The R-10,000 zone implements the "urban residential, transitional density" land use designation. This zone is intended for single-family dwellings, allowing one dwelling unit per minimum net area of ten thousand (10,000) square feet; and
  - 3. The R-7,000 zone implements the "urban residential, low density" land use designation. This zone is intended for single-family dwellings, allowing one dwelling unit per minimum net area of seven thousand (7,000) square feet.
- C. Medium and High Density Residential Zones. These zones are intended to provide for medium to high density multiple-family dwellings in an urban environment with full urban services. Only those additional uses that are complementary to and exist in harmony with such residential developments are allowed.
  - 1. The MDR zone implements the "medium density residential" land use designation. This zone includes lower intensity residential dwelling units, with a density range of 6.6 to fifteen (15) dwelling units per acre; and
  - 2. The HDR zone implements the "high density residential" land use designation. This zone includes higher density residential dwelling units, with a density range of 15.1 to thirty (30) dwelling units per acre.

(Ord. No. 989, § 1, 4-9-2013)



### 17.08.040 Applicability of standards.

A person shall not use any premises in the residential zones, except as hereafter permitted in this title and subject to all regulations and conditions enumerated in this title. Development and new land uses proposed within the residential zones shall comply with the standards in this section for the applicable zones, as follows:

- A. Use. Only the land uses allowed by Section 17.08.050 shall be established in the applicable zone. In the instance when an applicant proposes a use that is not specifically listed in Section 17.08.050, the planning director shall make a determination on whether it is allowed or not, based on the finding that the proposed use would complement and be able to exist in harmony with other permitted uses in the same zone.
- B. Site Specifications and Building Placement. Each proposed structure shall comply with the build-to line, setback, and buildable area requirements in Section 17.08.060 as required for the applicable zone.
- C. Building Size and Massing. Each proposed structure shall adhere to size, massing, and height standards established by Section 17.08.060 for the applicable zone.
- D. Parking. On-site parking shall be provided, located, and designed in compliance with Section 17.08.060 for the applicable zone.
- E. Development and Building Types. All developments shall substantially resemble one of the development and building types listed in Section 17.08.060, or feature primary characteristics of the development and building types. All residential developments which meet the objective development standards in Section 17.08.060 and the objective design standards in Chapter 17.41, Article IV, shall be deemed to meet this requirement.
- F. Other Design Requirements. All other requirements listed in Section 17.08.060, Section 17.08.070, and all applicable guidelines in the city design guidelines shall apply. All residential developments which meet the objective development standards in Section 17.08.060 and the objective design standards in Chapter 17.41, Article IV, shall be deemed to have met the discretionary design standards in Section 17.10.070 and applicable guidelines.

(Ord. No. 989, § 1, 4-9-2013; Ord. No. 1106, § 4(Exh. A), 10-10-2023)

### 17.08.050 Uses and permit requirements.

- A. Uses and permit requirements. The uses and permit requirements applicable to the residential zones are identified in the Uses Matrix below. Uses which do not fall into any other category, and are not temporary uses, uses subject to director's review, or uses subject to permit in these zones, shall be subject to interpretation of the director. The requirement for site plan review in Section 17.08.050.B applies to all uses, except permitted (P) uses and uses subject to director's review (D) unless otherwise indicated below.

Residential Zones — Uses Matrix			
USES P = permitted use / D = director's review C = conditional use / N/A = not allowed * Site plan review (SPR) required	ZONES		
	RR-2.5	R-15,000	MDR
	RR-1	R-10,000	HDR
	SRR	R-7,000	
<b>A. Uses.</b>			
Single-family house on individual lot	D	D	D
Two-unit projects (Subject to Chapter 17.41, Article III)	D	D	D
Duplex	D	D	D
Multi family	N/A	N/A	P*

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(Supp. No. 10-24, Upd 1)

Residential planned development (RPD)	C	C	C
Health facility <sup>7</sup>	N/A	C	C
Residential facility (small - six beds or fewer) <sup>8</sup>	P	P	P
Residential facility (seven or more beds) <sup>8</sup>	N/A	C	C
Mobilehome and manufactured homes on individual lot	D	D	D
Mobilehome parks	Permitted in MHP zone only		
<b>B. Accessory uses.</b>			
Accessory structures/buildings (gazebos, sheds, etc.) (Subject to Section 17.08.160)	P	P	P
Swimming pools and pool equipment (Subject to Section 17.08.160)	P	P	P
Accessory dwelling unit and junior accessory dwelling units (Subject to Chapter 17.41, Article I)	P	P	P
Small family day care (up to 7 children)	P	P	p <sup>2</sup>
Large family day care (8 to 14 children)	P	P	p <sup>2</sup>
Home occupation/home office (Subject to Section 17.08.200)	P	P	P
Electric vehicle charging station (EVCS)	P	P	P
Non-commercial solar energy systems, including building and ground-mounted photo-voltaic (PV) panels	P	P	P
Non-commercial wind energy systems (NC-WES)	D	D	D
Vertical-axis wind turbines (VAWTs)	D	D	D
Cargo containers <sup>3</sup>	D	N/A	N/A
Light agricultural uses <sup>3, 9</sup>	P	N/A	N/A
Carnivals <sup>6</sup>	D	D	D
<b>C. Temporary uses.</b>			
Temporary mobilehome as residence during construction	D	D	D
Real estate sales office in conjunction with new subdivision	D	D	D
Model homes in conjunction with new subdivision	D	D	D
Cargo containers (Subject to Section 17.08.170)	D	D	N/A
Temporary Fences	D	D	D
<b>D. Other uses.</b>			
Animal boarding and training; kennels <sup>4</sup>	C	N/A	N/A
Animal hospital <sup>4</sup>	C	N/A	N/A
Arboretums and horticultural gardens	C	N/A	N/A
Churches	C	C	C
Colleges and universities	C	C	C
Commercial crop production <sup>9</sup>	P*	N/A	N/A
Commercial solar electrical generation facilities <sup>4</sup>	C	N/A	N/A
Community gardens	D	D	D
Day care facility (serving children or adults) (Subject to Section 17.08.190)	C	C	C
Electric distribution substations	C	C	C
Equestrian center; commercial or boarding stables <sup>3</sup>	C	N/A	N/A
Expansion of parking lot for institutional uses	D	D	D
Feed stores and related accessory uses <sup>3</sup>	C	N/A	N/A
Gas metering and control stations	C	C	C
Golf courses and driving ranges, and accessory facilities	C	C	C

Land reclamation projects <sup>4</sup>	C	N/A	N/A
Parking lots as a transitional use	D	D	D
Radio and television stations and towers <sup>3</sup>	C	N/A	N/A
Retail nurseries <sup>3</sup>	C	N/A	N/A
Rooming and boarding houses	N/A	N/A	C
Schools, not including trade or commercial schools	C	C	C
Single-room occupancy (SRO) (Subject to 17.08.245)	N/A	N/A	D
Utility Scale Battery Energy Storage Systems (BESS) <sup>4</sup>	C	N/A	N/A
Water reservoirs, pumping stations, tanks, wells, etc.	P*	P*	P*
Wireless telecommunication facilities (stealth) <sup>5</sup>	D	D	D
Wineries (minimum 10 gross acre lot) <sup>9</sup>	C	N/A	N/A

Notes:

<sup>1</sup> R-7,000 and R,10-000 zones only

<sup>2</sup> Use, development standards and permit requirements shall be determined by the director when compatible with existing and surrounding areas and adjacent properties

<sup>3</sup> RR-1 and RR-2.5 zones only

<sup>4</sup> RR-2.5 zones only

<sup>5</sup> In conjunction with a non-residential use, such as a church, school, etc.

<sup>6</sup> Subject to the provisions of Chapter 9.46

<sup>7</sup> In accordance with Section 1250 of the Health and Safety Code

<sup>8</sup> In accordance with Section 1502 of the Health and Safety Code

<sup>9</sup> In compliance with California Health and Safety Code Section 17021.6, Employee Housing is permitted as an agricultural use.

- B. Site Plan Review. Except as specified in subsection C, a site plan (with vicinity map) and building elevations, drawn to scale and reflecting the accurate dimensions of the buildings and property, shall be required of any person seeking to erect new buildings or structures, make additions to any existing buildings or structures, site temporary commercial coaches, or otherwise grade, improve or develop any lot or portion thereof for a permitted use prior to the issuance of any grading or building permit. The site plan shall be accompanied by an appropriate development application and both shall be filed with the community development department. The director or his designated representative shall review the site plan for conformance with the provisions of this title. The site plan shall demonstrate conformance with height regulations, property development regulations, sign regulations or a sign program required by the city for multiple-tenant projects, off-street parking requirements, the adopted City of Lancaster Design Guidelines, any other requirements established for the adopted zoning designation in which the property(ies) is (are) located, and any other applicable city ordinances, standards, guidelines or policies.

In addition to the conditions and requirements imposed by the ordinance codified in this title and other city ordinances, standards, guidelines and policies, the director may place conditions on the approval of the site plan where the director finds that such action is necessary to protect the public health, safety and welfare. At such time as the site plan complies with the requirements of the ordinance codified in this title and other city ordinances, standards, guidelines or policies, the site plan shall be approved by the director or his designated representative.

The site plan approval shall be valid for 2 years from the date of approval. A site plan shall be considered "used" when the slab of a major building in the project is poured and inspected, although circumstances in each case may vary and the final determination as to "use" of a site plan review shall be made by the director. Three one-year extensions of the approval may be granted by the director provided such written request for an extension is received not less than 60 days prior to expiration, and any significant environmental changes which have occurred since the original approval have been addressed. Any extension granted shall be conditioned to comply with the city's current design guidelines as adopted by the city council, unless the applicant can demonstrate to the director's satisfaction that such compliance will impose an undue hardship on the project. In the event the site plan or an extension thereof is denied, the applicant may appeal the decision in accordance with Section 17.36.030. All projects constructed in accordance with an approved site plan shall be permanently maintained as approved. Any desired subsequent changes shall be submitted for approval as an amendment to the site plan. Prior to occupancy the site shall be inspected for compliance with the site plan. All improvements shall be installed and functioning before occupancy will be allowed.

When the appropriate development application is filed per subsection A of this section it shall be accompanied by the filing fee established by resolution of the city council.

C. Exempt From Site Plan Review.

1. Site plan review is not required for permitted (P) uses and uses subject to director's review (D) unless otherwise indicated in the uses matrix above.
2. Where the director determines that the requirements of site plan review surpass the city's need for project review of a particular development proposal, the director may exercise discretion and apply the provisions of Article VI of Chapter 17.32, Director's Review, in its place.

(Ord. No. 989, § 1, 4-9-2013; Ord. No. 999, § 3, 8-26-2014; Ord. No. 1070, § 4(Exh. A), 1-14-2020; Ord. No. 1106, § 4(Exh. A), 10-10-2023)

### 17.08.060 Development regulations by building types.

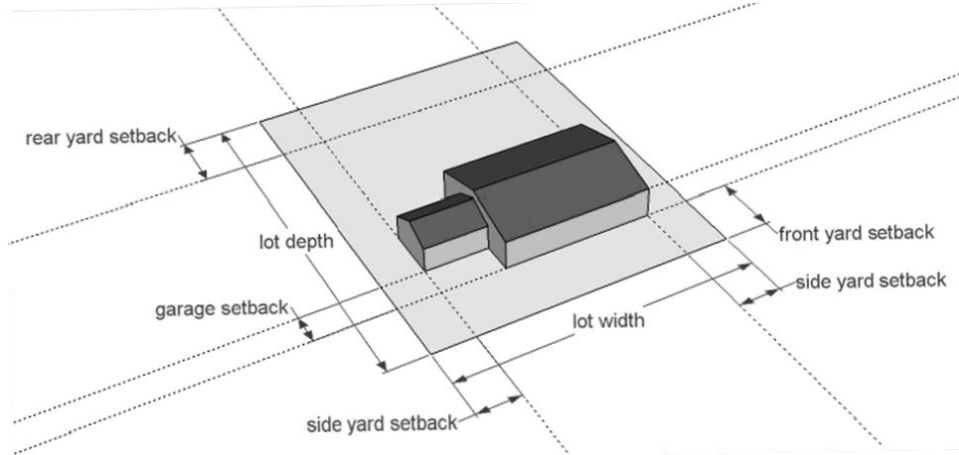
- A. Single-Family House on Rural Residential Lot. A single-family house on a rural residential lot is a residence for one household, with its primary entrance accessed through the front yard, on a lot ranging from 20,000 to 100,000 square feet or greater.

1. Development Standards.

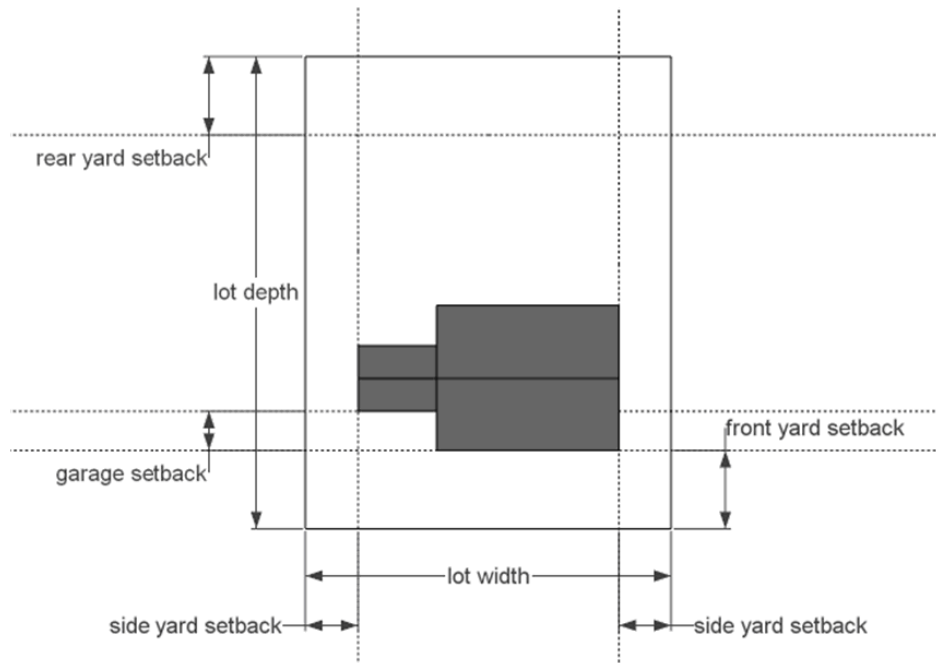
Rural Residential Development Standards			
	ZONES		
	RR-2.5	RR-1	SRR
<b>SITE SPECIFICATIONS</b>			
Minimum lot size (sq. ft.)	100,000	40,000	20,000
Minimum width (feet)	165	110	85
Minimum depth (feet)	250	130	120
<b>BUILDING PLACEMENT (MIN. SETBACKS)</b>			
Front yard (feet)	40	30	30
Garage location	All garages shall be located at or behind the wall plane where the front entrance is located. This regulation does not apply to individual custom homes.		
Rear yard (feet)	30	25	20
Interior side yard: minimum (feet)	20	15	10

Interior side yard: total sum of two yards (feet)	40	30	25
Street side yard (feet)	40	30	20
<b>BUILDING SIZE AND MASSING</b>			
Maximum lot coverage (percentage)	30%	40%	40%
Maximum building height (feet)	40	40	35
<b>PARKING</b>			
Number of parking spaces	Per Section 17.08.100		

**Diagram for Single-family House on Rural Residential Lot — Perspective View**



**Diagram for Single-Family House on Rural Residential Lot — Site Plan View**



- B. Single-Family House or Duplex on Residential Lot.
  - 1. Development Standards.

Development Standards				
	ZONES/LOT TYPE			
	R-15,000	R-10,000	R-7,000	SFR Corner Duplex
<b>SITE SPECIFICATIONS</b>				
Minimum lot size (sq. ft.)	15,000	10,000	7,000	10,000
Minimum width (ft.)	85	70	60	100
Min. width - corner lot (ft.)	100	85	75	
Minimum depth (ft.)	120	100	100	100
<b>BUILDING PLACEMENT (MIN. SETBACKS)</b>				
Front yard setback (ft.)	20	16	14	16
Porch encroachment	Porch may encroach up to 6' into front yard setback			
Rear yard (ft.)	20	20	15	N/A
Interior side yard: (ft.)	5	5	5	10
Interior side yard: sum of two yards (ft.)	20	15	15	N/A
Street side yard (ft.) <sup>1</sup>	15	15	10	N/A
<b>BUILDING SIZE AND MASSING</b>				
Maximum lot coverage (percentage)	40%	40%	50%	45%
Maximum building height (ft.)	35	35	35	35
<b>PARKING</b>				
Number of parking spaces	Per Section 17.08.100			

Notes:

<sup>1</sup> Corner lots featuring side yard driveway access require a minimum 20-foot driveway and street side yard setback.

C. Small Apartment/Condominium Building/Complex (3 to 15 units).

1. Development Standards.

Development Standards*	
	MDR or HDR ZONE
<b>DENSITY</b>	
Minimum density (an applicant may choose to include ADUs and JADUs when calculating minimum density)	MDR: 6.6 du/a HDR: 15.1 du/ac
Maximum density (ADUs and JADUs shall not be included in the calculation of maximum density. The maximum density may be exceeded on a specific site provided the overall density of the zone does not exceed the maximum.)	MDR: 15 du/a HDR: 30 du/a
<b>SITE SPECIFICATIONS</b>	
Minimum lot size (sq. ft.)	6,000
Minimum width (feet)	60
Minimum width - corner lot (feet)	80
Minimum depth (feet)	100
<b>BUILDING PLACEMENT (MINIMUM SETBACKS)</b>	
Front yard setback	
Fronting local, collector, or other residential street with on-street parking (feet)	0
Fronting local, collector, or other residential street with on-street parking and adjacent to single-family uses along the same street (feet)	8

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(Supp. No. 10-24, Upd 1)

Fronting arterial street with no on-street parking (feet)	20
Rear yard (feet)	15
Interior side yard (feet)	10
Street side yard (feet)	15
<b>BUILDING SIZE AND MASSING</b>	
Maximum lot coverage (percentage)	50%
Maximum building height within 100 feet of SFR zone (feet)	35
Maximum building height (feet)	55
<b>PARKING</b>	
Location of on-site parking	Behind the front facade of the residential building
Number of parking spaces	Per Section 17.08.100
<b>OPEN SPACE</b>	
Required usable open space/recreation area	Minimum 8% of lot area, minimum 20' width and depth
<b>LANDSCAPING</b>	
Required landscaping (percentage)	Minimum 15% of lot area
<b>SOLAR PROVISION</b>	
Minimum photo-voltaic kW per unit per Section 17.08.305	0.5 kW
* NOTE: These standards may be modified on qualified site developed in accordance with the provisions of California Government Code Title 7, Division 2, Chapter 8 (The Starter Home Revitalization Act of 2021)	

- a. On-site management shall be provide for apartments 4 units or greater.
  - b. Required amenities for units in a small apartment include in-unit laundry hook-ups.
  - c. Other site amenities may include a barbeque area, pool, recreation courts, and shall be centrally located and easily accessible for residents.
  - d. Trash enclosures shall meet the following requirements:
    - 1. Trash enclosures shall be located or screened so that they are not visible from primary entrances drive or streets;
    - 2. Trash enclosure shall be a minimum of 165 square feet;
    - 3. Source separation of recyclable materials shall be accommodated in accordance with state requirements;
    - 4. Trash enclosures shall be constructed with a non-combustible, overhanging, trellis or roof cover; and
    - 5. Trash enclosures shall be separated from adjacent parking by at least a 6-foot wide planter.
- D. Large Apartment/Condominium Building/Complex (16 or more units).
- 1. Development Standards.

Development Standards	
	MDR or HDR ZONE
<b>SITE SPECIFICATIONS</b>	

Minimum lot size (sq. ft.)	6,000
Minimum width (feet)	60
Min. width - corner lot (feet)	80
Minimum depth (feet)	100
<b>BUILDING PLACEMENT (MINIMUM SETBACKS)</b>	
Front yard	
Fronting local, collector, or other residential street with on-street parking (feet)	0
Fronting local, collector, or other residential street with on-street parking and adjacent to single-family uses along the same street (feet)	8
Fronting arterial street (feet)	20
Rear yard (feet)	15
Interior side yard (feet)	15
Street side yard (feet)	20
<b>BUILDING SIZE AND MASSING</b>	
Maximum lot coverage (percentage)	50%
Maximum building height within 100 feet of SFR zone (feet)	35
Maximum building height (feet)	72
<b>PARKING</b>	
Location of on-site parking	40 ft. from front property line
Number of parking spaces	Per Section 17.08.100
<b>OPEN SPACE</b>	
Required usable open space/recreation area	Minimum 8% of lot area, minimum 50' width and depth
<b>LANDSCAPING</b>	
Required landscaping (percentage)	Minimum 15% of lot area
<b>SOLAR PROVISION</b>	
Minimum photo-voltaic kW per unit per Section 17.08.305.	0.5 kW

- a. On-site management and security shall be provided for all large apartment complexes. at a minimum, specific security provisions shall include cameras and alarms or active security guard surveillance.
- b. Required amenities for units in a large apartment include in-unit laundry hook-ups, and community pool and recreation room.
- c. Other amenities for units in a large multi-family complex may include courts for basketball, tennis or other sports, indoor gym, outdoor dog park, or day care center.
- d. All amenities shall be centrally located and easily accessible for residents.
- e. Trash enclosures shall meet the following requirements:
  1. Trash enclosures shall be located or screened so that they are not visible from primary entrances drive or streets;
  2. Trash enclosure shall be a minimum of 165 square feet;
  3. Source separation of recyclable materials shall be accommodated in accordance with state requirements;



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4. Trash enclosures shall be constructed with a non-combustible, overhanging, trellis or roof cover; and
  5. Trash enclosures shall be separated from adjacent parking by at least a 6-foot wide minimum planter.

(Ord. No. 989, § 1, 4-9-2013; Ord. No. 1020, § 4, 2-14-2017; Ord. No. 1070, § 4(Exh. A), 1-14-2020; Ord. No. 1106, § 4(Exh. A), 10-10-2023)

### **17.08.070 Design and performance measures.**

Developers shall take the following actions in meeting specific design and performance measures in residential zones. Residential development which meets the objective design standards in Chapter 17.41, Article IV shall be deemed to have met these measures.

- A. Site Design. Develop projects that enhance the sense of place and reflect a commitment to functional efficiency, quality, and neighborhood context.
  1. Develop innovative designs for new subdivisions that feature pedestrian connections, open spaces, enhanced landscaping, architecture, and streetscapes.
  2. Develop innovative designs for residential lot layouts, including wide corner lots, varied setbacks, and minimized visual presence of garages.
  3. Design neighborhoods to have distinct entryway features that help define neighborhood character and provide a sense of arrival.
  4. Design neighborhoods using "safe by design" techniques to reduce opportunities for criminal activity.
- B. Pedestrian Connections and Amenities. Develop residential neighborhoods with safe and attractive pedestrian and bicycle connections to trails, parks, schools, public transit, and other daily uses.
  1. Design neighborhoods with street patterns that minimize the walking distance between residential homes and neighborhoods amenities, such as trails, parks and schools.
  2. Design open-ended cul de sacs with paseos for pedestrian and bicycle access.
  3. Design pedestrian and bicycle paths separated from vehicular paths, to ensure safety and ease of use.
  4. Where appropriate, use traffic calming measures to reduce automobile speed within residential developments, including corner bulbouts, tree plantings, enhanced paving at crosswalks, and roundabouts.
- C. Building Architecture and Form. Provide enhanced elevations for residential structures that contribute to an attractive neighborhood streetscape.
  1. Articulate building façades by including variation in massing, roof form, and wall planes.
  2. Use multiple colors, materials, textures, and applied finishes to help break up wall massing.
  3. Provide distinctive entries, porches, balconies, and window treatment, oriented toward the street.
  4. Residential buildings shall use high-quality, tile roofing (concrete, ceramic, etc.), providing aesthetic value and appropriate for withstanding the city's varied climate conditions; asphalt shingle or other roofing material shall be permitted when compatible with existing and surrounding areas and adjacent properties.
  5. Garage door shall provide aesthetic value to the home. Roll-up garage door types are permitted, whereas wooden, swing-out garage doors are prohibited.

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6. Builders of new single-family residential subdivisions shall ensure architectural variation by providing a minimum of the following combinations, dependent on the proposed number of residential units in the development:

Proposed number of residential units	Minimum number of elevations	Minimum number of floor plans
Less than 20 units	3	3
20 to 50 units	3	4
50 to 100 units	4	5
100 units or greater	5	5

In no instance should two homes of the same model and floor plan be built adjacent to each other or across the street from each other.

- D. Transitions and Buffering. Encourage transitions between proposed higher intensity developments and adjacent, less intensive uses to keep disturbance to a minimum.
1. Step down the heights of structures at the edge of developments to match or complement those in adjacent properties.
  2. Enhance buffers with additional width or increased landscaping. Plant trees and shrubs in voids created by wall variations, at an appropriate scale.
  3. Vary building setbacks and wall alignments to soften the edge of the development.
  4. Provide a clear distinction between public and private spaces, through the use of height separation, fencing, berm, or a combination of these elements.
  5. Offset windows from one another between residential units.
- E. Open Space and Common Areas. Provide open space and common areas to enhance quality of life, and to encourage opportunities for social gathering and interaction.
1. For single-family residential developments, create centralized pocket parks, connected by trails and pedestrian paths, to serve the neighborhood.
  2. For multi-family residential developments, provide centralized open space and community facilities, to serve residents of the development.
  3. Create recognizable focal points by using community amenities in public open spaces and other commonly used community spaces.
- F. Parking and Access. Minimize the dominant appearances of parking areas and structures, while ensuring functional vehicular access.
1. For multi-family residential developments, locate parking behind residential structures. For developments facing arterial streets, a builder may design a wide, enhanced landscape buffer between the street and parking areas, in circumstances where it is difficult to achieve rear parking placement. Wherever possible, design parking lots by dividing a large parking lot into a series of smaller, connected lots.
  2. Decorate and define parking areas with plants, shrubs, trees, light fixtures, and textured paving to minimize the negative impact of large expanses of asphalt.
  3. Provide defined pedestrian pathways between parking areas and residential building entrances.

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4. Permanent parking for recreation vehicles (RVs), boats and other similar large items shall be located behind the front plane of the house.
  5. In no instance shall flat, paved surfaces, including driveways, cover more than 50% of a single-family front yard.

(Ord. No. 989, § 1, 4-9-2013; Ord. No. 1070, § 4(Exh. A), 1-14-2020; Ord. No. 1106, § 4(Exh. A), 10-10-2023)

#### **17.08.080 Infill residential development.**

- A. Purpose and Intent. The purpose of this section is to implement the city general plan 2030, policy 18.2.1, which encourages appropriate infill development, and specific action 18.2.1(c). Under the guidance of the specific action, a developer may build up to eight residential units per net acre on land zoned R-7,000, provided the developer makes the findings that the proposed infill development would integrate with the surrounding area.
- B. Qualification Criteria for Infill Residential Development. Properties zoned R-7,000 and meeting one of the following criteria qualify for infill residential development of up to eight units per acre:
  1. The project site is located within the area bounded by Avenue I, 20th Street East, Avenue L and 30th Street West; or
  2. The project site is surrounded by existing development (fully improved with paving, landscaping, curb and gutter, etc.) on all adjoining sides; or
  3. The project site is located adjacent to property zoned commercial, office professional, mixed use or light industrial development; or
  4. The project site combines four or more adjoining parcels, combining for a minimum project size of five acres.
- C. Findings for Infill Residential Development. The following findings shall be made when recommending approval for an infill residential development:
  1. The project reduces overall land use fragmentation in the city.
  2. The project uses existing infrastructure and minimizes extension of new services and resources.
  3. The project is compatible with adjacent land uses and would not adversely affect the health, peace, comfort or welfare of persons residing or working at the adjacent properties.
- D. Infill Residential Development Standards. In addition to all other applicable development standards listed in this chapter, infill residential single-family lots shall adhere to the following additional standards specific for small-lot single-family homes:
  1. Site Design.
    - a. Maximize usability of property by minimizing "dead spaces," which can often be found in narrow side yards with limited access.
    - b. Create privacy by designing windows that minimizes view into an adjacent residential home. Also, design windows of a façade along a zero-lot line facing a neighboring side yard to be small, with a high sill height, typically six feet above the finished floor, or provide windows with translucent glazing.
    - c. For alley-access small-lot single-family parcels, the developer shall provide a four-foot-wide pedestrian pathway to connect the building entrance to the street sidewalk.
  2. Building Design.

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- a. A proposed small-lot subdivision must have homes that are distinguished from one another, following the minimum number of model and floor plan combinations as listed in subsection 17.08.070.C.6.
  - b. Blank, flat wall planes are prohibited. Varied and articulated façades that create visually appealing elevations are required.
  - c. Provide at least two different rooflines to provide visual interest to the residential structure.
  - d. Roof-mounted equipment is not allowed, with the exception of solar and wind generation systems. Photo-voltaic panels facing the street shall be designed integrated with the house rooftop.
3. Transitions and Buffering.
    - a. In infill situations, new buildings shall be located in a manner that complements the location of existing buildings on adjacent lots; and not in a manner that would diminish their appearance or that would create a streetscape with dramatically uneven building setbacks.
    - b. All residential buildings, including detached garages, shall maintain a minimum five-foot separation distance from any other structure to ensure adequate clearance area around the structures.
    - c. Adjacent homes shall not vary more than one-story in height.
  4. Patios, Private Yards, Open Space and Common Areas.
    - a. Each small-lot single-family home shall have a porch area with minimum dimensions as listed in subsection 17.08.060.B.
    - b. Each small-lot single-family parcel shall provide a minimum of four hundred (400) square feet of usable private yard space with no dimensions less than twelve (12) feet.
    - c. The City may grant a reduction of usable private yard space to two hundred (200) square feet, with no dimensions less than twelve (12) feet, if the developer provides common open space or park elsewhere in the neighborhood that is no further than ¼ mile from the residence, or if there is an existing park within the same distance.
  5. Parking and Access.
    - a. For alley-access small-lot single-family parcels, a garage entrance facing an alley shall ensure a minimum of twenty-six (26) feet from the opposite edge of the alley, for adequate vehicle backup space.

(Ord. No. 989, § 1, 4-9-2013; Ord. No. 1070, § 4(Exh. A), 1-14-2020)

### **17.08.090 Density bonus.**

Density increases and other incentives to encourage the creation of housing affordable to moderate-, low-, and very low-income households, seniors, and other qualifying households in accordance with Section 65915 et seq. of the California Government Code are subject to Chapter 17.41, Article II.

(Ord. No. 989, § 1, 4-9-2013; Ord. No. 1106, § 4(Exh. A), 10-10-2023)

## ***Article III. General Site Planning and Project Design Standards***

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### 17.08.100 Parking and Loading.

The automobile parking facilities required by this section shall be provided and permanently maintained unless and until a substitute has been provided which is in full compliance with the provisions of this title.

- A. General conditions. All buildings shall have permanently maintained off-street parking and shall apply as follows:
  - 1. No structure or use shall be permitted or constructed unless off-street parking spaces are provided and maintained in accordance with the provisions of this section;
  - 2. When a building is enlarged the required amount of parking spaces shall be provided for that enlargement portion, in accordance with the provisions of this section;
  - 3. When there is an increase in the number of bedrooms (to more than one); or
  - 4. When there is an increase in the number of dwelling units.
- B. Fractions. Fractional space requirements for a parking space shall be rounded up to the next whole space.
- C. Minimum Number of Required Parking Spaces. Except as necessary to comply with requirements to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities, the following minimum parking standards apply.
  - 1. For sites located within one-half mile of a major transit stop as defined in Section 21155 of the Public Resources Code, no parking is required, except:
    - a. Event centers shall provide parking for employees and other workers.
    - b. Development projects where any portion is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging (except where a portion of a housing development project is designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code) shall provide parking in accordance with the minimum parking requirements of subsection C.2 (see "Parking Requirements by Use" Table).
    - c. Development projects for which, within 30 days of the receipt of a completed application, the city finds that based on a preponderance of the evidence in the record that not imposing or enforcing minimum automobile parking requirements on the development would have a substantially negative impact on any of the following:
      - 1) The city's ability to meet its share of the regional housing need in accordance with Section 65584 for low- and very low-income households.
      - 2) The city's ability to meet any special housing needs for the elderly or persons with disabilities identified in the analysis required pursuant to paragraph (7) of subdivision (a) of Section 65583.
      - 3) Existing residential or commercial parking within one-half mile of the housing development project.
    - d. Subsection (c) above shall not apply for the following projects:
      - 1) Housing development projects that dedicate a minimum of 20% of the total number of housing units to very low, low-, or moderate-income households, students, the elderly, or persons with disabilities.
      - 2) Housing development projects that contain fewer than 20 housing units.

- 3) Housing development projects subject to parking reductions based on the provisions of any other applicable state law.
2. For sites located more than one-half mile from a major transit stop as defined in Section 21155 of the Public Resources Code, the following number of parking spaces shall be the minimum provided for each new use:

Parking Requirements by Use	
Use	Number of Required Spaces
1. Single-family house	2 parking spaces within an enclosed garage
a. Accessory dwelling unit/Junior ADU	See Chapter 17.41, Article I
2. Duplex/triplex/four-plex	2 parking spaces within an enclosed garage for each unit
a. Two-unit project	See Chapter 17.41, Article III
3. Apartments, 5 or more units	
a. Studio/loft and one bedroom	1 and ½ covered spaces for each unit
b. Two or more bedrooms	1 and ½ covered and ½ uncovered for each unit
c. Guest parking	1 uncovered space for every 4 units
4. Condominiums	2 parking spaces within an enclosed garage for each unit and 1 guest space for every 4 units
5. Condominiums, mid-rise (3+ stories)	
a. Studio/loft and one bedroom	1 and ½ covered spaces for each unit
b. Two or more bedrooms	1 and ½ covered and ½ uncovered for each unit
c. Guest parking	1 uncovered space for every 4 units
6. Boarding or rooming house, hostel, fraternity or sorority house	1 uncovered space for each guest room and 2 spaces within an enclosed garage for resident manager
7. Special needs housing including senior apartments/condominiums, housing facilities for persons with disabilities, supportive housing, transitional housing, and employee housing in compliance with the Employee Housing Act	1 covered parking space for each unit and 1 guest space for every 4 units
8. Senior residential care facility	1 space for every 3 beds and 1 space for each resident employee
9. Churches	1 space for each 5 fixed seats or for each 45 square feet of seating area within the main auditorium; 24 inches of bench shall be considered a fixed seat
10. Day care center (nursery/preschool)	5 spaces per 100 students
11. Elementary and middle school	15 spaces per 100 students
12. High school	26 spaces per 100 students
13. Colleges/universities	33 spaces per 100 students, plus one space per bed in dormitories

Notes:

1. An uncovered parking space shall not include the driveway area for a garage.
2. Parking lots or areas for 10 or more contiguous uncovered vehicle parking spaces shall comply with the requirements of subsection 17.08.090.D (Parking design and performance standards) for design and development of landscaping and surface parking area.

3. Parking for uses subject to conditional use permit shall meet the requirements specified in the permit or as otherwise provided in this title.
4. Requirements for uses not specifically listed herein shall be determined by the director based upon the requirements for comparable uses and upon the particular characteristics of the use.
5. The number of parking spaces required may be reduced, at the discretion of the director, if the builder can sufficiently demonstrate, through research and analysis that the development warrants fewer parking than is required. Such parking reductions may be granted if the development is located near public transit or if the builder pays in-lieu parking fees for future public parking, transportation, or pedestrian and bicycle trail improvements.
6. For multi-family uses, a private owner retains the right to assign parking spaces for tenants and visitors, provided there are enough parking spaces per city code.
- D. Accessible Parking. Housing providers shall adhere to the accessible parking regulations of the American Disabilities Act "ADA," Part 20 of the United States Code of Federal Regulations, and the state building code. In accordance to these regulations, housing providers shall establish the following number of accessible parking spaces for multiple-family developments:

Total Number of Parking Spaces in Lot or Garage	Minimum Required Number of Accessible Spaces
1—25	1
26—50	2
51—75	3
76—100	4
101—150	5
151—200	6
201—300	7
301—400	8
401—500	9
501—1,000	2% of total
1,001 and over	20 plus one for each 100, or fraction over 1,001

- E. Parking Design Standards. The following design and development standards shall be met for development in all residential zones.
  1. Location of Parking Facilities.
    - a. Required off-street parking shall be located on the same parcel as the uses served, unless it can be sufficiently demonstrated that parking from another parcel can adequately serve the project, with a recorded parking agreement between the parcels.
    - b. Parking facilities other than driveways shall not be located in a required front or street side setback.
  2. Access to Parking Facilities and Parking Spaces.
    - a. Access to Parking Lots. Parking facilities shall be designed to prevent vehicle access at any point other than at designated driveway entrances.
    - b. Access to Individual Unit Garages. Garages shall be accessed via a minimum 20-foot-length driveway. Garage driveway width shall be minimum 20-foot wide, except for access into tandem

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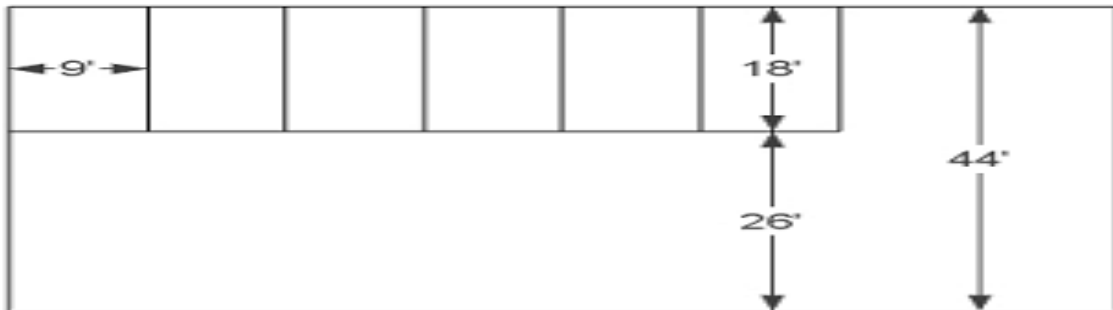
garages, or rear-located garages (not alley access), in which the driveway width shall be minimum 12-foot, and shall widen or taper as necessary to allow for adequate vehicle access.

- c. Internal Maneuvering and Queuing. Parking facilities shall provide suitable maneuvering room so that vehicles enter the street in a forward direction, except for lots with 4 or fewer residential units.
- 3. Parking Space and Facility Dimensions.
  - a. Individual Unit Garages. Parking spaces within garages shall have minimum dimensions of 10 feet in width and 20 feet in length, clear of any obstructions
  - b. Carports. Parking spaces within carports shall have minimum dimensions of 9½ feet in width and 19 feet in length, clear of any obstructions.
  - c. All Other Parking Spaces. Minimum parking space dimensions shall be as follows, except as shown in the following table and figure.
    - 1) Standard parking spaces shall have a minimum dimension of 9 feet in width by 18 feet in length, except for spaces provided at either a 45 or 30 degree layout, in which the spaces shall have a minimum dimension of 8½ feet in width by 18 feet in length.
    - 2) Up to 35% of the spaces in a parking lot may be compact spaces, with minimum dimensions of 8 feet in width by 16 feet in length. For multi-residential uses, this shall only apply to guest parking spaces.
    - 3) Parallel parking spaces shall be 8 feet by 22 feet, except that spaces that are unencumbered at one end may be reduced to 8 feet by 20 feet.
    - 4) The width of a parking space shall be increased by one foot if either side of the space is adjacent to a wall, fence, support column or other structure, except where the obstruction is limited to the front or rear one-third of the parking space.

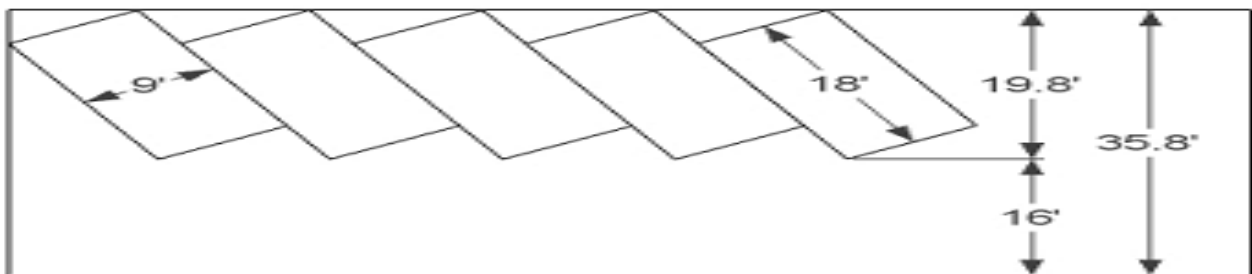


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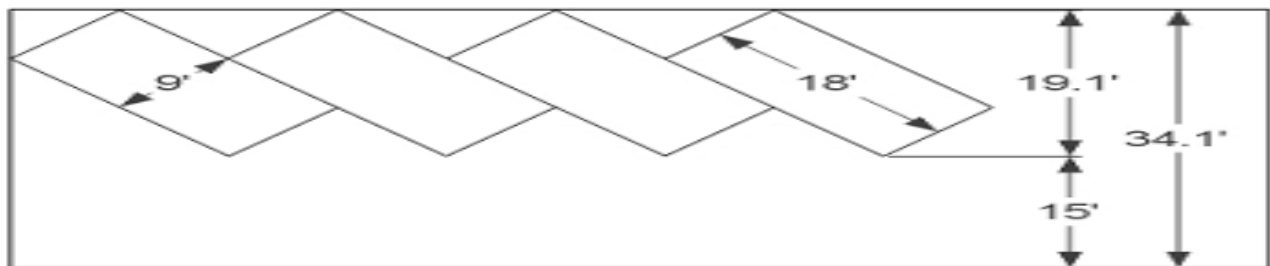
**Off-street Parking Design Standards for  
Full Size Parking Spaces**



**90 degree parking with 2-way drive aisle**

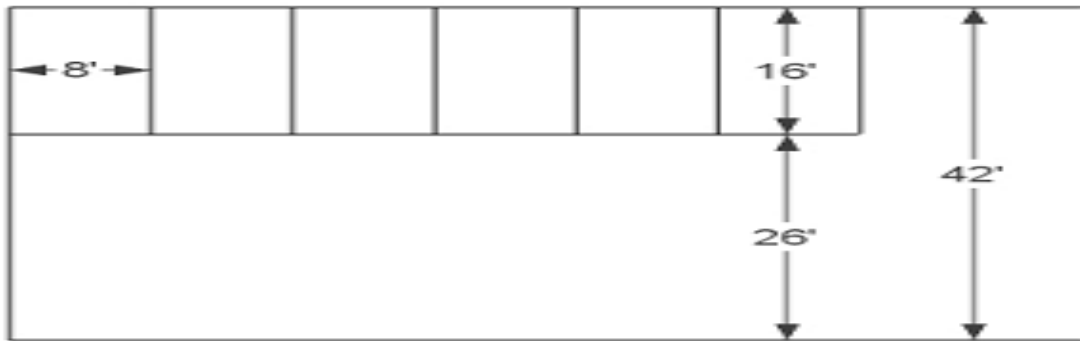


**60 degree parking with one-way drive aisle**

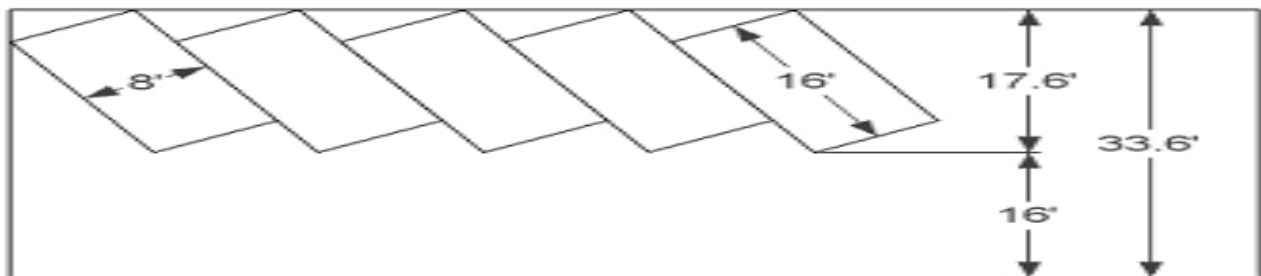


**45 degree parking with one-way drive aisle**

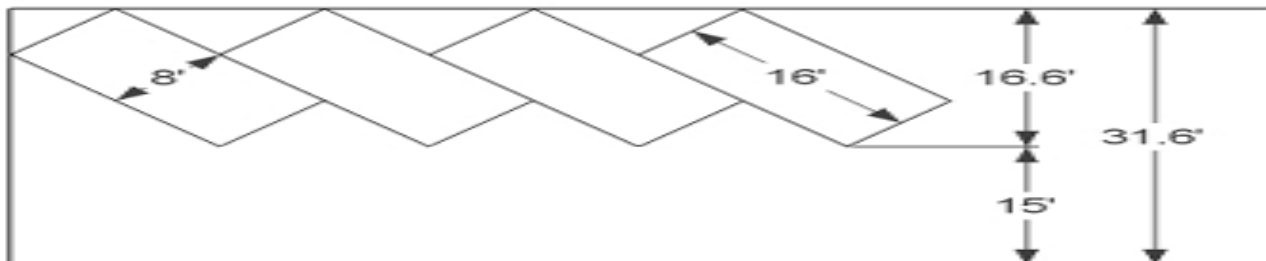
## Off-street Parking Design Standards for Compact Parking Spaces



90 degree parking with 2-way drive aisle



60 degree parking with one-way drive aisle



45 degree parking with one-way drive aisle

4. Curbing. Continuous concrete curbing at least 6 inches high and 6 inches wide shall be provided along the edges of parking spaces adjacent to fences, walls, sidewalks, other structures, and landscaping.
  - a. Alternative barrier designs may be approved by the director.
  - b. Parking spaces adjacent along their length to landscaped areas or other similar surfaces shall incorporate a paved extension of the curb measuring 12 inches (for a total of 18 inches) to provide a place to stand while exiting and entering vehicles.
  - c. Although discouraged, wheel stops may be installed as determined by the director, in the uncommon circumstance where there is no curbing or landscaping that buffer parking spaces from a fence or other structures. The wheel stop shall be located in a manner that prevents a vehicle from colliding into a fence, or other structures.
  - d. Curb design and installation shall comply with national pollution discharge elimination system (NPDES) standards where applicable.

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5. Directional Arrows and Signs (except single-family detached):
    - a. Parking spaces, aisles, approach lanes, and maneuvering areas shall be clearly marked with directional arrows and lines to ensure the safe and efficient flow of vehicles.
    - b. The director may require the installation of traffic signs in addition to directional arrows to ensure the safe and efficient flow of vehicles in a parking facility.
  6. Access to Public Right-of-Way. Each vehicular passage of any parking or loading facility to or across a public right-of-way shall comply with the following requirements:
    - a. No such curb cut may exceed 24 feet in width for single-family residential uses, or 35 feet for multi-family residential uses, unless as approved by a director's review. Curb cut is defined as the flat bottom dimension for the driveway, excluding wings.
    - b. Wherever feasible, curb cuts serving adjacent uses shall be combined to minimize the number of entrances onto arterial and collector streets.
    - c. Only one curb cut may be installed for any parking or loading facility, provided that additional curb cuts may be allowed if the city engineer determines that each such additional curb cut is necessary for the efficient operation of the facility and will not significantly affect capacity and traffic safety.
    - d. Curb cuts for any circular driveway or multiple driveways on the same lot must meet the following requirements:
      - 1) The curb cuts of circular or multiple driveways must be at least 20 feet apart.
      - 2) The combined width of the curb cuts shall not exceed 40% of the lot frontage.
    - e. Any curb cut on a corner shall be located at the farthest point on the lot from the curb return.
  7. Striping and Identification (except single-family residential). Parking spaces shall be clearly outlined with 4-inch wide lines painted on the surface of the parking facility. Circulation aisles, approach lanes, and turning areas shall be clearly marked with directional arrows and lines to ensure safe traffic movement. Double-striping outlining of parking spaces is also permitted, using the mid-point of the double-striped area as the measurement of the parking space width.
  8. Grade of Parking Facilities. Parking facilities should not exceed a grade of 5%.
  9. Parking Lots as a Transitional Use. Parking lots may be permitted in the residential zones as a transitional use, provided:
    - a. In the RR and R zones:
      - 1) The area used for parking adjoins or is separated only by an alley from property in a multiple-family, commercial, or industrial zone; and
      - 2) Parking shall be limited to an area within 100 feet from the boundary of the qualifying multiple-family, mixed use, commercial or industrial zone.
    - b. In the MDR and HDR zones:
      - 1) The area used for parking adjoins or is separated only by an alley from property in a commercial or industrial zone; and
      - 2) Parking shall be limited to an area within 100 feet from the boundary of the qualifying multiple-family, mixed use, commercial or industrial zone.

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- 3) An area developed with parking shall have direct vehicular access to an improved public street, highway, alley, or to the qualifying multiple-family, mixed use, commercial or industrial zone.

(Ord. No. 989, § 1, 4-9-2013; Ord. No. 1106, § 4(Exh. A), 10-10-2023)

### **17.08.105 Two-unit projects.**

- A. Two-unit projects proposed in accordance with Government Code Section 65852.21 are subject to Chapter 17.41, Article III.

(Ord. No. 1087, § 3(Exh. A), 12-14-2021; Ord. No. 1106, § 4(Exh. A), 10-10-2023)

Editor's note(s)—Ord. No. 1087, § 3(Exh. A), adopted Dec. 14, 2021, enacted provisions designated as § 17.08.100; however, inasmuch as that section already exists, said provisions have been redesignated as § 17.08.105 at the discretion of the editor.

### **17.08.110 Landscaping.**

- A. Landscaping in General.

1. Landscape designs shall be consistent throughout a project site. A combination of landscape materials should be arranged in a harmonious manner as an integral part of project design to enhance building design, public view, and interior spaces and provide buffers and transitions as needed. Unrelated and random choice or placement of plant materials shall be avoided; however, variety may be employed to intensify distinction between spaces or to strengthen a sense of place or movement, or to promote energy and water conservation and mitigate erosion.
2. The type, scale and proportion of landscape materials shall be appropriate to the site and/or structures to which they relate.
3. Plant material shall be selected for interest in its structure, texture, color, ultimate growth and water efficiency. Plants that are native or climate adaptive to the high desert area of Lancaster and/or others that will be hardy, harmonious with project design and of good appearance shall be used.
4. Utilize trees and landscaping wherever possible to shade buildings as a means of enhancing energy conservation.

- B. Objective Landscaping Standards.

1. Drought-resistant varieties of plants shall be used in accordance with Title 8, Chapter 8.50, Landscaping Installation and Maintenance; Title 8, Chapter 8.30, Residential Landscaping Installation and Maintenance; and Title 15, Chapter 15.48, Specifications for Landscape Development of the Lancaster Municipal Code.
2. Landscaped areas shall be irrigated by an automatic system with separate stations for each hydrozone. The irrigation system shall be designed and equipped to incorporate water conservation techniques, such as drip systems, moisture sensors and anti-drain valves. Sprinkler systems shall be designed to prevent water from falling onto impervious surfaces. The system shall comply with Title 8, Chapter 8.50, landscaping installation and maintenance; Title 8, Chapter 8.30, residential landscaping installation and maintenance of this code.
3. All areas which are not utilized for buildings, sidewalks, vehicle access, or parking, shall be permanently landscaped and maintained.

4. All landscaped planters for interior parking areas shall be completely bordered by a 6-inch concrete curb to prevent runoff.
5. Required Landscaping. The following basic standards shall be observed:
  - a. All interior areas of parking lots shall be landscaped with a minimum of one shade tree plus one shade tree for each 4 parking spaces along with other required plant materials.
  - b. The minimum required landscaping for parking lots shall be the percentage shown below of the total area used for vehicle ingress, egress, circulation and parking. Only landscaped areas exclusive of curbs shall qualify toward meeting this requirement and no landscaped area with a dimension of less than 2 feet shall be credited toward meeting the landscape requirement.

Size	Minimum Percentage of Landscaping Required
1—4,999 square feet	5%
5,000—19,999 square feet	6%
20,000 or more square feet	7%

- c. Where off-street parking areas abut local or collector public streets, such areas shall be separated from an abutting street by a continuous landscaped planter which extends parallel to the street frontage of the parking area. The planter shall be a minimum of 10 feet in width exclusive of perimeter curbs. Up to one-half of the area of this required landscape planter may be counted toward fulfilling the requirements of the required landscaping for lots under 20,000 square feet.
6. All landscaped areas shall be continuously and properly maintained in good condition.
7. At least 25% of all trees installed shall be from a 24-inch box, and no tree shall be less than 15 gallon size. At least 50% of all shrubs shall be of 5-gallon size, and no shrub shall be less than one-gallon size. Ground covers shall be planted at no further apart than 6 inches on center.
8. Multiple family residential developments shall comply with the provisions of Chapter 8.30.
9. Single family residential developments shall comply with the provisions of Chapter 8.30.

(Ord. No. 989, § 1, 4-9-2013; Ord. No. 1106, § 4(Exh. A), 10-10-2023)

### **17.08.120 Signs.**

A person shall not use any sign except as specifically permitted in this section and subject to all regulations and conditions set forth in this title. The following signs are permitted in the residential zones except where specific references limit certain uses to the RR, R, MDR or HDR zone.

- A. Signs in General.
  1. Address. Street numbers of all buildings shall be prominently located and of sufficient size, lighted or illuminated during hours of darkness, to be easily read from the street by public safety personnel in accordance with city standards.
  2. Building Identification Signs. One illuminated wall-mounted sign not to exceed 6 square feet in sign area shall be permitted on a lot which contains 3 dwelling units or more, in the MDR and HDR zones only. No such signs may be illuminated by an exposed incandescent lamp and any continuous or sequential flashing operation is prohibited.

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3. Directory Diagram. A multiple-family residential development consisting of 6 or more dwelling units shall have posted at or near the primary entrance to the building or buildings a brief descriptive directory diagram which clearly indicates the numerical, alphabetical or identification pattern or layout showing the location of each dwelling unit, including floor levels and access patterns. Such diagram shall be of a size to be easily readable by a person with normal vision (text shall be a minimum 12 point font), shall be illuminated during the hours of darkness, and shall be protected from the elements by being placed in a permanent glass or transparent plastic covered device.
  4. Project Identification Signs. One wall or monument sign may be permitted for a multiple-family development or project which contains 10 dwelling units or more. Such sign shall not exceed 20 square feet of total sign area or 8 feet in height measured vertically from the average ground level at the base of the sign. If, in the opinion of the director, the project requires more than one such sign and there are more than 25 dwelling units in the project, the director may then approve a second project identification sign of equal area for a particular project. No such signs may be illuminated by an exposed incandescent lamp and any continuous or sequential flashing operation is prohibited.
  5. Prohibited Signs. The following signs shall be prohibited in the R zones and may not be included in any sign plan.
    - a. Any notice, placard, bill, card, poster, sticker, banner, sign, advertising or other device calculated to attention of the public which any person posts, prints, sticks, stamps, tacks or otherwise affixes upon any street, right-of-way, crosswalk, curb, lamppost, hydrant, tree, telephone or lighting system, or upon any fixture in the public right-of-way.
    - b. Any strings of pennants, banners or streamers, clusters of flags, strings of twirlers or propellers, flares, balloons, and similar attention-getting devices, including noise-emitting devices, with the exception of the following, not intended for advertising use: holiday decorations in season used for an aggregate period of 60 days in any one calendar year, or national, state, or other governmental or institutional flags properly displayed.
    - c. Any off-premises signs constituting a commercial advertisement that is not located on the site of the business or entity indicated or advertised by the sign including temporary, portable, mobile signs affixed to a wall, structure, or vehicle.
  6. Signs for Uses Subject to Conditional Use Permit. The planning commission may approve signs it deems appropriate for the use. In cases where the commission does not specifically approve signs, the maximum dimensions that may be authorized in the residential zones are as follows:
    - a. A sign face area of 25 square feet, or a total sign area of 50 square feet; and
    - b. A height of 8 feet.
- B. Temporary Signs. Temporary signs, such as real estate "for sale" or "for lease" signs may be permitted in the residential zones subject to the following restrictions:
1. Area Permitted. Temporary signs that are posted for less than 90 days shall not exceed 16 square feet in sign area (one-sided) or 32 feet in total sign area (2-sided) as defined in Section 17.04.240. An applicant proposing a temporary sign for more than 90 days shall obtain a temporary sign permit, with the requirement that the sign shall not exceed 32 square feet in sign face area or 64 square feet in total sign area.
  2. Height Permitted. Freestanding temporary signs shall not exceed 6 feet in height.
  3. Lighting. Temporary signs shall not be lighted.

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4. Placement. Temporary signs shall not be placed on public property, including all public right-of-ways, or in any manner than would endanger the public.
  5. Prohibited Temporary Signs. All prohibited signs as listed in subsection A.5.
  6. Duration. No temporary sign shall be posted for more than 90 days without obtaining a sign permit pursuant to this section. No sign permit for a temporary sign shall be valid for more than a year. Upon written request for an extension, the director may grant an extension for up to one additional year upon finding that the sign is otherwise in compliance with the requirements of this section et seq. and that the extension is necessary to accomplish the purposes for which the sign has been posted. No additional extensions may be granted. All temporary signs shall be removed within 14 calendar days after the event. The date of the posting shall permanently and legibly marked on the lower right-hand corner of the sign face.
  7. Permit Required. Any person who proposes to post or erect a temporary sign for more than 90 days shall file an application for a sign permit with the planning department. The applicant shall also file a statement of responsibility as required in subsection I.
  8. Standards for Approval.
    - a. Within 7 working days, the director or his designated representative shall act upon the application for a temporary sign permit.
    - b. The action on the application shall be based on character, location and design, including design elements such as material, letter style, colors, sign type or shape, and the provisions of Section 17.08.110 et seq.
    - c. If the action is to disapprove, the notice of disapproval shall specify the reasons for disapproval.
  9. Statement of Responsibility. Each person desiring to post or erect a temporary sign, regardless of duration, shall submit to the planning department, a statement of responsibility in a form approved by the director with a description sufficient to identify the temporary sign, the location of the sign to be posted, and certifying a named individual who is responsible for removing each temporary sign. In the event the responsible individual fails to remove the temporary sign as required by this section, the temporary sign shall be deemed abandoned and may be removed by the city, the cost of which removal shall be payable by the responsible individual.
  10. Removal of Unauthorized, Non-Maintained or Dangerous Signs.
    - a. Temporary signs posted for which a statement of responsibility has not been submitted, and a required permit has not been obtained, are subject to immediate removal by the city without compensation. The city may also pursue legal action under Section 17.04.220.
    - b. Temporary signs which are deemed by the city to constitute a threat to the public health and safety are subject to immediate removal by the city without compensation or prior notice. (Some examples might include signs which are not secured against the wind or were placed in a manner which would interfere with the vision of drivers or pedestrians.) The city's cost of removal shall be payable by the responsible individual.
    - c. Temporary signs for which a statement of responsibility has been submitted, and a required permit has been obtained, and which do not pose a threat to public health and safety are otherwise posted in violation of Section 17.08.110 et seq. shall be subject to removal in accordance with the following procedures:
      - 1) The city shall provide written notice to the responsible individual for each temporary sign established pursuant to subsection I.

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- 2) The sign in violation of Section 17.08.110 et seq. shall specify the nature of the violation and shall direct the responsible individual to remove or alter such temporary sign.
  - 3) If the responsible individual fails to comply with the notice within 3 working days after such notice is mailed, the sign shall be deemed abandoned, and may be removed by the city.
  - 4) The responsible individual shall pay the city for the cost of the sign removal.
- C. Subdivision Sales Signs. Temporary subdivision sales signs, entry signs and special feature signs shall be accompanied by site plan or other pertinent information and approved by the director in order to be permitted in all zones.
1. Subdivision Sales Signs.
    - a. One freestanding subdivision shall be allowed per street frontage.
    - b. Sign Area. The sign face shall not exceed 180 square feet per sign face or 360 square feet in total sign area.
    - c. Height Permitted. Twelve feet measured vertically from ground level at the base of the sign.
    - d. Location. Each sign shall be located on the subdivision and be oriented to read from the street or highway where the sign is permitted. The distance between subdivision signs shall be a minimum of 500 feet.
    - e. Lighting. Subdivision signs may be internally or externally lighted. Continuous or sequential flashing is not allowed.
    - f. Time Limit. Subdivision sales signs shall be maintained only until all the property is disposed of, or for a period of 3 years from the date of issuance of the first building permit. The approved sales sign shall be removed at the end of the 3-year period. The director may extend the permitted time beyond 3 years, if needed by the owner of the property. The owner must make the request in writing.
    - g. Copy. All copy shall relate exclusively to the subdivision being offered for sale.
  2. Subdivision Entry and Special Feature Signs.
    - a. Such signs are permitted and shall be located within a subdivision to facilitate entry and movement.
    - b. Sign Area.
      - 1) Subdivision Entry Signs. The sign face shall not exceed 12 square feet per sign face or 24 feet in total sign area.
      - 2) Special Feature Signs. The sign face shall not exceed 6 square feet per sign face or 12 feet in total sign area.
    - c. Height Permitted.
      - 1) Subdivision Entry Signs. Shall not exceed a maximum height of 8 feet measured from the base of the sign.
      - 2) Special Feature Signs. Shall not exceed 6 square feet in sign area or 12 square feet in total sign area.
    - d. Lighting. Signs shall be unlighted.
    - e. Time Limit. Shall have the same time limit as subdivision sales signs approved for the same tract and shall be removed at the end of such period.



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3. Subdivision Kiosk Signs.

- a. Contents of Application. An application for a subdivision kiosk sign shall be filed as a director's review, and shall contain the following information:
  - 1) A scale drawing of the proposed sign;
  - 2) Proposed location of the sign, including distance from adjacent streets and public sidewalks;
  - 3) The proposed colors of the sign.
- b. Development Standards. All subdivision kiosk signs shall be of a consistent design and shall comply with the following standards:
  - 1) Height. The overall height of the sign shall not exceed 10 feet, measured from the ground level at the base of the sign.
  - 2) Width. The overall width of the sign shall not exceed 6 feet.
  - 3) Individual Sign Panels. Individual sign panels shall not exceed one foot in width and 6 feet in length. Copy on sign panels shall be limited to the name of the subdivision and/or builder, and a directional arrow.
  - 4) Location. Signs may be located on either public or private property, provided that the appropriate agency or property owner has given their written consent. Signs shall not obscure required line of sight visibility for motorists or pedestrians.
  - 5) There shall be no additions, tag signs, streamers, flags, banner devices, display boards, or appurtenances added to the signs as originally approved. Further, no other directional signs shall be used, including but not limited to posters or portable outdoor advertising signs.
  - 6) Subdivision directional signs may advertise tracts either within the city limits or within that portion of the county which is within the city's sphere of influence.
- c. Approval Process.
  - 1) Approval Authority. Application shall be reviewed and approved by the planning department.
  - 2) Building Permit. The applicant shall obtain all necessary construction permits from the public works department.
  - 3) Separate Agreement. The city may, at its discretion, enter into an agreement with a private entity for the purpose of erecting and maintaining subdivision kiosk signs. Such agreement shall be consistent with the provisions of this section, but may also establish other requirements not specifically addressed by this section.

(Ord. No. 989, § 1, 4-9-2013; Ord. No. 1106, § 4(Exh. A), 10-10-2023)

### **17.08.130 Fences, Walls, and Screening.**

- A. Purpose. This section provides regulations for the installation, construction and placement of fences on private residential property. For the purpose of this zoning code, the term "fence" includes fences, hedges, walls or other structures with the functions and characteristics of a fence.
- B. Placement of Fences and Walls.

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1. Fences and walls shall be located behind the property line and behind any utilities or shall be located at least 12 feet behind the face of the curb, or as indicated on any recorded property documentation depicting the location of said utilities.
- C. Measurement of Fence and Wall Height.
1. Fence height shall be measured as the vertical distance between the finished grade from the base of the fence to the top edge of the fence material.
  2. Where the ground elevation within 6 feet of the base of a fence differs from one side of the fence to the other (as when a fence is placed at the top of a slope or on a retaining wall), the height shall be measured from the side with the highest natural grade. (See Section 17.28.030).
- D. Fence Height Limits.

Location	Maximum Height
Within front yard setback or corner lot side yard setback located at or behind the property line	4 feet
Within side or rear yard setback or along/behind corner lot side yard setback located at or behind the property line	6 feet

- E. Consideration for Additional Height. A fence or wall may be constructed to a height in excess of the limits established by subsection 17.08.130.D. with a director's review. The director's review may increase the maximum height regulations not to exceed 25% of the amount specified in Section 17.08.130.D. The director's review shall require that the applicant make the following findings, in addition to the findings required for a director's review listed in Chapter 17.32:
1. The issuance of the permit is reasonably necessary, by reason of unusual or special circumstances or conditions relating to the property, for the preservation of valuable property rights or the full use and enjoyment of the property.
  2. The fence will not create a safety hazard to pedestrians or vehicular traffic.
  3. The appearance of the fence is compatible with the design and appearance of other existing buildings and structures within the neighborhood.
  4. The orientation and location of the fence is in proper relation to the physical characteristics of the site and the surrounding neighborhood.
  5. The fence will be of sound construction.
- F. Fencing for New Production Homes. Fencing for new production homes shall be a masonry wall, adjacent to the rear and side yards, up to 6 feet in height. For the purposes of this standard, "new production homes" means homes that are being, or are proposed to be, constructed as part of a residential subdivision that includes 3 or more lots. The director may approve alternative fencing materials that provide comparable aesthetics and durability.
- G. Fencing for Multifamily Development. Fencing for multifamily developments shall be a masonry wall, tubular steel fence, or comparable material, up to 6 feet in height. For the purposes of this standard, "multifamily development" means properties which contain multiple buildings each comprised of three or more primary units, in the MDR and HDR zones.
- H. Subdivision Perimeter Walls. A masonry wall within a minimum height of five (5) feet and a maximum height of six (6) feet shall be constructed along the perimeter of a subdivision except where the perimeter coincides

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with the front lot line of a lot or accessway. Acceptable materials include brick, stone, or decorative concrete masonry unit (CMU) or pre-cast concrete composed of integrally colored concrete that replicates the appearance of brick, stone, stucco and CMU fences. Painted concrete block is not an acceptable material. Design alternatives shall be approved by the Director..

- I. Prohibited Fence Materials. The use of chain link, barbed wire, razor wire, electrical fence, glass and other similar objects of a hazardous characteristic shall not be permitted for residential uses.
- J. Temporary Fencing. A temporary fence may be installed for vacant properties with an approval of a Director's Review subject to time limits, materials, and other conditions of approval. Temporary fencing materials may include chain link.

(Ord. No. 989, § 1, 4-9-2013; Ord. No. 1070, § 4(Exh. A), 1-14-2020; Ord. No. 1106, § 4(Exh. A), 10-10-2023)

### **17.08.140 Outdoor Lighting.**

The intent of this requirement is to properly illuminate the site without producing an adverse impact on neighboring property. Exterior lighting of the building and site shall be provided, maintained and utilized during the hours of darkness in accordance with the following requirements:

- A. Outdoor Lighting in General.
  - 1. Lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be compatible with the building design.
  - 2. Lighting shall be placed to provide adequate illumination for security and safety.
  - 3. Lighting used to illuminate the premises shall be directed away from adjacent properties.
  - 4. Lighting shall be designed and located in a manner that prevents glare onto adjacent properties.

(Ord. No. 989, § 1, 4-9-2013)

## ***Article IV. Standards for Specific Land Uses***

### **17.08.150 Purpose and Applicability.**

- A. Purpose. This article provides site planning, development, and/or operating standards for certain land uses that are allowed within the residential zones, and for activities that require special standards to mitigate their potential adverse impacts. The land uses and activities covered by this article shall comply with the provisions of the sections applicable to the specific use, in addition to all other applicable provisions of this zoning code.
- B. Applicability.
  - 1. Where Allowed. The uses that are subject to the standards in this article shall be located in compliance with the requirements of this chapter.
  - 2. Land Use Permit Requirements. The uses that are subject to the standards in this article shall be authorized by any required and applicable land use permit.
  - 3. Development Standards. The standards for specific uses in this article are required in addition to those listed elsewhere in the residential chapter of the zoning ordinance. In the event of any conflict between the requirements of this article and those listed elsewhere in the residential chapter of the zoning ordinance, the specific requirements under this article shall take precedence.

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(Ord. No. 989, § 1, 4-9-2013)

### 17.08.160 Residential Accessory Uses and Structures.

The development criteria set forth in this section are intended to provide minimum standards for accessory buildings or structures. Accessory buildings and structures may only be constructed on a lot containing a main dwelling unit. Whenever there is a conflict between these standards and the city's building code, the most restrictive requirement shall apply.

#### A. Standards for Residential Accessory Uses and Structures.

Structure Type	Maximum Height	Distance From Interior/Rear Property Lines	Distance From Main Dwelling Unit	Other Notes
1. Attached accessory structures (patio, etc.)	One story or 12 feet	5 feet	N/A	• Shall remain permanently unenclosed on at least 2 sides, excluding the placement of detachable screens
2. Detached accessory structures 120 sq. ft. or less (small shed, etc.)	8 feet	0 feet	6 feet	
3. Detached accessory structures greater than 120 sq. ft. (shed, gazebo, etc.)	One story or 12 feet	5 feet	6 feet	
4. Detached garages (without 2 <sup>nd</sup> story living area)	20 feet	0 feet	6 feet	• Detached garages built to the property line shall not result in drainage onto neighboring properties
5. Swimming pools and spas	N/A	5 feet	6 feet	
6. Accessory structure and equipment (air conditioner units, pool equipment, etc.)	6 feet	5 feet	0 feet	

Other notes:

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- For accessory buildings that are used for living or sleeping space, see Chapter 17.41, Article I for accessory dwelling units and junior accessory dwelling units regulations.
  - No more than 50% of the required rear yard shall be covered by roofed structures. Infill residential lots (smaller than 7,000 square feet) may have up to 60% of the rear yard covered by roofed structures.
  - All accessory structures are subject to the street side and front yard setbacks established by the underlying zoning designation.

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B. Projections Permitted into Yards. The following projections are permitted in a required yard:

1. Eaves, cantilevered roofs, awnings and similar architectural features may project a maximum distance of 2½ feet into any required front or side yard or 5 feet into a rear yard, provided that such features shall maintain a minimum distance of 3 feet to any property line and are not less than 8 feet in height above grade. Such appendages shall be supported only at or behind the building setback line.
2. Fireplace structures (meeting all requirements of the current state building code), bay windows (not wider than 8 feet measured in the general direction of the wall of which it is a part), fire escapes, exterior stairs, and landings, buttresses and wing walls may project a maximum distance of 2½ feet into any required yard, provided that such features shall maintain a minimum distance of 3 feet to any property line. Such structures shall not be utilized to provide closets or other usable floor area.
3. Decks, platforms, covered and uncovered porches, and landing places including access stairs, which exceed an average height of 2½ feet and do not extend above the level of the first floor may project a maximum distance of 2 feet into required interior side yards, and a maximum distance of 5 feet into required front and side yards, provided such features shall maintain a minimum distance of 3 feet to any property line, and that an open-work railing installed shall not exceed 3½ feet in height.
4. Walls and window-mounted air conditioners, coolers, and fans may be used in any required interior or side yard provided that such equipment shall maintain a minimum distance of 3 feet to any property line.

(Ord. No. 989, § 1, 4-9-2013; Ord. No. 1106, § 4(Exh. A), 10-10-2023)

### **17.08.170 Cargo Container Storage.**

All cargo container uses, except those use by a public agency or entity, or by a non-public or private school, shall comply with all pertinent city codes, ordinances and regulations in addition to the following conditions:

- A. Cargo Containers as Accessory Buildings or Structures. Cargo containers may be used as accessory buildings or structures in the RR-2.5 and RR-1 zones, subject to the following:
1. Containers shall be located only to the rear of the main building, in which a permissible use is occurring;
  2. Containers shall only be used for incidental uses that are permissible in the zone;
  3. Containers shall not be used for commercial purposes or in conjunction with commercial activities;
  4. Containers shall not be closer than 50 feet to any property line;
  5. Containers shall not be stacked on top of each other or on any other structure;
  6. Containers shall not encroach upon, block, obstruct, or reduce in any manner any required exits, windows or vent shafts of structures, or any parking spaces, driveways, private streets, or public rights of way;
  7. Containers shall not be used for human habitation or occupied by individuals for any reason;
  8. Containers shall not have any electrical, plumbing, heating or air conditioning installations or systems, and shall not be connected to a power source;
  9. Containers shall not be unsightly, graffitied, or damaged;

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10. Refuse, garbage, trash and debris, as well as hazardous substances, as defined by state or federal law, shall not be placed or stored in, against, on, or under a cargo container at any time;
  11. Containers shall require a container permit. The number and location of cargo containers used as accessory buildings or structures in the RR-2.5 and RR-1 zones shall be subject to the review and prior written approval of the directors of planning and housing and neighborhood revitalization, or their duly authorized representatives. Upon such approval, compliance with all conditions of approval, and payment of a container permit fee in an amount established by city council, a container permit shall be issued.
- B. Cargo Containers as Temporary Storage. Cargo containers may be used as temporary structures in the R and RR zones, including the following:
1. Storage of materials for public works and other infrastructure improvements.
    - a. Storage of materials and construction equipment used in construction or maintenance of streets and highways, sewers, storm drain, underground conduits, flood control works, pipelines and similar uses, shall not exceed a period of one year.
  2. Storage of building materials for temporary construction.
    - a. This includes storage of building materials, machinery and equipment used in conjunction or development project undertaken pursuant to an active building permit. Storage shall be on the lot or parcel which is part of the project, or on property adjoining the construction or development site with the written consent of the property owner. Storage shall not occur until the building permit is obtained. Storage shall be removed within 30 calendar days after the permit is expired, revoked, or finalized.
    - b. Cargo containers may be used for the temporary construction storage described in subsection A. A cargo container approved pursuant to this subsection shall not require a separate permit. The number and location of cargo containers used for temporary construction storage shall be subject to the review and prior written approval of the building official and directors of planning and housing and neighborhood revitalization or their duly authorized representatives. Application for approval of cargo containers for temporary construction storage shall be made on a city-approved form and shall indicate the number of the building permit obtained for the construction or development project for which the temporary construction storage is requested, the size of each cargo container, the proposed location of each container on the property, and the date on which each container shall be placed on the property.
    - c. The time period for which a cargo container may be used for temporary construction storage is limited to the time when the building permit is active. An active building permit means one that has not expired, been revoked, or been finalized. Cargo containers used for temporary construction storage shall be removed from the property within 30 calendar days of the expiration, revocation or finalization of a building permit.
    - d. Cargo containers used for temporary construction storage shall not exceed 8 feet in width, 8 feet 6 inches in height, and 40 feet in length.
    - e. Cargo containers used for temporary construction storage shall conform to the following standards:
      - 1) Cargo containers shall be set back a minimum of 5 feet from any property line and a minimum of 10 feet from any structure.
      - 2) Cargo containers shall not be stacked on top of each other or on any other structure.

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- 3) Cargo containers shall not encroach upon, block, obstruct, or reduce in any manner any required exits, windows or vent shafts of structures, or any parking spaces, driveways, private streets, or public rights of way.
  - 4) Cargo containers shall not be used for human habitation or occupied by individuals for any reason.
  - 5) Cargo containers shall not have any electrical, plumbing, heating or air conditioning installations or systems, and shall not be connected to a power source.
  - 6) Refuse, garbage, trash and debris, as well as hazardous substances, as defined by state or federal law, shall not be placed or stored in, against, on, or under a cargo container at any time.
3. Storage of household materials during remodeling or other construction work.
    - a. This includes temporary storage of household materials, including but not limited to furniture, appliances, household electronics, clothing and other items of personal property, when a structure is undergoing rehabilitation, repair, remodeling, alteration or other construction work under an active building permit.
      - 1) The number and location of cargo containers used for temporary household storage shall be subject to the review and prior written approval of the building official and directors of planning and housing and neighborhood revitalization or their duly authorized representatives. A cargo container approved under this subsection shall not require a separate permit. Application for approval of cargo containers for temporary household storage shall be made on a city-approved form and shall indicate the number of the building permit obtained for the repair, remodeling, alteration or other work for which the temporary household storage is requested, the size of each cargo container, the proposed location of each container on the property, and the date on which each container shall be placed on the property.
      - 2) The time period for which a cargo container may be used for temporary household storage is limited to the time when the building permit is active. An active building permit means one that has not expired, been revoked, or been finalized. Cargo containers used for temporary construction storage shall be removed from the property within 30 calendar days of the expiration, revocation or finalization of a building permit.
      - 3) Cargo containers used for temporary household storage shall not exceed 8 feet in width, 8 feet in height, and 16 feet in length.
      - 4) Cargo containers used for temporary household storage shall conform to the standards set forth in subsection B.2.e.
  4. Emergency storage of household materials due to disaster circumstance.
    - a. Cargo containers used for emergency household storage shall require a container permit. The number and location of cargo containers used for emergency household storage shall be subject to the review and prior written approval of the directors of planning and housing and neighborhood revitalization, or their duly authorized representatives. Upon such approval, and payment of a container permit fee in an amount established by city council, a container permit shall be issued.



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- b. Cargo containers may be used for emergency household storage for a period not to exceed 15 calendar days. This use may be extended for an additional 10 calendar days upon the prior written approval of the directors of planning and housing and neighborhood revitalization.
      - c. Cargo containers used for emergency household storage shall not exceed 8 feet in width, 8 feet in height, and 16 feet in length.
      - d. Cargo containers used for emergency household storage shall conform to the standards set forth in subsection B.2.e.
    - 5. Storage of household materials used for relocation.
      - a. Cargo containers used for relocation storage shall require a container permit. The number and location of cargo containers used for relocation storage shall be subject to the review and prior written approval of the Directors of planning and housing and neighborhood revitalization, or their duly authorized representatives. Upon such approval, and payment of a container permit fee in an amount established by city council, a container permit shall be issued.
      - b. Cargo containers may be used for relocation storage for a period not to exceed 15 calendar days. This use may be extended for an additional 10 calendar days upon the prior written approval of the directors of planning and housing and neighborhood revitalization.
      - c. Cargo containers used for relocation storage shall not exceed 8 feet in width, 8 feet in height, and 16 feet in length.
      - d. Cargo containers used for relocation storage shall conform to the standards set forth in subsection B.2.e., except as provided in f. of this subsection.
      - e. Cargo containers used for relocation storage may be placed on driveways.
  - C. Existing Cargo Containers.
    - 1. Cargo containers that are present on private real property, for any use or purpose, on the effective date of this section shall be removed within 6 months from the effective date, unless the property owner obtains the requisite approvals and permits in conjunction with temporary uses allowed in subsection B and otherwise complies with all regulations pertaining to cargo containers.
    - 2. This subsection does not apply to cargo containers that are present on real property located in RR-2.5 and RR-1 zones, provided they are brought into conformance with the requirements of subsection B.2.e.
  - D. Exceptions. Except as provided in subsection A, cargo containers shall not be used as accessory buildings or structures, and shall not be placed, maintained or used on private real property at any time except as permitted in conjunction with temporary uses allowed in subsection B. This provision does not apply to the following real property:
    - 1. Real property owned, leased, rented, occupied or used by a public agency or entity;
    - 2. Real property owned, leased, rented, occupied or used by a non-public or private school. For purpose of this subsection, "non-public school" means a private, non-sectarian school that enrolls individuals with exceptional needs pursuant to an individualized education program and is certified by the state department of education. For purposes of this subsection, "private school" means a full-time day school that provides instruction in the several branches of study required to be taught in the public schools of the state, by persons capable of teaching, and that files an annual private school affidavit as required by the state department of education. For purposes of

this subsection, "private school" does not include a school that provides instruction in building used for residential purposes. A non-public or private school is not exempt unless it is operating in conformity with all pertinent land use and technical code regulations.

- 3. Real property utilized for the placement of cargo containers that are used exclusively for the storage of emergency supplies to be used for the benefit of the public by a recognized governmental agency, such as the county fire department, in the event of a disaster or emergency situation. Placement of a cargo container for the storage of private supplies is not included in this exemption. Placement of cargo containers for this purpose shall be approved through a director's review.

(Ord. No. 989, § 1, 4-9-2013)

**17.08.180 Animal Keeping.**

- A. Purpose. Regulations governing animals for the personal use of the family residing on the premises are established in order to provide for the keeping of domestic and wild animals where accessory to the residential use of the property as opposed to maintenance for commercial purposes. The following regulations presume a reasonable effort on the part of the animal owner to recognize the rights of surrounding neighbors by maintaining and controlling animals in a safe and healthy manner.
- B. Keeping of Large Animals in Residential zones.
  - 1. Applicability. The keeping of large animals, such as horses, cows, and similar animals are permitted in Rural Residential zones and the number of animals shall not exceed a total of 8 animals per lot, unless otherwise indicated.
  - 2. Pigs are permitted as follows:
    - a. Pigs shall be permitted on Rural Residential zones with lots or parcels of land greater than one acre in area, at a ratio of one pig per acre.
    - b. They shall not be located not less than 150 feet from any highway and not less than 50 feet from the side or rear lot lines of any lot or parcel.
    - c. They shall not be fed any market refuse or anything other than table refuse from meals consumed on the same lot or parcel of land or grain.
  - 3. Roosters shall be permitted on Rural Residential zones with lots or parcels of land greater than one acre in area, at a ratio of one rooster per acre.
- C. Keeping of Small Animals.
  - 1. The keeping of small animals, such as sheeps, goats, dogs, rabbits, reptiles, aquatic animals, birds and similar animals are permitted as indicated on the table below.

Zone	Aquatic Animals, Birds, Rabbits, Reptiles, & Rodents	Dogs	Cats	Other Small Animal (Including Poultry)	Total Number of Animals per Parcel or Lot

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R, MDR and HDR zones	3	3	3	0	5
SRR and RR zones	3	3	3	3	8

2. Bee Keeping is permitted as follows:

- a. They shall be located in a single-family residential property in a residential zone that is greater than one acre.
- b. Only the common domestic honey bee, *Apis Mellifera* species, at any stage of its development, shall be permitted.
- c. No more than 2 hives may be maintained on any single-family residential property.
- d. All bee colonies shall be kept in hives capable of being inspected and consisting of moveable frames and combs.
- e. Hives must be kept in sound and usable condition at all times.
- f. Hives shall be located in the rear or side yard only. No hives shall be permitted in any front yard or in the street side yard of a corner property.
- g. Hives shall be located at least 5 feet from the side and rear property lines.
- h. Hive entrances shall face away from or parallel to the nearest property line(s).
- i. Hives must either be screened so that the bees must fly over a 6-foot barrier, which may be vegetative, before leaving the property, or be placed at least 8 feet above the adjacent ground level.

D. Keeping of Wild Animals.

1. Antelopes, armadillos, badgers, beavers, camels, deer, foxes, giraffes, hippopotami, kangaroos, koalas, minks, ostriches, otters, peacocks, platypus, porcupines, prairie dogs, raccoons, seals, wallabies, and zebras and other similar animals are prohibited.
2. Animals prohibited by the State of California shall not be allowed to be kept within the City (California Code of Regulations, Title 14, Section 671).

E. Offspring. Young animals born to a permitted animal kept on the site may be kept until such animals are weaned.

F. Therapy and service animals. In accordance with fair housing law, a housing provider shall accommodate a person with a disability who requests a reasonable and necessary animal. Such animals may include, but are not limited to, guide dogs that assist persons with visual impairment, hearing dogs trained to alert those who are hard of hearing, service dogs trained to assist those with mobility impairment, or other animals intended to provide therapy, including emotional support.

G. Standards.

1. Enclosure. All animals shall be properly caged or housed (kept in their corrals, barns, pens, or other enclosures). All such structures shall be fenced or otherwise enclosed to adequately confine the animals. In addition, all such structures or other enclosures shall be classified as an accessory structure and are subject to the development standards of the underlying zone in which it is located.

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2. Maintenance. All buildings used in conjunction with the keeping of small animals including animal enclosures and all other animal keeping areas shall be maintained free from litter, garbage, and the accumulation of animal excrement. All excrement produced by said small animals shall be disposed of on a regular basis so as to control flies and odor.
  3. In addition to Los Angeles County Health Department requirements, all buildings or structures, including, but not limited to barns, corrals, training arenas, etc., used in conjunction with the keeping of small animals shall be located a minimum of 50 feet from any street or highway or any building used for human habitation.
  4. All noise shall be sound attenuated so that the noise level measured at the property line is within the ambient level for the zone in which the site is located.

F. Exceptions.

1. Members of Future Farmers of America (FFA), Head, Hand, Heart and Health (4-H), independent livestock growers, and other similar organizations may have additional animals per the discretion of the Director.

(Ord. No. 989, § 1, 4-9-2013; Ord. No. 1070, § 4(Exh. A), 1-14-2020)

### **17.08.185 Grazing.**

- A. Purpose. Section 17.08.050 permits light agricultural uses as an accessory use, which includes grazing, in the RR-2.5 and RR-1 zones. The following regulations clarify where and in which instances grazing is permitted.
- B. Grazing of animals (e.g., sheep, goats, cattle, etc.) is allowable in the rural zones identified above, in accordance with the following limitations and conditions.
  1. Free range grazing of animal herds is prohibited within the city limits.
  2. All grazing shall occur on property owned by the herder or with express written permission of the property owner.
  3. All grazing animals shall be controlled in a manner that prevents them from straying onto unauthorized property.
  4. The owner of said grazing animals is responsible for ensuring that the animals are moved regularly to prevent the removal of all vegetation. In the event that the over-grazing of animals causes dust control issues, the owner of the animals and/or the property owner shall be responsible for implementing measures to control the dust in accordance with this Code and applicable Antelope Valley Air Quality Management District (AVAQMD) Rules and Regulations.
- C. Alternative energy developments may utilize sheep to control vegetation growth within the fenced boundaries of their facilities, subject to the requirements set forth in subsection B.

(Ord. No. 1022, § 1, 6-13-2017)

### **17.08.190 Day care facilities and centers.**

- A. Purpose and Intent. The availability and affordability of quality, licensed day care is beneficial to the well-being of parents, children and adults with special needs within this community. The purpose of regulating day care facilities and centers within the city shall be to:
  1. Facilitate and encourage the establishment of licensed day care, including child care centers and adult day health/social care facilities;

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2. Specify standards to avoid any adverse effects of such facilities upon surrounding properties; and
  3. Avoid the over-concentration of day care facilities and centers in any neighborhood.

[B. Reserved.]

C. Application Requirements. The following shall be included in each application for a conditional use permit for day care facilities and centers in the residential zones):

1. The application shall indicate the number of individuals to be cared for; the number of employees; hours of operation and outdoor playtime; and state license number. The application and site plan shall clearly show compliance with applicable standards.
2. A site plan (8½ inches by 11 inches) showing: location and dimensions of existing residence and other structures, including: fencing, outdoor play structures and equipment, distance to property line, parking areas, access and traffic circulation. Additional site plan and/or application information may be requested at the discretion of the planning department.
3. An accurate traffic circulation plan showing parking, circulation and drop-off areas.

D. Conditions of Approval. The operation of a day care facility or center, in compliance with a conditional use permit, may be conditioned or limited by the permit, except as may be prohibited by state law applicable to a chartered city, in any manner deemed necessary by the review authority to ensure the preservation of the health, safety and general welfare of the community and the neighborhood where the facility or center is proposed. The scope of permit review and approval shall be limited as required by state law to the following.

1. Space and Concentration. No proposed day care facility or center shall be located closer than 300 feet in all directions from any other day care facility or center, as measured from any point on the exterior walls of both structures. In no case shall a residential parcel be directly abutted by day care facility or center on 2 or more sides.
2. Noise. The operation of any day care facility or center shall comply with all provisions of the city noise ordinance. The review authority may conditions of approval to reduce noise impacts including: solid fencing or other sound attenuating devices, restrictions on outside play hours, location of play areas, and placement of outdoor play equipment.
3. Traffic Circulation. The traffic circulation plan for all day care facilities or centers shall be designed to diminish traffic safety problems. A residence on a primary or secondary arterial street shall provide a drop-off/pickup area designed to prevent vehicles from backing onto the arterial roadway. The care provider may be required to submit a plan of staggered drop-off and pickup time ranges to reduce congestion in neighborhoods already identified as having traffic congestion problems.

E. Required Findings for Approval. No conditional use permit for a day care facility or center shall be granted unless the review authority first makes all of the following findings, in addition to those required by Section 17.32.090 (findings and decision for conditional use permits):

1. The facility or center complies with all applicable requirements of this section; and
2. The facility or center complies with all applicable building and fire code provisions adopted by the state and administered by the county fire department, and the state department of social services licensing requirements.

F. Notification of Proposed Action. Not less than 10 working days prior to the date on which the decision will be made on the application, the city shall provide public notice in compliance to the applicant, and all owners of property within a 300-foot radius of the exterior boundaries of the proposed parcel.

(Ord. No. 989, § 1, 4-9-2013; Ord. No. 1106, § 4(Exh. A), 10-10-2023)

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## **17.08.200 Home Occupations.**

- A. Purpose and Intent. The purpose of this article is to provide the guidelines and restrictions for operating a home occupation (home-based business), from a residential dwelling in the city. It is intended that the home occupation functions as an office, and is secondary to the dwelling's main residential use. In addition, the home occupation shall not detract from nor become incompatible with the surrounding residential uses; and thus, will not interfere with the general welfare of the surrounding residential area.
- B. Conditions for Home Occupations. No home occupation shall be approved unless it complies with this section and all pertinent city codes, ordinances and regulations:
1. Residency. The applicant who holds the home-based business license shall reside at the address location as stated on the home-based business license.
  2. Boundaries. A home occupation shall be conducted only within the enclosed living area of the dwelling unit, accessory building, or the garage, without rendering the garage unusable as the required off-street parking space(s) for the dwelling unit. Home occupation activities shall not be visible or audible beyond the boundaries of the site.
  3. Alterations. There shall be no alteration of any building or structure which would result in a change of the residential occupancy classification under the current the state building code.
  4. Traffic and Parking. The home occupation shall not generate vehicular traffic and/or vehicular parking which degrades or is otherwise detrimental to the residential nature of the neighborhood and thus becomes objectionable to neighboring residents and other affected by such parking or traffic.
  5. Hours of Operation. No customer or client may come to the premises except during the hours of 7:00 a.m. to 10:00 p.m. No deliveries may originate from or be made to the premises except during the hours of 8:00 a.m. to 6:00 p.m.
  6. Commercial Vehicles. No commercial vehicle which has a capacity of more than one-ton shall be parked or stored at the home occupation site other than a recreational vehicle. (The term "commercial vehicle" means as the term as described in the state vehicle code.)
  7. Nuisance. The home occupation shall not create any radio or television interference or create discernible noise, glare, dust, odor, vibrations, or unreasonable disturbance in excess of that which is normal to a residential use of the premises. Nor may the home occupation cause or generate any other condition that interferes with the peace, health, safety or general welfare of people or property in the surrounding area.
  8. Signs and Advertising. There shall be no signs or structures advertising the home occupation business on the residential property. In addition, no other advertisement of the home occupation shall include the address of the residential dwelling where the home occupation is conducted.
  9. Storage. There shall be no exterior storage of materials in the conduct of a home occupation. The storage of materials, equipment, inventory, supplies, and files for home occupation, is only permitted inside the dwelling unit or an entirely closed roofed accessory structure.
  10. Rental Property. No home occupation shall be conducted in a rental unit, without the owner or landlord's permission.
  11. Transferability. Home occupations are valid only for the person and the address approved and are nontransferable. Only persons whose primary residence in the dwelling unit may engage in the home occupation.

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12. Employees. A maximum of one employee is allowed at the home occupation, if located in an apartment or condominium unit; 2 employees is allowed if the home is within an urban residential zone; and 3 employees in rural residential zones.
  13. Sales. No commodity shall be sold or displayed on the premises.
  14. Specific Conditions. The Director may add specific conditions to the approval of a home-based business license in order to address concerns which are not covered by the above conditions and which, in the Director's opinion, are necessary to protect neighboring property from any potential adverse effects of the proposed home occupation.
- C. Prohibited Uses. The following uses shall not be allowed as a home occupation:
1. Ambulance service;
  2. Animal training;
  3. Body piercing;
  4. Construction, preassembly and similar large woodworking operations;
  5. Contractor and construction yards that cause or require outdoor storage;
  6. Cosmetology services including barber and beauty shops;
  7. Forensic testing;
  8. Limousine, taxi or tow truck services; recreational vehicle rentals or automobile leasing; food or ice cream vending vehicles; or other vehicles not normally incidental to a residential use where such motor vehicles would be parked or stored at the home occupation site. This provision does not preclude limited customer or client parking;
  9. Mechanical and electronic repair utilizing, maintaining, or storing more mechanical or electronic equipment on the premises than is common to a residence;
  10. On-site massage therapists;
  11. Pet grooming (not prohibited in RR-1 and RR-2.5 zones, if on appointment basis only);
  12. Rental establishments as described in Section 17.12.040, the permitted uses section of the C zone;
  13. Repair services related to automobiles, motorcycles, large household appliances, small engines, garden equipment, or other machinery;
  14. Sales or production of drug paraphernalia;
  15. Tattoo studio;
  16. Taxidermy;
  17. The manufacturing, sale, lease, or rental of firearms and/or ammunition;
  18. Welding shop and/or metal fabrication;
  19. Uses which are subject to Director's Review or a conditional use permit in the zone where the applicant's residence is located;
  20. Those uses which the Director determines are similar in nature to the uses listed above.
- D. Home-Based Business License. The home occupation shall be required to obtain a business license through the City of Lancaster. The applicant shall fully disclose on the application form all hazardous materials (as defined in Section 17.04.240) which will be stored on-site or used in conjunction with the home occupation.

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The city shall accept only those applications which have provided all of the information required on the application form which applies to the proposed home occupation.

- E. Revocation. Home-based business licenses may be immediately revoked by the Director based upon a finding that any one of the following conditions exists:
1. That the use has changed either in nature or extent to the point that it differs substantially from the use requested in the approved application for the home-based business license.
  2. That the use fails to comply with any condition in subsection B of this section.
  3. That the holder of the home-based business license failed to allow inspections at a reasonable time for the purpose of investigating a complaint or to verify compliance of the home occupation with the required conditions.
  4. That the holder of the home-based business license failed to comply with any applicable city, county, state or federal ordinance, law or regulation including failure to obtain and/or renew a business license.

The Director shall notify in writing the holder of the home-based business license of such revocation and the reasons thereof. The Director's decision may be appealed in accordance with Section 17.36.030.

(Ord. No. 989, § 1, 4-9-2013; Ord. No. 1070, § 4(Exh. A), 1-14-2020)

### **17.08.210 Live-work.**

- A. Definition. As used in this ordinance: a "live-work" use is a business conducted within a dwelling unit or accessory structure by occupants of the dwelling unit. A live-work use is distinguished from a home occupation primarily in that a live-work use can include employees who are not residents of the home, involve a greater number of customers, be located in a larger percentage of a home or accessory building, and have appropriate on-site signage.
- B. Purposes. The purposes of this ordinance are to:
1. Provide for the appropriate development of units that incorporate both living and working space;
  2. Provide flexibility for the development of live-work units, particularly within existing buildings;
  3. Allow for the transition of residential uses along primary arterial streets to office and commercial uses due to their proximity and access to higher volume traffic;
  4. Protect existing, surrounding, and potential uses from conflicts with each other; and
  5. Ensure that the exterior design of live-work buildings is compatible with the exterior design of surrounding buildings in the area, while remaining consistent with the predominant workspace character of live-work buildings.
- C. Permitted Locations for Live-Work Units. Live-work units are permitted in urban and rural residential zones where the property faces and has access from a primary arterial street.
- D. Uses permitted with a Director's Review. The following non-residential uses are allowed in live-work units:
1. Personal and household retail sales and services;
  2. Business support services;
  3. Offices; and
  4. Other similar uses as determined appropriate by the planning director.



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- E. Prohibited Uses. The following non-residential uses are prohibited in live-work units:
1. Restaurants and/or alcohol establishments;
  2. Entertainment uses;
  3. Construction yards;
  4. Any uses involving hazardous materials; and
  5. Any other uses that may result in a negative impact on surrounding uses, including traffic, noise and/or safety, as determined by the planning director.
- F. Development Standards. Construction of the live-work unit as a non-residential structure is permitted within the development standards of the zone that the property is located in, as well as all other applicable building and accessibility regulations.
- G. Conditions of Approval.
1. Parking.
    - a. Two covered or uncovered parking spaces shall be provided for the residential use of the live-work unit.
    - b. Required parking for the non-residential use will be based on the applicable parking standard as determined by the planning director.
  2. Signage.
    - a. Wall business sign permitted: maximum height 18 inches; maximum length 30 percent of façade width; roof sign prohibited.
    - b. Monument sign permitted: maximum 48 inches in height, including base; maximum length 72 inches; for maximum total of 24 square feet per sign face.
  3. Owner or Employee Residency Required. The owner of the property or an employee of the live-work business shall be required to live on the premises.
  4. Employees. Up to 3 persons other than residents of the dwelling may be employed, unless otherwise provided by the use permit.
  5. Hours of Operation. No customer or client may come to the premises except during the hours of 7:00 a.m. to 10:00 p.m. No deliveries may originate from or be made to the premises except during the hours of 8:00 a.m. to 6:00 p.m.
  6. Number of Live-Work Activities. No more than one live-work use is allowed per legal dwelling unit on the property.
  7. Outdoor Storage and Activity. No outdoor storage of materials or equipment related to the business activity shall be permitted. No outdoor activity related to the business activity shall be permitted.
  8. Nuisance. The live-work use shall not create discernible noise, glare, dust, odor, vibrations, or unreasonable disturbance in excess of that which is normal to a residential use, nor shall the live-work use cause or generate any other condition that interferes with the peace, health, safety or general welfare of people or property in the surrounding area.
  9. Specific Conditions. The director may add specific conditions to the approval of a live-work permit in order to address concerns which are not covered by the above conditions and which, in the director's opinion, are necessary to protect neighboring property from any potential adverse effects of the proposed home occupation.

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H. Revocation. Live-work permits may be immediately revoked by the director based upon a finding that any one of the following conditions exists:

1. The use has changed either in nature or extent to the point that it differs substantially from the use requested in the approved application for the live-work permit.
2. The use fails to comply with any condition or intended purpose as described in this section.
3. The holder of the live-work permit failed to allow inspections at a reasonable time for the purpose of investigating a complaint or to verify compliance of the live-work use with the required conditions.
4. The holder of the live-work permit failed to comply with any applicable city, county, state or federal ordinance, law or regulation including failure to obtain and/or renew a business license.

The director shall notify in writing the holder of the live-work permit of such revocation and the reasons thereof. The director's decision may be appealed in accordance with Section 17.36.030.

(Ord. No. 989, § 1, 4-9-2013)

### **17.08.220 Garage conversions.**

All garage conversions shall comply with all pertinent city codes, ordinances and regulations in addition to the following conditions:

- A. Garage Conversion to an Accessory Dwelling Unit or Junior Accessory Dwelling Unit. A garage serving an existing dwelling may be converted an accessory dwelling unit or junior accessory dwelling unit subject to the standards in Chapter 17.41, Article I.
- B. Garage Conversions to Other Living Space. Garages serving and attached to existing single-family detached residences may be converted to expand the living area of such residences, provided that:
  1. The property owner, in writing, absolves the city of all liabilities regarding any deed restrictions that may be applicable to the property.
  2. The garage shall be replaced by 2 covered or uncovered, surfaced, off-street parking spaces on the site in a manner consistent with the character of the neighborhood.
  3. Interior access from the garage to the house shall be kept.
  4. There shall be no door access into the garage facing the street.
  5. The conversion is accomplished in full accordance with all pertinent codes and ordinances as verified by obtaining permits and inspections from all appropriate agencies.
  6. The garage conversion shall meet the design guidelines for enhanced architectural quality and compatibility.
- C. Illegal Garage Conversions. Conversion of a garage to expand the living area of a residence or otherwise render the garage unusable for its original purpose without obtaining appropriate permits and inspections shall be deemed an illegal garage conversion. When a property owner is informed that such an illegal garage conversion exists on his property, the property owner shall comply with the following requirements:
  1. Within 30 days of becoming so informed, the property owner shall pay the required fees and request that the conversion be inspected by building and safety division.
  2. Should building code violations be detected during the inspection of the premises, the building and safety division shall prepare a list of the deficiencies which must be corrected to bring the conversion, and if necessary the residence, into compliance with all applicable building codes.

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3. The property owner shall then exercise one of the following options:
    - a. If the property owner desires to retain the garage conversion he shall correct the deficiencies cited by the building and safety division prior to the expiration of the building permit. Once the deficiencies are corrected and verified by inspection, the conversion shall be considered legal provided that 2 covered or uncovered, surfaced, off-street parking spaces are furnished on the site in a manner consistent with the character of the neighborhood; or
    - b. If the property owner does not desire to correct the conversion deficiencies as cited, he shall remove the conversion and restore the building to function as a garage in accordance with applicable building codes.

(Ord. No. 989, § 1, 4-9-2013; Ord. No. 1106, § 4(Exh. A), 10-10-2023)

#### **17.08.230 Reserved.**

#### **17.08.240 Accessory dwelling units.**

Accessory dwelling units and junior accessory dwelling units are subject to the regulations in Chapter 17.41, Article I.

(Ord. No. 989, § 1, 4-9-2013; Ord. No. 1070, § 4(Exh. A), 1-14-2020; Ord. No. 1106, § 4(Exh. A), 10-10-2023)

#### **17.08.245 Single-room occupancy.**

- A. Definition. A single room occupancy (SRO) is a multiple-tenant building that provides permanent residency to one or 2 people in individual rooms, or to the single room itself, with tenants typically sharing kitchen facilities.
- B. Purpose. Provide a form of affordable private housing for lower-income households, seniors, and persons with disabilities.
- C. Standards. The following standards shall apply to all single-room occupancy buildings:
  1. Each SRO housing unit shall have at least 200 square feet of floor area.
  2. Each SRO housing unit shall have its own bathroom, including toilet, sink and shower.
  3. A community kitchen with facilities for cooking, refrigeration, and washing utensils shall be provided on each floor, or each individual SRO housing unit shall have facilities for cooking, refrigeration, and washing utensils.
  4. Facilities for community garbage storage or disposal shall be provided on each floor.
- D. Application. Any property owner seeking a permit to construct an SRO, including the conversion of an existing building (e.g. hotel) shall submit a director's review application. The Director shall approve the application so long as the SRO complies with all provisions of this section. In the event such application is denied, the appeals proceedings set forth in Chapter 2.44 shall be available to the applicant.
- E. Violations. Any property owner with an SRO which does not comply with all the standards established herein for SROs is subject to prosecution for a zoning violation under Section 17.04.220.

(Ord. No. 989, § 1, 4-9-2013)

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### **17.08.250 Mobilehomes and Manufactured Housing.**

A mobilehome/manufactured housing unit located outside of mobilehome park shall comply with the requirements of this section:

- A. Site Requirements. The site, and the placement of the mobile home on the site shall comply with all zoning, subdivision, and development standards applicable to a conventional single-family dwelling on the same parcel.
- B. Mobile Home Design and Construction Standards. A mobile home outside of a mobile home park shall comply with the following design and construction standards.
  - 1. Roof. The roof of each mobilehome shall exhibit an angle line with an overhang of at least 12 inches on all sides and shall consist of shingles or non-reflective exterior material customarily used on conventionally constructed dwellings.
  - 2. Exterior Siding. Each mobilehome shall be covered with a non-reflective exterior material customarily used on conventionally constructed dwellings. The exterior covering material shall extend to the ground except when:
    - a. The exterior siding, trim, and roof shall be of the same materials and treatment found in conventionally built residential structures in the surrounding area, and shall appear the same as the exterior materials on any garage or other accessory structure on the same site.
    - b. A solid concrete or masonry perimeter foundation is used, in which case the covering material shall extend to 6 inches above final grade; or
    - c. Wood siding is used, in which case such siding is not permitted closer than 6 inches to final grade, provided that the last 6 inches to final grade is fully enclosed with other building code approved materials.
  - 3. Foundation Systems. Each mobilehome shall be attached to a foundation system which shall be in accordance with health and safety code requirements as approved by city building and engineering services.

(Ord. No. 989, § 1, 4-9-2013)

## ***Article V. Solar, Wind, and Alternative Energy Uses***

### **17.08.270 Purpose.**

The purpose of the solar, wind, and alternative energy uses section of this Code is to encourage investment in alternative energy uses in the city, while providing regulations and guidelines for the installation of these uses. The regulations and guidelines shall ensure that solar, wind, and alternative energy uses, whether as primary or accessory uses, are functionally effective and efficient, aesthetically pleasing in design, and complements the structures they are attached to, and the surrounding environment that they are located in.

(Ord. No. 989, § 1, 4-9-2013)

### **17.08.280 Applicability.**

All solar farms (solar photovoltaic electric generation facilities) shall comply with all applicable provisions of the city codes, the state building and utility codes, and the standards of this section.

### **17.08.290 Solar Farms.**

- A. Purpose and Applicability. The purpose of the solar farm (solar photovoltaic electric generation facility) standards is to encourage investment in solar energy on parcels zoned RR-2.5 in the city, while providing guidelines for the installation of solar facilities that complement the surrounding environment. All solar farms shall comply with all applicable provisions of the city codes and the standards of this section.
- B. Approvals Required. As allowed only on properties zoned RR-2.5, the applicant shall submit for and receive approval of a conditional use permit and building permit prior to construction of a solar farm.
- C. Design Requirements.
  - 1. No unscreened outdoor storage of any kind would be allowed on the site.
  - 2. Barbed wire is acceptable on the top of the perimeter fence to provide site security, but razor wire is prohibited.
  - 3. Restroom facilities shall be provided on the project site for use by maintenance staff.
  - 4. Per the direction of the planning director, the applicant shall install landscaping along the perimeter of the project site for screening purposes.
  - 5. Per the direction of the director of public works, the applicant shall dedicate right-of-way for all necessary street improvements.
- D. Findings.
  - 1. The solar farm will be in conformance with the general plan land use designation of non-urban residential and with general plan policy 3.6.6, which states, "consider and promote the use of alternative energy such as wind energy and solar energy."
  - 2. The requested use at the location proposed will not:
    - a. Adversely affect the health, peace, comfort, or welfare of persons living in the surrounding area because the proposed use will be buffered from the surrounding residential zones by vegetation, berms, or other means and the panels and trackers generate minimal amounts of noise.
    - b. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site because the proposed panels are within the height regulations of the rural residential zones and are designed with adequate setbacks from the adjacent street.
    - c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety, or general welfare because adequate sewer, water, drainage, and improvements will be part of the project.
  - 3. The solar farm will not adversely affect other nearby uses because all aesthetic, noise, and other environmental concerns will be mitigated through various design features, including landscaping and screening, and the use of silent or low-noise equipment.
  - 4. The proposed site is adequate in size and shape that accommodate the solar photovoltaic electric generation facility, landscaping, and other development features prescribed in the zoning ordinance or as otherwise required in order to integrate said use with the use in the surrounding areas.
  - 5. The proposed site is adequately served by the surrounding streets, which are of sufficient width and improved as necessary to carry the anticipated daily vehicle trips such use would generate; and by other public and private service facilities, including sewer, water, fire, and police services as required.

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6. The proposed use will not result in a significant effect on the environment because all potential impacts have been found to be less than significant with the inclusion of mitigation measures, or are determined to be acceptable due to overriding considerations.

(Ord. No. 989, § 1, 4-9-2013)

### **17.08.300 Solar Energy Systems.**

- A. Purpose and Applicability. The purpose of the solar energy system standards is to encourage investment in solar energy on all parcels in the city, while providing guidelines for the installation of those systems that are consistent with the architectural and building standards of the city. All solar energy systems shall comply with all applicable provisions of the city codes and the standards of this section.
- B. Approvals Required. The applicant shall submit for and receive approval of a building permit prior to installation of any solar energy system.
- C. Ground-Mounted Solar Energy Systems.
  1. All ground-mounted solar energy systems shall not be located within the required front, side, or rear building setbacks, or front yard area, and shall comply with all applicable height restrictions.
  2. To the extent possible, without compromising the solar energy system's access to the sun, ground-mounted solar energy systems shall be screened from view at-grade from all adjacent streets and adjacent properties.
- D. Roof-Mounted Solar Energy Systems.
  1. Solar panels and accessory equipment shall be designed and located on a house in a manner that minimizes the detrimental impact to the aesthetic appearance of a house.
  2. All solar energy system appurtenances such as, but not limited to, water tanks, supports, wiring and plumbing shall be screened to the maximum extent possible without compromising the effectiveness of the solar collectors, and shall be painted a color similar to the color of the surface upon which they are mounted. Solar collectors are exempt from the screening and color provisions of this subsection.
  3. All roof-mounted solar collectors can be mounted at an optimum angle to the sun for maximum energy production.

(Ord. No. 989, § 1, 4-9-2013; Ord. No. 1070, § 4(Exh. A), 1-14-2020)

### **17.08.305 Implementation of solar energy systems.**

- A. Purpose and Intent. It is the purpose and intent of this section to provide standards and procedures for builders of new homes to install solar energy systems in an effort to achieve greater usage of alternative energy.
- B. Applicability. These specific standards are applicable for all new single-family homes with a building permit issuance date on or after January 1, 2014.
- C. Provision of Solar Energy Systems.
  1. A builder shall provide solar energy systems for new detached single family homes in accordance with the energy generation requirements as listed in Section 17.08.060 of the Lancaster Municipal Code. It is intended that no individual installed system shall produce less than 2 watts per square foot of each home built by the builder. For example a 2,000 square foot home would require builder to install a 4

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- kW system. A builder may also adjust the amount of solar installed after demonstrating to the building official that the zero net energy requirements can be met with the installation of a smaller system.
2. Installation of solar energy systems is required for all new single family detached homes within a production subdivision. A builder may also meet the solar requirement by paying a solar mitigation fee based on the square footage of the living space of each home that is built.
  3. Builders shall demonstrate through building plan check their intention to meet the solar zero net energy requirement.
  4. Builders shall build solar energy systems on model homes, reflective of the products that will be offered to homebuyers.
  5. If a tract is built in phases, the solar energy generation requirement shall be fulfilled for each phase, or release of homes.
  6. Solar energy systems shall meet the development standards and guidelines as described in the Lancaster Zoning Code.
  7. Solar energy systems for multi-family developments may be provided on rooftops, or on solar support/shade structures.
  8. Accessory dwelling units (ADU) that are exempt from the zero net energy requirements.
  9. New single family residential units that comply with the zero net energy requirements shall not be required to comply with the landscaping and irrigation requirements of Section 17.08.110.A.12 and Section 8.30.040.B of the Lancaster Municipal Code with respect to the rear yard area."
- D. Alternative Methods of Compliance. If site-specific situations make it impractical for a builder to meet the requirements of this section, the builder may propose an alternative method of compliance with the intent of this section. An alternative method of compliance shall be approved where the building official finds that the proposed alternative is satisfactory and complies with the intent of the provisions of this section.
- (Ord. No. 989, § 1, 4-9-2013; Ord. No. 1020, §§ 2, 3, 2-14-2017)

### **17.08.310 Vertical-axis Wind Turbine Systems (VAWTS).**

- A. Purpose and Intent. It is the purpose and intent of this section to promote the safe, effective and efficient construction and use of VAWTS on residential lots within the city limits of the city. These regulations are intended to assure that VAWTS are designed and located in a manner that minimizes visual, noise, and safety impacts on the surrounding community. Commercial wind turbines in residential zones are subject to a conditional use permit.
- B. Applicability. These specific standards are applicable for all vertical axis wind turbine system in residential zones allowed subject to approval of a director's review in accordance with Article VI of Chapter 17.32.
- C. Definitions. The following are definitions of specialized terms and phrases used in this section. Definitions of general terms and phrases are located in Section 17.04.240 (definitions).
  - "Director" means the planning director of the city.
  - "FAA" means Federal Aviation Administration.
  - "Guy wires" means wires or cables used in tension to support a tower.
  - "Tower" means the portion of the VAWTS upon which the turbine is mounted.
  - "Tower height" means the height above grade of the fixed portion of the tower measured from the ground to the top of the tower, excluding the VAWTS, blades and wind-measuring devices.

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"USGS" means the United States Geological Survey.

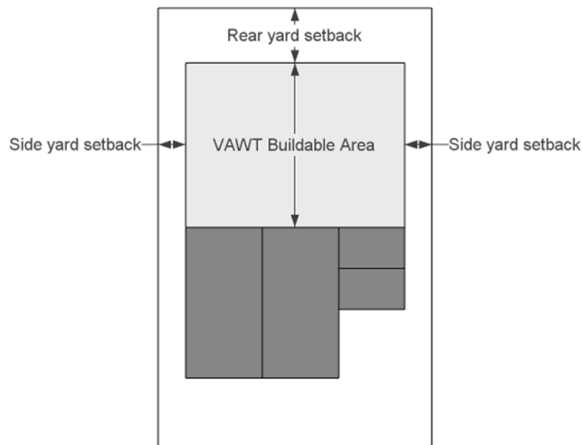
"Vertical axis wind turbine system" ("VAWTS") means a small scale, non-commercial vertical axis wind turbine system, designed with a vertical axis, suitable for residential zones consisting of a wind turbine, tower, blades, associated controls and conversion electronics, which has a rated capacity that does not exceed the allowable rated capacity under the emerging renewables fund of the renewables investment plan administered by the state energy commission and which will be used primarily to reduce on-site consumption of utility power by converting mechanical energy into electricity. For the purposes of this section, "wind turbine" shall mean the same as VAWTS.

- D. **Restriction on Use of Electricity Generated by VAWTS.** A VAWTS shall be used exclusively to supply electrical power for on-site consumption. Electrical power generated by the VAWTS exceeding on-site consumption may be used by the utility company in exchange for a reduction in the cost of electrical power supplied by that company to the parcel for on-site use, as long as no net revenue is produced by such excess electrical power. VAWTS, as allowed pursuant to this section shall not be used for commercial production or profit.
- E. **Type of Device.** Vertical axis wind turbines system (VAWTS) shall meet the following guidelines. All other noncommercial and commercial wind energy conversions system shall meet the requirements outlined in article XI, wind energy conversion systems and shall be subject to a conditional use permit.
- F. **Property Development Regulations.** A VAWTS shall be subject to all applicable regulations of the residential zone in which it is proposed, except that the following standards shall take precedence over the regulations of the residential zones to the extent that they differ. The following shall be deemed to be conditions of approval of every VAWTS unless specifically modified under the director's review and approval process.
  - 1. No part of a VAWTS shall be located within or over drainage, utility, or any other established easements. Each VAWTS shall be setback from the nearest above-ground public communication or electrical line by a distance which is equivalent to the height of the VAWTS.
  - 2. **Blade Clearance.** No part of a VAWTS blade shall extend within 15 feet of the ground, trees, or any other structure.
  - 3. Only one VAWTS shall be allowed per residence.
  - 4. Devices mounted on a building may require strengthening of the existing structure to bear the additional weight and stress created by the VAWTS for which a building permit shall be obtained.
- G. **Yard Requirements.** The following shall apply for building and ground mounted VAWTS in all residential zones:
  - 1. VAWTS shall be located behind the primary building outside of the front, side and rear yard setbacks (refer to Section 17.08.060).
  - 2. Tower height shall not exceed the maximum height of the zone in which the VAWTS is located (refer to Section 17.08.060).



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### Diagram showing allowed location of VAWTS



#### H. VAWTS Standards.

1. Cage Width. Maximum 78 inches (6½ feet).
2. Cage Height. Maximum 84 inches (7 feet).
3. California Energy Commission Approval. The equipment shall meet the state energy commission standards for approved small wind turbines (VAWTS) [[www.consumerenergycenter.org](http://www.consumerenergycenter.org)].
4. Compliance with Aviation Safety Standards. The VAWTS shall comply with all applicable FAA requirements, including any necessary approvals for installations close to airports and other facilities with flight operations in the vicinity such as Fox Field, and Plant 42.
5. Design. A VAWTS must be designed and constructed in accordance with the following:
  - a. Colors. The colors used in the construction materials or finished surface shall be muted and visually compatible with surrounding development.
  - b. Lighting. If required by FAA requirements, all required lights shall be shielded from adjacent properties, and no other lights shall be placed upon the tower.
  - c. Noise. Noise from a VAWTS shall conform with normally acceptable noise standards of 65 dBA at property line.
  - d. Visual Effects. Any VAWTS that is placed within the viewshed of a designated scenic highway or vista shall be assessed for its visual effects, and appropriate conditions relating to setting, buffers, and design of the facility.
  - e. Climbing Apparata. All climbing apparatus for ground-mounted VAWTS must be located at least 15 feet above the ground, and the structure must be designed to prevent climbing within the first 15 feet.
  - f. Automatic Overspeed Controls. VAWTS shall be equipped with manual and automatic overspeed controls to limit the blade rotation speed to within the design limits of the VAWTS.
  - g. Access Doors. If a VAWTS is equipped with access doors, all access doors shall be lockable.
6. Grid Interconnection. The renewable energy must be permanently interconnected to the electrical distribution grid of the utility serving the customer's electrical load. The VAWTS shall interconnect to

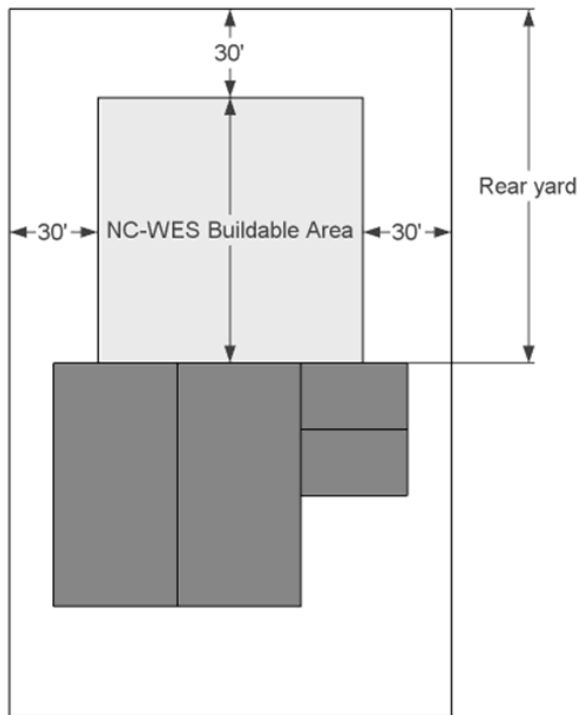
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- the electricity distribution system and must comply with applicable electrical codes and utility interconnection requirements.
7. Maintenance. VAWTS shall be maintained in an operational condition that poses no potential safety hazards.
  8. Removal. Within 6 months after the VAWTS has ceased to operate the permittee shall remove the VAWTS, clear the site of all equipment, and restore the site as nearly as practicable to its condition prior to the installation of the VAWTS. Failure to remove such VAWTS shall constitute as a public nuisance.
- I. The planning director can require additional design criteria or other information as deemed necessary to integrate the proposed VAWTS with the surrounding area.
- (Ord. No. 989, § 1, 4-9-2013)

### **17.08.320 Non-commercial Wind Energy Systems (NC-WES).**

- A. Purpose and Intent. It is the purpose and intent of this section to promote the safe, effective and efficient construction, and use of NC-WES in the rural residential zones (RR-1 and RR-2.5 only). These regulations are intended to assure that NC-WES are designed and located in a manner that minimizes visual, noise, and safety impacts on the surrounding community.
- B. Applicability. These specific standards are applicable for all non-commercial wind energy systems in the rural residential zones (RR-1 and RR-2.5 only), and subject to approval of a director's review in accordance with Article VI of Chapter 17.32. The definitions contained in Section 17.04.240 regarding wind energy conversion systems shall apply to this section.
- C. Development Standards. An NC-WES shall be subject to all applicable regulations of the rural residential zones (RR-1 and RR-2.5 only) in which it is proposed, except that the following standards shall take precedence over the regulations of the rural residential zones to the extent that they differ.
  1. Accessory Use. A NC-WES is considered to be an ancillary structure and may only be placed on a parcel already developed with a primary use, or placed on a parcel concurrent with the development of a primary use.
  2. Minimum Lot Size. The minimum parcel size shall be 40,000 square feet.
  3. Location of NC-WES. A NC-WES shall be located:
    - a. Behind the primary building within the buildable area of the parcel (exclusive of required front, side, and rear yard areas), and located a minimum of 30 feet from any property line. (Note: setback distances shall not apply to guy wires or anchors).
    - b. Shall not be located within or over drainage, utility, or other established easements.
    - c. Each wind turbine shall be setback from the nearest above-ground public communication or electrical line by a distance which is equivalent to the height of the wind turbine.
  4. Blade Clearance. No part of an NC-WES blade shall extend within 15 feet of the ground, trees, or any other structure.
  5. Maximum Tower Height. Tower height shall not exceed 65 feet above grade on any parcel of 5 acres or less. Parcels greater than 5 acres in size may have a maximum tower height of 80 feet.
  6. Maximum Blade Rotor Area Diameter. The overall diameter of the blade area shall not exceed 24 feet.

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7. Compliance with Aviation Safety Standards. The NC-WES shall comply with all applicable Federal Aviation Administration (FAA) requirements, including any necessary approvals for installations within an adopted airport land use plan, air installation compatibility use zone (AICUZ), or other recognized over-flight area.
  8. Wind Turbine Approval. Wind turbines must be approved under the emerging technologies program of the state energy commission or any other small wind certification program recognized by the AWEA.
  9. Design. An NC-WES must be designed and constructed in accordance with the following:
    - a. Colors. The colors used in the construction materials or finished surface shall be muted and visually compatible with surrounding development.
    - b. Lighting. Lighting of the tower shall only be permitted if required by, and done in conformance with, the requirements of the FAA.
    - c. Noise. Noise from an NC-WES shall not exceed 65 decibels at any property line.
    - d. Visual Effects. Any NC-WES that is placed within the view shed of a designated scenic highway or vista shall be assessed for its visual effects, and appropriate conditions relating to setting, buffers, and design of the facility.
    - e. Climbing Apparatus. All climbing apparatus must be located at least 15 feet above the ground, and the tower must be designed to prevent climbing within the first 15 feet.
    - f. Automatic Overspeed Controls. An NC-WES shall be equipped with both manual and automatic overspeed controls to limit the blade rotation speed to within the design limits of the NC-WES.
    - g. Access Doors. If an NC-WES is equipped with access doors, all access doors shall be lockable.
  10. Signs. One sign, limited to 18 inches in length and 12 inches in height, shall be posted at the base of the Tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the phone number of the property owner to call in the event of an emergency.
  11. Maintenance. NC-WES shall be maintained in an operational condition that poses no potential safety hazards.
  12. Removal. Within 6 months after the operation of an NC-WES has ceased the permittee shall remove the NC-WES, clear the site of all equipment, and restore the site as nearly as practicable to its condition prior to the installation of the NC-WES. Failure to remove such NC-WES as required above shall constitute a public nuisance.

**Diagram showing allowed location of NC-WES (RR-2.5 and RR-1 only)**



**D. Review and Decision Process.**

1. **Application.** A director's review application in accordance with Article VI of Chapter 17.32 shall be filed for a NC-WES meeting the requirements of this section.
2. **Notice of Application.** The applicant shall submit as part of the director's review, a list of all owners of real property as listed on the latest county assessor's equalized assessment roll, located within 300 feet of the boundaries of the parcel on which the NC-WES is proposed. Written notices shall be given by mail to all such owners of the intent to consider the application for a NC-WES at least 10 days prior to a decision on the application.
3. **Consideration by Planning Director.** The planning director shall review the application for conformance with the requirements of this section and consider any comments received prior to making a decision on the request. The planning director shall approve, approve with conditions, or deny the application. Any decision of the planning director may be appealed to the planning commission in accordance with Chapter 2.44.

(Ord. No. 989, § 1, 4-9-2013)

**17.08.330 Electric Vehicle Charging Stations.**

Electric Vehicle Charging Stations (EVCS). New residential development shall provide for EVCS in the manner prescribed as follows:

- A. Garages serving each new single-family residence and each unit of a duplex shall be constructed with a gang box (4 inches by 4 inches) connected to a conduit linking the garage to the electrical service, with available "Level 2" plug-in voltage of 240 volt, in a manner approved by the building and safety official,

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to allow for the future installation of electric vehicle supply equipment to provide an EVCS for use by the resident.

- B. In new multiple-family projects of 10 dwelling units or less, 20% of the total parking spaces required (all of the 20% shall be located within the required covered parking) shall be provided with a gang box (4 inches by 4 inches) connected to a conduit linking the covered parking spaces or garages with the electrical service, in a manner approved by the building and safety official, to allow for the future installation of electric vehicle supply equipment to provide EVCSs at such time as it is needed for use by residents. EVCSs shall be provided in disabled person parking spaces in accordance with state requirements.
- C. In new multiple-family projects of more than 10 dwelling units, 10% of the total parking spaces required (all of the 10% shall be located within the required covered parking) shall be provided with a gang box (4 inches by 4 inches) connected to a conduit linking the covered parking spaces or garages with the electrical service, in a manner approved by the building and safety official. Of the total gang boxes provided, 50% shall have the necessary electric vehicle supply equipment installed to provide active EVCSs ready for use by residents. The remainder shall be installed at such time as they are needed for use by residents. EVCSs shall be provided in disabled person parking spaces in accordance with state requirements.

(Ord. No. 989, § 1, 4-9-2013)

## ***Article VI. Specific Provisions for Designated Uses Subject to Conditional Use Permits***

### **17.08.340 Residential Planned Development (RPD).**

- A. Purpose and Intent. The purpose and intent of the residential planned development (RPD) is to allow for project designs that do not entirely meet the regulatory standards in this chapter, but do meet the design objectives of the general plan and design guidelines. The RPD promotes high-quality, well-planned developments with residential features and amenities beyond those typical of conventional development, including innovative site layout and design, high-quality architecture, enhanced pedestrian connections and provision of trails, parks and open space. The RPD also allows for project design that is sensitive to the unique physical characteristics of the site (such as clustering units to avoid development in flood-prone areas), or other circumstances that warrant special methods of development. The RPD would reduce developmental problems in hillside areas and preserve areas of natural scenic beauty through integrated planning and design, and unified control of development. It is further the purpose of this section to establish development standards for the RPD that will result in a project that is superior to conventional development, in exchange for greater flexibility and intensification of land use.
- B. Applicability. These specific standards are applicable for all residential planned developments in zones in which they are allowed subject to the granting of a conditional use permit.
- C. Standards. The following standards shall apply to all residential planned developments:
  - 1. Area. The proposed development plan shall encompass a gross area of not less than the acreage specified below by the zone in which the property is located:

Zone	Minimum Area
RR, SRR, R, MDR, HDR	5 acres

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2. The proposed development plan for an area less than specified above may be considered when there is no effective way to develop the property under conventional standards.
  3. Density. In an RPD, the number of dwelling units shall be within the density range for the subject property as specified by the zone.
  4. Type of Structures. Dwelling units may be single-family attached or detached structures, duplexes or multiple-family residential structures depending upon adjacent development and the compensating features of the development plan. The commission may approve places of public assembly, recreational buildings and accessory buildings if such facilities are for the primary use of persons residing within the planned development project and located so as not to be detrimental to adjacent properties.
  5. RPD Development Standards. A builder shall include a custom development standard table as part of the application.
  6. Open Space and Trails. Open space, paseos and trails shall comprise not less than 15% of the net lot or parcel area exclusive of required yards. Subject to the approval of the commission, open space shall include one or more of the following designated uses or facilities for the use and enjoyment of all the occupants of the planned residential development or appropriate phase thereof:
    - a. Common open space developed for recreational purposes;
    - b. Areas of scenic or natural beauty forming a portion of the proposed development;
    - c. Present or future recreational areas of noncommercial nature including parks and playgrounds. Where specifically approved by the commission, green fees or similar charges related to use of a golf course or similar open recreational use may be permitted, provided such charges are incidental to operation of said facilities, are not primarily commercial in nature, and do not alter the character of said recreational facility;
    - d. Hiking, equestrian or bicycle trails;
    - e. Landscaped portions adjacent to streets or highways which are in excess of minimum required rights-of-way or yards;
    - f. Other similar areas determined appropriate by the commission. In approving said open space, the commission shall give consideration to the project to be developed, the characteristics of such open space, the manner in which the open space is to be improved and maintained, and such other information as the commission deems pertinent. Reservation of open space shall be made a condition of approval. Such reservation shall be by public dedication, establishment of a maintenance district, common ownership, or other satisfactory means to insure the permanent reservation of and, where appropriate, perpetual maintenance of required open space.
  7. Distribution of Open Space. Projects developed in phases shall be designed so that each successive phase will contain sufficient open space to independently qualify under the provisions of subsection C.5, provided however, that where the applicant submits development plans indicating to the satisfaction of the commission that the proposed development will provide as well or better for planned residential development within the intent of this section, the commission may approve a division of open space encompassing more than one phase. Where a division of open space will encompass more than one phase, the applicant shall provide the commission with a map indicating cumulative allocation and utilization of open space for each successive phase in each subsequent application.
  8. Landscaping. The RPD shall adhere to the provisions of Section 17.08.110 (landscaping) unless the builder proposes a landscaping plan with the finding that the project will meet or exceed the design goals and objectives of the general plan and design guidelines.

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9. Street circulation and Connections. The RPD shall be designed to integrate with the adjacent and surrounding land uses through the use of enhanced circulation and connections, with complete streets allowing for safe vehicular, pedestrian and bicycle use. Subject to the approval of the commission, street circulation and connections shall include one or more of the following designated features:
    - a. Street calming features, including corner bulb-outs, mid-block bump-outs, stamped paving, etc.;
    - b. Pedestrian connection features, including cul-de-sac pedestrian access, mid-block pedestrian paseos, pedestrian-only pathways, widened parkways, etc.;
    - c. Bicycle pathways and trails;
    - d. Other features and mechanism in accordance with the master plan of trails and bikeways.
  10. Utilities. The applicant shall submit to the commission, and it shall be made a condition of approval, satisfactory evidence that the applicant has made arrangements with the serving utilities to install underground all new facilities necessary to provide service in the development.
  11. Development Program. The commission shall consider and may approve an appropriate program indicating the development of open space related to the construction of dwelling units, which shall become a condition of approval. Where development is to be completed in phases, the said development may, with the approval of the commission, be coordinated between phases as approved in subsection C.6. The commission may modify, without a hearing, this condition pertaining to the development program based upon an affirmative showing, in writing, of hardship.
  12. Findings for RPD. In addition to all other consistency and health and safety findings applicable to the project, the following findings shall be made in reviewing and approving a residential planned development application for a conditional use permit:
    - a. The residential planned development meets the goals of the city general plan, pertaining to community design, and the objectives to "enhance overall community form, create a vibrant sense of place," and to "improve the city's visual identity by utilizing design standards that instill a sense of pride and well-being in the community."
    - b. The residential planned development adheres to the adopted city design guidelines and the design and performance standards listed in this section, and is consistent with the mission statement of "implementing quality design for timeless architecture that enhances the community's image, pride and quality of life."
    - c. The residential planned development is comprehensive, covers a logical planning area, and provides the opportunity for unique and creative designs that are not possible under the city's typical development regulations.

(Ord. No. 989, § 1, 4-9-2013; Ord. No. 1070, § 4(Exh. A), 1-14-2020; Ord. No. 1106, § 4(Exh. A), 10-10-2023)

## ***Article VII. Mobilehome Parks and Mobilehome Park (MHP) Zone***

### **17.08.350 Purpose and intent.**

The purpose and intent of the mobilehome park (MHP) zone is to provide the means necessary to implement the city general plan, specifically the "urban residential, moderate density" land use designation set forth in the text of the general plan and as delineated on the general plan map. The MHP zone is intended for the exclusive development of mobilehome parks. All mobilehome parks shall be developed in accordance with the standards of

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this section. Mobilehome parks are intended as an alternative mode of affordable housing to the residents of the city.

The MHP zone sets forth standards for mobile-home parks in order to promote a better living environment. Where the city does not have the authority to adopt regulations, the mobile home parks act, Government Code Section 18200 et seq. shall apply. It shall also be the intent of this zone to apply all mobilehome park zone requirements contained herein to all new mobilehome parks created after the effective date of the ordinance codified in this chapter and to apply these same requirements to any additions to existing mobilehome parks created after the effective date of the ordinance codified in this chapter. Existing lots may develop in the MHP zone but no new lots may be created in the MHP zone with a gross area of less than 10 acres.

It shall not be the intent of this chapter to render previously legally created mobilehome parks which do not comply with the new mobilehome park zone requirements of this chapter to be nonconforming where these parks complied with the ordinances in effect at the time of their creation.

(Ord. No. 989, § 1, 4-9-2013)

### **17.08.360 Applicability.**

Mobilehome parks located in the MHP zone are subject to site plan review. Mobilehome parks located outside the MHP zone in a residential zone are subject to a conditional use permit, as provided in Article I of Chapter 17.32. Mobilehome parks located outside the MHP zone shall comply with the development requirements which would be imposed on a single-family residential development in that particular zone including, without limitation, any density considerations which might be applicable.

(Ord. No. 989, § 1, 4-9-2013)

### **17.08.370 Prohibition.**

A person shall not use any premises in the MHP zone except as hereafter specifically permitted in this chapter and subject to all regulations and conditions enumerated in this chapter.

(Ord. No. 989, § 1, 4-9-2013)

### **17.08.380 Permitted uses.**

The following uses are permitted in the MHP zone:

- A. A mobilehome on each designated mobile home space within an approved mobilehome park;
- B. One conventional single-family detached dwelling per mobilehome park. Said dwelling to be for the exclusive use of the caretaker or manager, responsible for operating the park, as a residence and an office. Parking shall be provided in accordance with Section 17.08.140, off-street parking;
- C. Parks, playgrounds, riding and hiking trails, golf courses, lakes, structures, facilities, clubhouses, community centers and similar uses; providing that all such uses are designed for and limited to use by residents of the mobilehome park and their guests, and further provided that such uses are not permitted on the individual mobilehome space;
- D. Public uses (i.e., parks, libraries and fire stations);
- E. Water reservoirs, dams, treatment plants, gauging stations, pumping stations, tanks, wells, and any use normal and appurtenance to the storage and distribution of water. Exception: This use is not subject to site plan review;



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F. Senior mobilehome park in accordance with Section 17.08.305.

(Ord. No. 989, § 1, 4-9-2013)

### **17.08.390 Accessory and temporary uses.**

- A. The following uses are considered as accessory uses to the permitted uses in mobilehome parks:
1. Awnings, enclosed or unenclosed; storage sheds or cabinets; fences, walls or windbreaks, carports, porches, ramps, stairways, garages;
  2. Maintenance or storage buildings;
  3. Solar energy systems, whether mounted on or attached to a mobilehome, building, or mounted on the ground;
  4. Swimming pools and associated uses and structures. All heated pools erected or constructed after the adoption of the ordinance codified in this chapter shall be heated primarily by a solar energy system or any other water heating system which has been demonstrated to be equal or superior to solar systems in energy efficiency.
- B. The following uses are considered as temporary uses in the MHP zone:
1. Building materials, storage of, use in the construction of a building or building project for a permitted use, during the construction and 30 days thereafter, including the contractor's temporary office, provided that any lot or parcel of land so used shall be part of the building project, or on property adjoining the construction site.

(Ord. No. 989, § 1, 4-9-2013)

### **17.08.400 Uses subject to director's review and approval.**

If site plans or other pertinent information for the proposed use are first submitted to and approved by the director in accordance with Article VI of Chapter 17.32, premises in the MHP zone may be used for the following uses:

- A. Home occupation subject to the requirements of Section 17.08.320;
- B. Public utilities (i.e., gas, electric and telephone facilities);
- C. Limited convenience commercial and retail uses designed to serve residents of the mobilehome park.

(Ord. No. 989, § 1, 4-9-2013)

### **17.08.410 Uses subject to conditional use permit.**

The following uses may be permitted provided a conditional use permit has first been obtained as provided in article I of Chapter 17.32, and while such permit is in full force and effect in conformity with conditions of such permit:

- A. Uses necessary to the maintenance of the public health, safety and general welfare.

(Ord. No. 989, § 1, 4-9-2013)

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#### **17.08.420 Mobilehome conversions.**

Any proposal for conversion of an existing mobilehome park shall comply with the requirements of Chapter 11.12.

(Ord. No. 989, § 1, 4-9-2013)

#### **17.08.430 Park development standards.**

In addition to the development standards established in the mobile home parks act, the following minimum development standards shall apply:

- A. Mobilehome park area: 10 gross acres.
- B. Mobilehome park density:
  - 1. Mobilehome park zone: Consistent with the MDR zone classification.
  - 2. Outside mobilehome park zone: Shall not exceed the density specified by residential zone in which the park is located.
- C. Mobilehome park street frontage: 200 feet, continuous frontage on a dedicated public street.
- D. Public street front yard, rear and street side setback for mobilehome park site: 20 feet. Parking is not permitted in these yards.
- E. Interior side yard and rear setback, for mobilehome park site: 10 feet along each boundary line of the mobilehome park.
- F. Maximum building height: 35 feet.
- G. Perimeter public streets and access: Shall be provided in accordance with director's requirements and city standards.
- H. Parking: Each mobilehome space shall be provided with 2 paved parking spaces, both of which must be covered. Each parking space shall not be less than 9 x 20 feet in size and may be tandem.
- I. Guest parking: One guest space for each 4 mobilehome spaces to be located within 200 feet of the spaces they serve.

(Ord. No. 989, § 1, 4-9-2013)

#### **17.08.440 Perimeter.**

The mobilehome park shall be designed and developed in a manner compatible with and complementary to existing and potential residential development in the immediate vicinity of the project site. Site planning on the perimeter shall give consideration to protection of the property from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences within the development.

(Ord. No. 989, § 1, 4-9-2013)

#### **17.08.450 Landscaping and screening.**

All yards and setbacks required for mobile home parks shall be landscaped and shall appear similar to conventional residential developments. A decorative masonry wall 6 feet in height shall screen the mobile home

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park and shall be located 20 feet from the back of the sidewalk on a street frontage and on the property line elsewhere. The landscaping shall be permanently maintained and shall consist predominantly of drought-resistant trees and vegetation in accordance with Title 8, Chapter 8.50, landscaping installation and maintenance; and Title 8, Chapter 8.30, residential landscaping installation and maintenance.

(Ord. No. 989, § 1, 4-9-2013)

### **17.08.460 Signs.**

A person shall not use any sign except as specifically permitted in this section and subject to all regulations and conditions set forth in this title. The following signs are permitted or required, as specified, in all mobilehome parks:

- A. There shall be no more than one wall sign or single- or double-faced freestanding sign designating the name of the mobilehome park premises, facing or adjacent to each street from which there is access to the property. The height of a freestanding sign shall not exceed 8 feet, measured vertically from the base at ground level to the apex of the sign. The total sign area of all wall and freestanding signs (excluding directional signs) shall not exceed 2 square-foot for each linear-foot of street frontage, and no sign shall exceed a total sign area of 32 square feet. Freestanding signs may be lighted only by continuous internal light.
- B. One directional sign, not to exceed 10 square feet in area, may be placed at each entrance or exit driveway of the mobilehome park. No such sign shall exceed a height of 3 feet measured vertically from the base at ground level to the apex of the sign. Directional signs may be lighted only by continuous internal light.
- C. There shall be a directory diagram readily visible from all entrances to the park on which is posted a map of the park showing the location of all facilities, the layout and names of all interior streets, and the location and lot number of all mobilehome spaces. Such diagram shall be of a size to be easily readable by a person with normal vision, shall be illuminated during the hours of darkness, and shall be protected from the elements by being placed in a permanent glass or plastic device.
- D. Each mobilehome shall be identified by a space number conspicuously posted and of such size and type so as to be clearly readable after dark and in accordance with city standards.

(Ord. No. 989, § 1, 4-9-2013)

### **17.08.470 Senior mobilehome park.**

The purpose of the senior mobilehome district overlay is to provide various development and preservation incentives to make the development and maintenance of senior mobilehome parks attractive to mobilehome park owners and developers while, at the same time, providing assurances that existing senior mobilehome parks within the overlay district remain available to seniors. Senior mobilehome parks shall comply with the following requirements:

- A. Zoning Map Designation. Adoption of a senior mobilehome park overlay (MHP-S) shall be by a zone change in accordance with chapter 17.24. Such zone change may be initiated by either the mobilehome park owner or the city.
- B. Qualification for Inclusion of Properties within the Senior Mobilehome Park Overlay (MHP-S). Properties that are designated to be within the senior mobilehome park overlay zone shall be those properties operated as or proposed to be developed as a senior mobilehome park in which at least one occupant of each mobilehome is 55 years or older.

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- C. Land Use Regulations. At least 80 percent of the spaces in mobilehome parks in the senior mobilehome park overlay district shall be occupied by at least one person 55 years or older. If an existing mobilehome park met this qualification on August 14, 2007, and fell below the 80 percent requirement between that date and the effective date of the ordinance codified in this section, the senior mobilehome park overlay district shall be applied to that mobilehome park, and that park shall be required to operate as a senior mobilehome park by renting spaces and mobilehomes only when at least one occupant of the mobilehome is 55 years or older. The signage, advertising, park rules and regulations, and leases for spaces in mobilehome parks in the senior mobilehome park overlay district shall state the park is a senior park.
  - D. Development New or Expansion of Existing Senior Mobilehome Park. A site plan review shall be required for any proposal to develop a new senior mobilehome park or expand an existing senior mobilehome park. A new senior mobilehome park and the expansion area of an existing senior mobilehome park shall comply with the development standards, perimeter treatment, landscaping, screening signage requirement, and use restrictions of this article.
  - E. Limitations on Rentals. Spaces and mobilehomes in a mobilehome park in the senior mobilehome overlay district shall be rented only to occupants who meet the age requirement set forth in subsection A. provided, however, that if the occupants of a space or mobilehome who do not meet this requirement rented the space or mobilehome before the adoption of this chapter, they shall be allowed to remain, and provided further that when such occupants cease to occupy a space or mobilehome, the home and space cannot thereafter be rented except to occupants who meet that age requirement.
  - F. Exemption from Abatement of Nonconforming Uses. Notwithstanding the provisions of Article VII of Chapter 17.32, senior mobilehome parks that have become nonconforming as to the underlying general plan or zoning designation shall be deemed to be legal and conforming uses.
  - G. Expansion of Existing Senior Mobilehome Parks. Notwithstanding the provisions of Article VII of Chapter 17.32, the expansion of an existing senior mobilehome park shall not terminate the legal and conforming status of any previously existing structures or uses in the mobilehome park.

(Ord. No. 989, § 1, 4-9-2013)

## ***Article VIII. Reasonable Accommodation for Persons with Disabilities***

### **17.08.500 Reasonable accommodation.**

- A. Purpose. The reasonable accommodation ordinance provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the federal fair housing act and the state fair employment and housing act in the application of zoning laws and other land use regulations, policies and procedures.
- B. Applicability. A request for reasonable accommodation may be made by any person with a disability (or their representative), when the application of zoning law or other land use regulation acts as a barrier to fair housing opportunities. A request for reasonable accommodation may include a modification or exception to the standards for the siting, development and use of housing that would result in the removal of regulatory barriers and provision of equal housing opportunity.
- C. Application Requirements. Requests for reasonable accommodation shall be submitted on an application form provided by the planning department, or in the form of a letter, to the planning director and shall contain the following information:

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1. The applicant's name, address and telephone number.
  2. Address of the property for which the request is being made.
  3. Record owner of property. In the event the nature of the requested accommodation is one that would ordinarily require the consent of the landlord or property owner, such consent shall be submitted, in writing, with the application.
  4. Description of current uses of the property.
  5. A description of the impairment of major life activities for which reasonable accommodation is requested.
  6. Description of the requested accommodation that is being requested.
  7. The reason why the reasonable accommodation is necessary to ensure equal access to specific property.
- D. Review Authority and Procedure. The planning director, or the planning director's designee, shall make a written determination within 45 days and either grant, grant with modifications, or deny a request for reasonable accommodation based on findings listed in this section and in consistency with the fair housing act.
- E. Findings. The written decision to grant or deny the request for reasonable accommodation shall be consistent with the fair housing act and shall be based on consideration of the following findings:
1. The housing accommodation will be used by an individual disabled under the fair housing act.
  2. The request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the fair housing act.
  3. The requested reasonable accommodation would not impose an undue financial or administrative burden on the city.
  4. The requested reasonable accommodation would not require a fundamental alteration in the nature of a city program or law, including but not limited to land use and zoning.
  5. The requested reasonable accommodation would not impair the reasonable use of adjacent properties.
- F. Decision. The decision shall be based on the ability to make the findings listed in this section, in consistency with the fair housing act, as well as consideration of the accommodation's physical attributes, and whether there are alternative reasonable accommodations which may provide an equivalent level of benefit.
- G. Appeal of Determination. A determination by the reviewing authority to grant or deny a request for reasonable accommodation may be appealed to the planning commission in compliance with Section 17.32.820.
- H. Confidentiality. All information provided in conjunction with a request for reasonable accommodation shall be kept confidential, and shall only be shared with persons properly designated to make or assess a decision to grant or deny the reasonable accommodation request, or unless disclosure is required by law.
- I. Non-transferability. A reasonable accommodation is personal to the applicant and shall not be transferable to, or inure to the benefit of, subsequent owners, tenants, or occupants.

(Ord. No. 989, § 1, 4-9-2013)

## **Chapter 17.10 MIXED USE ZONES**

## ***Article I. In General***

### **17.10.010 In general.**

As used in this title, "mixed use zones" means the MU-N, MU-C, MU-E and MU-TOD zones.

(Ord. No. 946, § 1, 7-13-2010; Ord. No. 1106, § 4(Exh. A), 10-10-2023)

## ***Article II. Mixed Use (MU) Zones***

### **17.10.020 Purpose and intent.**

The purpose and intent of the MU zones are to implement the "mixed use" land use category of the city's general plan. This section regulates developments that combine residential uses with one or more of the following uses: commercial, office professional, light industrial, or community facilities. These regulations facilitate safe, comfortable, and attractive mixed use developments that support pedestrian connections/activities and public transit. The city requires a higher standard of design quality in the Mixed Use zones, in exchange for increased development flexibility for the developer.

It shall not be the intent of this title to render previously legally created building lots or legally constructed buildings which do not comply with the new property development regulations or other requirements of this title to be nonconforming where these lots or buildings complied with the ordinances in effect at the time of their creation or construction. However, proof of compliance with ordinances in effect at the time of creation or construction shall be the sole burden of the applicant or property owner. Such proof may include building permits, minutes of council or commission action, case files, or other documentation. An exception to this may be for a development that is located in an adopted vision plan, in which the existing development may be required to conform in design to match the vision plan.

(Ord. No. 946, § 1, 7-13-2010; Ord. No. 1106, § 4(Exh. A), 10-10-2023)

### **17.10.030 Purposes of the mixed use zones.**

The mixed use zones under the mixed use category each allow for a combination of residential and commercial, office professional and community facilities. The mixed uses are differentiated by their intent and concentration of development type, in consideration of their specific locations and proximity to surrounding uses and public transportation access.

- A. Mixed Use-Neighborhood (MU-N). This zone emphasizes compact residential development, built in close proximity to daily commercial/office uses and services, offering pedestrian connections and gathering spaces, including trails and neighborhood parks. Typical developments in the mixed use neighborhood zone include attached multi-family uses, such as apartments and condominiums, small-lot single-family subdivisions, and smaller commercial and office uses. Neighborhoods containing these developments would have a highly connected street pattern, such as a grid block layout for small-lot single family developments.

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- B. Mixed Use-Commercial (MU-C). This zone emphasizes a more fully integrated residential and commercial mixed use development, characterized by "destination features" and social gathering areas. Mixed use commercial developments are typically located along major arterial streets, and are intended to contribute to the local streetscape through vertical elements of multi-storied structures, built closer to the front property line.
  - C. Mixed Use-Employment (MU-E). This zone is intended to provide an area for non-retail employment uses in close proximity to residential uses. Mixed use employment development would typically include multi-family residential uses in conjunction with office professional, business park-type, and some light industrial uses. This zone is not intended for heavier industrial uses.
  - D. Mixed Use-Transit Oriented Development (MU-TOD). These zones provide the foundation for a complementary mixture of appropriately intensive commercial and high-density residential land uses in close proximity to a defined transit facility. Adopted and incorporated by reference into this category are the following:
    - 1. Lancaster T.O.D. Zones as adopted by the city council on February 24, 2015, generally covering 186 acres within the Downtown Lancaster Transit Village District as established by the Lancaster General Plan.
    - 2. Residential projects and mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use shall be subject to the objective design standards in Chapter 17.41, Article IV and those objective design standards contained within an applicable master plan or specific plan. If there is a conflict between the objective design standards in Chapter 17.41, Article IV and those in the applicable master plan or specific plan, the standards of the master plan or specific plan shall prevail.
  - E. Mixed Use-Health District (MU-H). This zone provides the foundation for the implementation of the Lancaster Health District which allows a mix of commercial, office, medical, and residential uses. Incorporated by reference in the Lancaster Health District Master Plan as adopted by the City Council on April 27, 2021.

(Ord. No. 946, § 1, 7-13-2010; Ord. No. 1003, §§ 1, 2, 2-24-2015; Ord. No. 1106, § 4(Exh. A), 10-10-2023)

Editor's note(s)—The Lancaster T.O.D. Zones referenced in § 17.10.030.D.1 are on file in and available from the city clerk's office. They are also available by going online to the City of Lancaster's website.

#### **17.10.040 Applicability of standards.**

A person shall not use any premises in the MU zones, except as hereafter permitted in this title and subject to all regulations and conditions enumerated in this title. Development and new land uses proposed within the mixed use zones shall comply with the standards in this section for the applicable zones, as follows.

- A. Use. Only the land uses allowed by Section 17.10.050 shall be established in the applicable zone.
- B. Development Standards. Each proposed structure shall comply with the development standards in Section 17.10.060 as required for the applicable zone and development type.
- C. Parking. On-site parking shall be provided, located, and designed in compliance with Section 17.10.060 for the applicable zone.
- D. Other Design Requirements. All other requirements listed in Section 17.10.060, Section 17.10.070 and all applicable guidelines in the Lancaster Design Guidelines shall apply. All residential developments which meet the objective development standards in Section 17.10.060 and the objective design

standards in Chapter 17.41, Article IV, shall be deemed to have met the discretionary design standards in 17.10.070 and applicable guidelines.

- E. Cargo containers utilized exclusively for the storage of emergency supplies to be used for the benefit of the public by a recognized governmental agency, such as the Los Angeles County Fire Department, in the event of a disaster or emergency situation, may be approved in the MU zones through a director's review. Placement of a cargo container for the storage of private supplies is not allowed.

(Ord. No. 946, § 1, 7-13-2010; Ord. No. 964, § 1, 5-24-2011; Ord. No. 1106, § 4(Exh. A), 10-10-2023)

### 17.10.050 Uses and permit requirements.

- A. Uses and Permit Requirements. The uses and permit requirements applicable to the mixed use zones are identified in the Uses Matrix below and further modified by the use limitation in Section 17.10.050.B. Uses which do not fall into any other category, and are not temporary uses, uses subject to director's review, or uses subject to permit in these zones, shall be subject to interpretation of the director. Site plan review may be required in accordance with Section 17.10.050.C.

Mixed Use Zones — Uses Matrix			
USES	MU-N	MU-C	MU-E
P = permitted use / D = director's review / C = conditional use N/A = not allowed			
<b>Retail/Service:</b>			
Retail store	P	P	P
Grocery store/mini mart/neighborhood market	P	P	P
Personal services	P	P	P
Tattoo/body piercing	N/A	D	D
Pawn shops	N/A	D	D
Restaurants/cafe/bakery/deli	P	P	P
Bar/nightclub/dance club	N/A	C	C
Art gallery	P	P	P
Bank/credit union	P	P	P
Entertainment (theater, live music, karaoke, comedy, etc.)	D	D	D
Health and fitness services	D	D	D
Nightclub without alcohol	C	C	C
<b>Auto-Oriented Retail/Service:</b>			
Commercial parking	N/A	C	C
Automotive sales and services	N/A	C	C
Automotive repair	N/A	D	P
Gas station	P/N	P	P
Car wash	C	C	C
<b>Office/Professional/Light Industrial:</b>			
Professional office	P	P	P
Medical/dental office	P	P	P
Light industrial uses	N/A	N/A	P

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<b>Lodging:</b>			
Hotel/motel	C	P	P
Bed and breakfast	D	D	D
Conference/meeting room space	D	D	D
<b>Public/Semi-Public:</b>			
Government office	P	P	P
Day care center	P	P	P
Church/religious institution	C	P	D
Post office	P	P	P
Private school, trade and vocational schools	C	P	P
Recreation/museum/cultural	D	P	P
<b>Residential:</b>			
Detached single-family unit or duplex	P	P	N/A
Multi-family: Condominium/apartment/studio/loft units	P	P	P
Residential facility (as defined in Section 15202 of the Health and Safety Code)	P	P	P
Assisted living facility(15 or fewer units)	P	P	P
Assisted living facility (16 or more units)	C	C	C
Live/Work units (new structure)	D	D	D
Live/Work units (conversion of existing structure)	D	D	D
Low barrier navigation centers (Subject to Chapter 17.41, Article V)	P	P	P
<b>Temporary/Accessory/Other uses:</b>			
Home occupation/artist studio/home office	P	P	P
Day care as residential accessory use	P	P	P
Accessory dwelling unit and junior accessory dwelling units (Subject to Chapter 17.41, Article I)	P	P	P
Outdoor sales and promotional activities	D	D	D
Carnivals and circuses(subject to the provisions of Chapter 9.46)	D	D	D
Christmas tree lots	D	D	D
Automated banking, movie rental, food vending machines	P	P	P
Stealth wireless telecommunications facilities	N/A	D	D
Structures over 50 feet in height	C	C	C
<b>Prohibited uses:</b>			
Outdoor storage on private property			
Manufacturing/heavy industrial			
Adult only/sexually-oriented businesses			>
Check cashing/payday loans/bail bonds			
Mini-storage			

B. Use Limitations.

1. Limitation on the Sale of Alcohol in All Zones. The sale of alcohol is subject to Chapter 17.42.

2. Auto-Oriented Retail/Service. Existing auto-oriented retail/services uses are permitted in MU-N. New auto-oriented retail/service uses are not permitted in the MU-N zone.
3. Light Industrial Structures or Uses. Light industrial uses or structures are not permitted in the MU-N and MU-C zones. Light industrial uses in the MU-E zone shall be conducted indoors.
4. Non-Residential Uses in the MU-N Zone.
  - a. The size of individual non-residential uses (e.g., individual commercial tenant spaces) within a development shall be limited as specified below. For the purposes of this standard, the size of a use includes the net building area plus any exterior display, storage, work and other exterior activity area associated with that use.

Development Site	Use Size Limit
Development site is comprised of only one lot and that lot is less than 40,000 square feet in size and was established prior to the adoption date of this ordinance (October 10, 2023)	No one use shall exceed 10,000 square feet in size.
All other development sites	No one use shall exceed 25% of the total development square footage within the development.

5. Residential Uses in the MU-C Zone. Single-family and duplex structures are not permitted.
- C. Site Plan Review. Except as specified in subsection D, a site plan (with vicinity map) and building elevations, drawn to scale and reflecting the accurate dimensions of the buildings and property, shall be required of any person seeking to erect new buildings or structures, make additions to any existing buildings or structures, site temporary commercial coaches, or otherwise grade, improve or develop any lot or portion thereof for a permitted use prior to the issuance of any grading or building permit. The site plan shall be accompanied by an appropriate development application and both shall be filed with the community development department. The director or his designated representative shall review the site plan for conformance with the provisions of this title. The site plan shall demonstrate conformance with height regulations, property development regulations, sign regulations or a sign program required by the city for multiple-tenant projects, off-street parking requirements, the adopted City of Lancaster Design Guidelines, any other requirements established for the adopted zoning designation in which the property(ies) is (are) located, and any other applicable city ordinances, standards, guidelines or policies.

In addition to the conditions and requirements imposed by the ordinance codified in this title and other city ordinances, standards, guidelines and policies, the director may place conditions on the approval of the site plan where the director finds that such action is necessary to protect the public health, safety and welfare. At such time as the site plan complies with the requirements of the ordinance codified in this title and other city ordinances, standards, guidelines or policies, the site plan shall be approved by the director or his designated representative.

The site plan approval shall be valid for 2 years from the date of approval. A site plan shall be considered "used" when the slab of a major building in the project is poured and inspected, although circumstances in each case may vary and the final determination as to "use" of a site plan review shall be made by the director. Three one-year extensions of the approval may be granted by the director provided such written request for an extension is received not less than 60 days prior to expiration, and any significant environmental changes which have occurred since the original approval have been addressed. Any extension granted shall be conditioned to comply with the city's current design guidelines as adopted by the city council, unless the applicant can demonstrate to the director's satisfaction that such compliance will impose an undue hardship on the project. In the event the site plan or an extension thereof is denied, the applicant

may appeal the decision in accordance with Section 17.36.030. All projects constructed in accordance with an approved site plan shall be permanently maintained as approved. Any desired subsequent changes shall be submitted for approval as an amendment to the site plan. Prior to occupancy the site shall be inspected for compliance with the site plan. All improvements shall be installed and functioning before occupancy will be allowed.

When the appropriate development application is filed per subsection A of this section it shall be accompanied by the filing fee established by resolution of the city council.

D. Exempt From Site Plan Review.

1. Site plan review is not required for the following uses where these uses are identified as a permitted use in the Mixed Use Zones—Uses Matrix in subsection A:
  - a. Detached single-family unit or duplex.
  - b. Residential facilities.
  - c. Low barrier navigation centers (subject to Chapter 17.41, Article V).
  - d. Home occupation/artist studio/home office.
  - e. Day care as residential accessory use.
  - f. Accessory dwelling unit and junior accessory dwelling units (Subject to Chapter 17.41, Article I).
  - g. Automated banking, movie rental, food vending machines.
2. Site plan review is not required for uses subject to director's review (D). Where the director determines that the requirements of site plan review surpass the city's need for project review of a particular development proposal, the director may exercise discretion and apply the provisions of Article VI of Chapter 17.32, Director's Review, in its place.

(Ord. No. 946, § 1, 7-13-2010; Ord. No. 999, § 4, 8-26-2014; Ord. No. 1007, § 5, 10-13-2015; Ord. No. 1093, § 4(Exh. A), 10-11-2022; Ord. No. 1106, § 4(Exh. A), 10-10-2023)

### 17.10.060 Development and design regulations.

- A. Lot Dimensions. The following minimum lot dimensions shall apply to all lots in the MU-N, MU-C and MU-E zones created after the adoption of this section, except those lots created within the boundaries of an approved shopping center or mixed use development to accommodate individual tenants. (Those lots which were legally created, prior to the adoption of this section, in compliance with ordinances in effect at the time of their creation need not comply unless involved in a new subdivision or change in lot configuration other than a lot line adjustment as provided in Title 16 of this code.)

See Section 17.40.070, 17.40.080, 17.40.090.A or 17.40.090.B in the event public use or required street dedication would reduce the net lot area, lot width, or lot depth of an existing lot to less than the required minimum.

Development Type	Minimum Lot Size	Minimum Width	Minimum Depth
<b>Detached single-family unit</b>			
Lots with front driveway access	4,750 sq. ft.	50 ft.	85 ft.
Lots with alley access	3,500 sq. ft.	40 ft.	75 ft.
<b>Multi-family, commercial/office, and mixed use development</b>			

Lots with front driveway access	10,000 sq. ft.*	80 ft.	160 ft.
Lots with alley access	6,000 sq. ft.*	60 ft.	75 ft.
* Minimum lot size for multi-family and mixed use development shall be increased by 1,600 sf per unit for each additional dwelling unit over 2	*1,600 sq. ft. per unit	N/A	N/A
<b>Light Industrial development</b>	15,000 sq. ft.	80 ft.	160 ft.

B. Minimum Setbacks and Street Frontage Standards.

1. Minimum setbacks and street frontage standards are established below.

Location	Minimum Setback	Street Frontage	
		Maximum Setback	Minimum % of Frontage
<b>Street Frontage Standard</b> (see subsection 17.10.060.B.2)			
• Detached single family dwelling and duplexes (not permitted to front onto arterial streets)	10 ft.	18 ft.	65%
• Multi-family building and mixed use buildings with ground floor residential			
• 3 to 15 dwelling units	12 ft.	18 ft.	65%
• 16 or more dwelling units	12 ft.	20 ft.	60%
• Commercial/office buildings and mixed use buildings with nonresidential uses on the ground floor			
• major arterial streets	10 ft.	18 ft.	60%
• all other street lot lines	0 ft.	12 ft.	
• Light-industrial building	12 ft.	20 ft.	60%
<b>Side Yards</b>			
• Single family unit with minimum 10 ft. building separation	0 ft.	N/A	N/A
• Multi-family		N/A	N/A
○ First Floor	10 ft. (First Floor); 15 ft. (Second and Third Floor)		
○ Second and Third Floor			
• All other uses			
• First floor	5 ft.	N/A	N/A
> • Second floor and above	10 ft.		
<b>Rear Yards</b>	10 ft.	N/A	N/A

2. Street Frontage Standards. The street frontage standards apply to the street-facing lot line where pedestrian or vehicular access is available to the site from that frontage.

- a. New buildings, or additions to existing buildings, shall be designed and located so that at least the specified minimum percentage of frontage is occupied by buildings that are located no further from the street frontage(s) than the specified maximum setback.
- b. For those buildings located to comply with the street frontage standards, vehicular driveways and parking areas shall not be located between the facade of a building and the back of the public

sidewalk. In areas of the site where buildings are not located required to be located in compliance with the street frontage standard, a minimum landscaped area of 10 feet in width shall be provided from the back of the sidewalk to any parking area. Such width may be reduced by the approving authority where a parkway design is used to separate the sidewalk from the street curb. Landscaping installation and maintenance shall be in accordance with the requirements of Chapter 8.50.

- c. Use limitations on development sites with frontage on a major or secondary arterial street.
  - (1) Within the MU-C zone, at least 50% of the ground floor that fronts on the arterial must be committed to one or more of the following use categories: Retail/Service, Lodging, or Public/Semi-Public (see Use Matrix).
  - (2) Within the MU-E zone, at least 50% of the ground floor that fronts on the arterial must be committed to one or more of the following use categories: Office/Professional/Light Industrial, Lodging, or Public/Semi-Public (see Use Matrix).
  - (3) For a building's ground floor to be considered committed to a use, the ground floor interior spaces that front on the arterial street must be constructed to building code standards for the use or planned for the use upon completion.
- d. Exceptions to Maximum Setback Standards. Exceptions to the maximum setbacks established in subsection may be granted by the approval authority in the following circumstances:
  - (1) On a corner or multiple frontage development sites, an exception may be granted to reduce the percent of frontage required on one of the frontages where another frontage exceeds the minimum requirement and the overall intent street frontage standard is met.
  - (2) Where people-oriented activity areas, such as outdoor dining locations, are provided at the between the building and the street and designed in such a way as to meet the intent street frontage standard an exception may be granted.
- 3. Projections and Encroachments. The following encroachments are permitted within the area established by street frontage standard.
  - a. Residential porches may encroachment up to 6 feet into front setback. Additional projections may be permitted into yards subject to Section 17.08.160.
  - b. Dining patios associated with restaurants/cafe/bakery/deli uses may encroach into the front setback up to front property line.

C. Building Height.

- 1. Except as specified in Section 17.10.060.C.2, the height of buildings or structures shall be as follows:

Maximum Building Height	
Detached single family dwelling	2 stories
Multi-family building	
• 1 to 15 dwelling units	3 stories
• 16 or more dwelling units	4 stories*
Commercial/office building	50 feet
Mixed-use building	50 feet
Light-industrial building	50 feet
* Up to 5 stories permitted for buildings located on a major arterial.	

- 2. Exceptions to building height.

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- a. The exceptions to height regulations in Section 17.40.630 shall apply.
  - b. Solar collectors may exceed the height limit when mounted on the roof of a legal, conforming building. The right to exceed the height limit shall be exercised only in the event that: there is no other practical means or location for achieving an efficient placement on the building or site in question; such collectors may exceed the height limit only to the extent necessary to achieve efficient placement; in no case shall such solar collectors (or related equipment) encroach more than 5 feet beyond the limit. Also, the placement of a solar collector shall not shade or otherwise diminish the efficiency of existing solar collectors on neighboring property or preclude such property from sufficient solar access to successfully operate a solar energy system sufficient to serve the needs of the business or occupants.
- D. Parking. The automobile parking facilities required by this section shall be provided and permanently maintained as such unless and until a substitute has been provided which is in full compliance with the provisions of this title. The following parking requirements shall be complied with in the mixed use zones:
1. Residential uses (including when a part of a mixed use development) shall be subject to the parking requirements in Section 17.08.100 (Parking and loading in Residential zones) as follows:
    - a. Detached single family dwellings shall be subject to the standards in Section 17.08.100 applicable to a single-family house.
    - b. Multi-family dwelling units with individual enclosed garages serving the unit shall be subject to the standards in Section 17.08.100 applicable to a duplex/triplex/four-plex unit.
    - c. Multi-family dwelling units where parking is provided in one or more shared parking structures, shall be subject to the standards in Section 17.08.100 that are applicable to apartments with 5 or more units apply.
    - d. In addition, following standards apply:
      - (1) Enclosed garages serving individual units shall meet the following standards:
        - The garage door shall be a minimum of 40 feet from the front property line. Detached garage may abut rear property line unless access is from an alley in which case a minimum 26 feet from back of alley is required for sufficient back-up clearance.
        - A covered breezeway, connecting the primary residence to a detached garage, is permitted, provided it is not enclosed.
        - Garages shall include a 100 cu. sq. ft. shelving area for storage. This storage area is intended to encourage residents to use garages for vehicle parking.
        - Maximum driveway width: 12 feet for a driveway providing access to one garage or 26 feet total for driveways providing access to more than one garage. Driveways providing access to one garage shall be separated from other driveways by a minimum buffer of 4 feet of landscaping.
      - (2) On sites with 4 or more dwelling units, one uncovered off-street guest parking space is required for every 4 dwelling unit.
  2. Nonresidential uses (including when a part of a mixed use development) shall be subject to the parking requirements in Section 17.12.220 and Section 17.16.210 (Off-street parking standards in commercial zone and industrial zone) that are applicable to the use type. In addition, the following standards apply:
    - a. On-site parking shall be located a minimum 40 feet from the front property line for light industrial buildings; on-site parking for all other nonresidential uses shall be located a minimum of 36 feet from the front property line.

- b. Reciprocal driveway access between multiple parcels, connecting adjacent parking lots, is required where feasible.
- c. Truck loading docks shall be a minimum of 40 feet from the front property line and screened from street view.
3. Mixed-Use Building. For residential and commercial/office uses, the number of parking spaces shall be in accordance with the requirements listed by use in this section. Parking spaces between residential and commercial/office uses shall not be shared and be specifically identified on site as private residence parking versus public customer parking.
4. Parking requirements may be reduced, at the discretion of the director, if the builder can sufficiently demonstrate, through research and analysis, that the development warrants fewer parking than is required.
- E. Open Space and Landscaping. The landscaping and open space required by this section shall be provided and permanently maintained as such unless and until a substitute has been provided which is in full compliance with the provisions of this title. The following landscaping and open space requirements shall be complied with in the mixed use zones:

Development Type	Minimum Required Open Space	Minimum Required Landscaping
Single family dwellings	N/A	On corner lots, the street side yard facing a corner shall have 10' landscaping.
Multi-family developments	10% of lot area <ul style="list-style-type: none"> <li>• Min. dimensions for shared open space: 20 ft. width and depth for 1 to 15 units</li> <li>• 50 ft. width and depth for 16+ units</li> </ul>	8% of lot area
Commercial/office and mixed use development	10% of lot area (may include dining patio encroachment) Min. dimensions: N/A	8% of lot area
Light-industrial building	N/A	8% of lot area

1. Drought-resistant varieties of plants shall be used in accordance with Title 8, Chapter 8.50, Landscaping Installation and Maintenance; Title 8, Chapter 8.30, Residential Landscaping Installation and Maintenance; and Title 15, Chapter 15.48, Specifications for Landscape Development of the Lancaster Municipal Code, as applicable.
2. Landscaped areas shall be irrigated by an automatic system with separate stations for each hydrozone. The irrigation system shall be designed and equipped to incorporate water conservation techniques, such as drip systems, moisture sensors and anti-drain valves. Sprinkler systems shall be designed to prevent water from falling onto impervious surfaces. The system shall comply with Title 8, Chapter 8.50, landscaping installation and maintenance; and Title 8, Chapter 8.30, residential landscaping installation and maintenance of this code, if applicable.
3. All areas which are not utilized for buildings, sidewalks, vehicle access, or parking, shall be permanently landscaped and maintained.
4. All landscaped planters for interior parking areas shall be completely bordered by a 6-inch concrete curb to prevent runoff.
5. Required Landscaping. The following basic standards shall be observed:

- a. All interior areas of parking lots shall be landscaped with a minimum of one shade tree plus one shade tree for each 4 parking spaces along with other required plant materials.
- b. The minimum required landscaping for parking lots shall be the percentage shown below of the total area used for vehicle ingress, egress, circulation and parking. Only landscaped areas exclusive of curbs shall qualify toward meeting this requirement and no landscaped area with a dimension of less than 2 feet shall be credited toward meeting the landscape requirement.

Parking Lot Size	Minimum Percentage of Parking Lot Landscaping Required
1—4,999 square feet	5%
5,000—19,999 square feet	6%
20,000 or more square feet	7%

- c. Where off-street parking areas abut local or collector public streets, such areas shall be separated from an abutting street by a continuous landscaped planter which extends parallel to the street frontage of the parking area. The planter shall be a minimum of 10 feet in width exclusive of perimeter curbs. Up to one-half of the area of this required landscape planter may be counted toward fulfilling the requirements of the required landscaping for lots under 20,000 square feet.
6. All landscaped areas shall be continuously and properly maintained in good condition.
  7. At least 25% of all trees installed shall be from a 24 inch box, and no tree shall be less than 15 gallon size. At least 50% of all shrubs shall be of 5-gallon size, and no shrub shall be less than one-gallon size. Ground covers shall be planted at no further apart than 6 inches on center.
- F. Fences, Walls, and Screening. Fences, walls and screening for residential development (excluding residential development when a part of a mixed use development) shall comply with the standards in Section 17.08.130.
- G. Building Design Requirements.
1. Primary Entries. All buildings located entirely or partially within the maximum setback shall have a primary entrance directly facing the street frontage and provide direct pedestrian access to the primary entrance from the adjacent street frontage. A primary entrance may be located on the side of a building not directly facing a street frontage provided that the entrance is clearly visible to people from the adjacent street, direct public access is provided, and the building facade directly facing the street has sufficient fenestration and other design elements and treatment to create a visible connection with that street frontage. If necessary, dual building entrances shall be provided; one facing the street frontage, connected to the sidewalk; another facing the parking area. Except for entrances into individual dwellings, primary entrances shall be designed to provide public access to the building.
  2. Windows. The street facing facades of buildings located entirely or partially within the maximum setback should be designed to include windows as a significant percentage of the facade. Blank, windowless facades are not permitted. Windows in nonresidential buildings should be designed to allow views into working area; however, display windows can be provided as an alternative. Residential windows should also consider privacy. Windows of a facade along a zero-lot line facing a neighboring side yard shall be small and have a high sill height, typically 6 feet above the finished floor, or have translucent glazing.
  3. Commercial and Mixed Use Buildings.
    - a. Mixed-use buildings are designed to accommodate a combination of both commercial/office and residential uses. "Vertical" mixed-use developments are designed with retail, service, and/or office uses on the ground floor, with upper floors used for those uses or for residential dwelling



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units. "Horizontal" mixed-use developments have retail, service and/or office uses on the same project site as residential uses, but not within the same building. For "vertical" mixed use developments, residential uses shall be located above non-residential uses. For "horizontal" mixed use developments, non-residential uses shall be oriented closer to the street than residential uses.

- b. Design of ground floor building facades facing a street shall provide the appearance of a storefront. Design elements may include arcades, patios, awnings, and overhangs as appropriate to enhance appearance and use of the space.
  - c. Uses and facilities such as shared parking and open space shall be connected by pedestrian pathways.
- 4. Trash enclosure shall meet the following requirements:
  - a. Trash enclosures shall be located or screened so that they are not visible from primary entrances drive or streets;
  - b. Trash enclosure shall be a minimum of 165 square feet;
  - c. Source separation of recyclable materials shall be accommodated in accordance with state requirements;
  - d. Trash enclosures shall be constructed with a non-combustible, overhanging, trellis or roof cover; and
  - e. Trash enclosures shall be separated from adjacent parking by at least a 6-foot wide planter.
- H. Signs. A person shall not use, install, or construct any sign in the MU-N, MU-C or MU-E zone except as specifically permitted in this section.
  - 1. Signs for commercial developments shall adhere to the standards in Sections 17.12.140 through 17.12.210 of the zoning code (Commercial zone), as well as the design and performance standards in Section 17.10.070.
  - 2. Signs for residential developments shall adhere to the standards in Sections 17.08.120 of the zoning code (Residential zone), as well as the design and performance standards in Section 17.10.070.
  - 3. Signs for light industrial developments shall adhere to the standards in Sections 17.16.140 through 17.16.200 of the zoning code (industrial zone), as well as the design and performance standards in Section 17.10.070.

(Ord. No. 946, § 1, 7-13-2010; Ord. No. 1106, § 4(Exh. A), 10-10-2023)

### **17.10.070 Design and performance standards.**

The following design and development standards shall be met in all mixed use zones. All residential development which meets the objective design standards in Chapter 17.41, Article IV shall be deemed to have met these measures.

- A. Site Design. Develop projects that enhance the sense of place and reflect a commitment to functional efficiency, quality, and neighborhood context.
  - 1. Utilize a grid, or modified-grid block pattern to maximize access and circulation efficiency, with direct pedestrian access to buildings and building entrances that are oriented toward the street, wherever possible.
  - 2. Design loading and service areas away from street frontage.

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3. Carefully design, locate and integrate utilitarian aspects, including trash containers, mail boxes, vending machines, utility boxes, and other similar structures. Use a combination of solid masonry walls, berm and landscaping for screening.
  4. Provide attractive lighting for safety and comfort, consistent with building style, materials, finishes and colors.
  5. Use "safe by design" criteria for visibility, lighting, and access control. Maintain visibility of doors and windows from the street and from within the development.
  6. Provide noise-attenuating protection for noise-sensitive uses and provide privacy for residential uses.
- B. Pedestrian Connections and Amenities. Develop projects with safe and aesthetically-pleasing pedestrian connections, bringing varying uses into close proximity to each other.
1. Use a combination of trees and landscaping for all pedestrian areas, including but not limited to plazas and walkways, for shade and definition. Include amenities such as patios, accent lighting, outdoor seating areas, and other similar enhancements to encourage use and social gathering.
  2. Incorporate paseos, or walk/bike trails, separated from vehicular paths, to provide connectivity throughout developments and to adjacent amenities and services.
  3. Where appropriate, use traffic calming measures to reduce the speed of automobiles within developments and in local residential streets through corner bulbouts and mid-block bumpouts, tree plantings, enhanced paving at crosswalks, and traffic circles or round-a-bouts.
- C. Building Architecture and Form. Provide articulation on all building façades, and include variation in massing, roof form and wall planes. Architecture shall be provided at a pedestrian scale, through the reduction of large wall planes and massing.
1. Articulate walls using details such as insets, awnings, canopies, wing walls, trellises, arcades and colonnades.
  2. Use multiple colors, materials, textures, and applied finishes to help break up wall massing. Avoid blank walls, but also avoid façade repetition.
  3. Provide distinctive entries and window treatments.
  4. Establish continuity and consistency in the design and location of signage.
  5. For all non-residential uses, include parapets to conceal rooftop equipment, chimneys, cooling towers, and solar panels. When possible, place equipment in an enclosure on the ground, in lieu of rooftop.
- D. Transitions and Buffering. Encourage transitions between proposed higher intensity developments and adjacent, less intensive uses to keep disturbance to a minimum.
1. Avoid placement on a project site, elements that may conflict with neighboring residential properties, or other sensitive uses.
  2. Carefully examine the placement of buffers, buildings and parking, where more intense uses are adjacent to sensitive uses, such as residential development. At the same time, provide access between uses.
  3. Step down heights of structures at the edge of developments to be compatible with those in adjacent projects.
  4. Enhance buffers with additional width or increased landscaping. Plant trees and shrubs in voids created by wall variations, at an appropriate scale.

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5. Vary setbacks and wall alignments to soften the edge of the development.
  6. Offset windows from one another between residential units.
  7. Provide a clear distinction between public and private spaces, through the use of height separation, fencing, berm, or a combination of these elements.
- E. Open Space and Common Areas. Provide open space and common areas to enhance quality of life, and to encourage opportunities for social gathering and interaction.
1. For commercial, office and employment centers, provide open space plaza areas for activity, interaction and rest. Provide seating with trees and other furniture providing shade. Decorate plaza areas with enhanced landscaping, lighting, and other ornamental amenities.
  2. Create recognizable focal points by using community amenities in public open spaces and other commonly used community spaces.
- F. Parking and Access. Locate parking areas away from street view, while ensuring functional vehicular access.
1. Use a combination of low masonry walls, berm or landscaping, where no building is screening parking from street view.
  2. Use reciprocal access drives to connect with adjacent properties.
  3. Design on-site circulation system to minimize pedestrian and vehicle conflicts.
  4. Design parking lots by dividing a large parking lot into a series of smaller, connected lots.
  5. Use paving materials varied in texture and color where pedestrian and vehicular areas overlap to minimize the negative impact of large expanses of asphalt. The use of stamped concrete, stone, brick, or granite pavers, exposed aggregate or colored concrete is preferred.
  6. For commercial shopping centers, provide functional, but aesthetically pleasing, cart return areas that are architecturally integrated with the building and site.
- G. Signs. Promote the reasonable, orderly, and effective display of street graphics to foster high quality developments and enhance the economic vitality of business and industry.
1. Ensure that signs associated with multitenant buildings are complementary to one another; a sign program should be prepared in conjunction with applications for development.
  2. Place signs in accordance with façade rhythm, scale and proportion. Signs shall not cover or obscure windows, doors, storefronts, building entrances, cornices, columns, or other architectural elements or details.
  3. Offer a clear, simple message that is unique to a particular business. The number of lettering styles should be limited, and the use of identifiable symbols should contrast with back-ground materials to achieve readability.
  4. Construct signs with durable and weatherproof materials so that they will not discolor, face, crack, rust, or erode.
  5. Signs should show depth and cast shadows. Depth and shadows can be created by mounting individually cut letters and symbols on the sign base or carving letters and by symbols into the base or carving letters and symbols into the base of the sign.
  6. Sign materials and colors should complement the building façade. Basic and simple color applications are encouraged and vibrant and fluorescent colors should be avoided.

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7. The color of letters and symbols should contrast the base or background color of the sign to maximize readability.
  8. Integrate Signage and Lighting. Appropriate methods of sign illumination include unobtrusive and attractive external fixtures, individually illuminated letters, and colorful exposed neon tubing script.
  9. Sign lighting should be directed and shielded to illuminate the sign and not to spill over to other parts of the building or site.
  10. In order to avoid sign clutter, signage shall only be allowed on façades that have building entrances.
  11. The following signs are prohibited in the MU zones: internally illuminated plastic cabinet signs ("can signs"), pole-mounted or lollipop signs, roof-mounted signs and billboards.

(Ord. No. 946, § 1, 7-13-2010; Ord. No. 1106, § 4(Exh. A), 10-10-2023)

### ***Article III. Specific Provisions for Designated Uses Subject to Conditional Use Permits***

#### **17.10.080 Mixed-use Planned Development (MPD).**

- A. Purpose and intent. A developer may choose to propose a project that does not entirely meet the standards in Section 17.10.060, but does meet the overall design intent, through the submittal of a mixed-use planned development (MPD) application. The purpose and intent of the MPD is to allow for greater flexibility and creativity in design, to encourage well-planned neighborhoods and developments, and to provide for appropriate use of land which is sufficiently unique in its physical characteristics.
- B. Applicability. The following standards are applicable for all mixed-use planned developments in zones in which they are allowed, subject to the granting of a conditional use permit.
- C. Standards. The following standards shall apply to all mixed-use planned development:
  1. Area. The proposed development plan shall encompass a gross area of not less than 3 acres.
  2. Open Space. The open space requirements listed in Section 17.10.060 shall apply for mixed-use planned developments.
  3. Landscaping. The landscaping requirements listed in Section 17.10.060 shall apply for mixed-use planned developments.
- D. Findings. In reviewing and approving a mixed-use planned development application for a conditional use permit, the following findings shall be made:
  1. The mixed-use planned development meets the goals of the Lancaster General Plan, pertaining to community design, and the objectives to "enhance overall community form, create a vibrant sense of place," and to "improve the city's visual identity by utilizing design standards that instill a sense of pride and well-being in the community."
  2. The mixed-use planned development adheres to the Lancaster Design Guidelines and the design and performance standards listed in Section 17.10.070, and is consistent with the mission statement of "implementing quality design for timeless architecture that enhances the community's image, pride and quality of life."

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3. The mixed-use planned development is comprehensive, covers a logical planning area, and provides the opportunity for unique and creative designs that are not possible under the city's typical development regulations.

(Ord. No. 946, § 1, 7-13-2010)

## **Chapter 17.12 COMMERCIAL ZONES**

### ***Article I. In General***

#### **17.12.010 In general.**

As used in this title, "commercial zones" means the C, CBD, CPD, H, OP and RC zones.

(Ord. 711 § 14, 1995: prior zoning ord. § 220.000)

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

### ***Article II. General Commercial (C) Zone***

#### **17.12.020 Purpose and intent.**

The purpose and intent of the C zone is to provide the means necessary to implement the city general plan, specifically the "regional," "subregional," and "general commercial" categories, with the exception of that portion of the general commercial designation which lies within the central business district, as set forth in the text of the general plan and as delineated on the general plan map. This zone is also intended to allow the development of neighborhood, community, regional and travel oriented commercial uses within the city. This zone is intended to be consistent with applicable goals, objectives, policies and specific actions set forth by the general plan. This zone is intended to provide for the daily commercial needs of residents of the city and adjoining areas, visitors and businesses, in an urban environment with full urban services.

The provisions of the C zone, including but not limited to the property development regulations and design requirements contained herein, are intended to apply to all new building lots created and to all new construction, including new additions, permitted after the effective date of the ordinance codified in this title.

It shall not be the intent of this title to render previously legally created building lots or legally constructed buildings which do not comply with the new property development regulations or other requirements of this title to be nonconforming where these lots or buildings complied with the ordinances in effect at the time of their creation or construction. However, proof of compliance with ordinances in effect at the time of creation or construction shall be the sole burden of the applicant or property owner. Such proof may include building permits, minutes of council or commission action, case files or other documentation.

(Ord. 711 § 15 (part), 1995: prior zoning ord. § 221.010)

#### **17.12.030 Prohibition.**

A person shall not use any premises in the C zone, except as hereafter permitted in this title and subject to all regulations and conditions enumerated in this title.

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(Supp. No. 10-24, Upd 1)

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(Ord. 711 § 15 (part), 1995: prior zoning ord. § 221.020)

### 17.12.040 Permitted uses – C zones.

Uses and permit requirements. The uses and permit requirements applicable to the commercial zones are identified in the Uses Matrix below. Extensive examples are given for the purpose of clarifying the types of uses allowed by each category. In addition, specific exceptions and development requirements have been applied to certain categories of uses where concerns may arise as to their impact on neighboring properties and the visual attractiveness of the city as a whole. Uses which do not fall into any other category, and are not temporary uses, uses subject to director's review, or uses subject to permit in these zones, shall be subject to interpretation of the director. All uses are subject to any stated exceptions, development requirements, and approval of a site plan as follows:

Commercial Zones — Uses Matrix			
USES P = permitted use / DR = director's review / MUP = minor use C = conditional use / N/A = not allowed	ZONES		
	C	CPD	OP
<b>A. Uses.</b>			
<b>Access for a Purpose Not Permitted in the Subject Zone</b> Access to property lawfully used for a purpose not permitted in the subject zone provided no other practical access to such property is available and such access will not alter the character of the premises in respect to permitted uses in the subject zone.	DR	DR	DR
<b>Agriculture – Crops, Fields</b> This category includes tree, bush, berry and row, nursery stock, flowers and vines, provided that no sludge or biosolid material shall be applied to any land as a soil amendment, roadside stands, retail sale of crops grown on the premises, and signs advertising products produced on the premises.	DR	DR	N/A
<b>Alcohol Beverage Establishments - Major</b> This category is limited to the following uses below and shall be subject to the provisions in Chapter 17.42: a. Bar; b. Convenience Market/Neighborhood Market (Beer, Wine, and Spirits); c. Liquor store; d. Nightclub with alcohol sales.	CUP	CUP	CUP
<b>Alcohol Beverage Establishments - Minor</b> Alcohol Beverage Establishments. This category is limited to the following uses below and shall be subject to the provisions in Chapter 17.42: a. Alcohol production with a minimum 25% and maximum up to 40% retail. A full menu shall be available at all times that alcoholic beverages are offered; b. Bona fide restaurant; c. Convenience market/neighborhood market (beer and wine only) with a <b>minor use permit</b> subject to Section 17.42.060; and d. Grocery store/supermarket/drugstore.	DR*	DR*	CUP

Alcohol sales in conjunction and incidental to the hotel shall be subject to a director's review and subject to Section 17.42.			
Animal Shelter – Public Agency Operated	N/A	N/A	N/A
<b>Automobile, Motorcycle, Truck, Tractor and Boat Sales, Service, Repair, Accessories and Parts</b> This category includes but is not limited to motor vehicle dealerships; auto parts stores; tires, batteries, and accessories stores; brake shops; muffler shops; radiator shops; repair shops, service stations, and similar uses. All repair activities shall be conducted within an enclosed building. This category does not include car washes; establishments engaged in the sale, rental, service or repair of heavy equipment; auto body and paint shops; auto upholstery shops; automobile impound yards; and similar uses. *Note: Auto repair uses and tire sales on lots within 300 feet of residentially zoned property shall be required to obtain a <b>conditional use permit</b> . Automobile body shops and upholstery shops, butane and propane service stations, and car washes open to the public shall be required to obtain a <b>conditional use permit</b> .	P*	P*	N/A
Boarding Kennels	N/A	N/A	N/A
<b>Cannabis</b> This category includes cultivation, manufacturing, distribution, and retail.	N/A	N/A	N/A
<b>Carnivals</b> Subject to the provisions of Chapter 9.46.	DR	DR	N/A
<b>Churches, Religious, Fraternal, or Social Organizations</b> This category includes but is not limited to churches, temples, convents, monasteries, and other places used exclusively for religious worship, and the customary incidental educational and social activities therewith; temporary tent revival meetings (operated at one particular location and provided such location is not within 300 feet of any public park, school or residential zone, and no longer than 7 days in any six-month period); fraternities; lodge halls; societies, and sororities. This category does not include any use which could be construed as a privately owned business. *Note: Revivals or tent meetings, of more than 7 days' duration require a <b>conditional use permit</b> .	P*	P*	N/A
Consignment Store, Pawnshop, Secondhand Store, Surplus Store	DR	DR	N/A
Day Care Center	DR	DR	DR
<b>Eating and Drinking Establishments</b> This category includes but is not limited to restaurants, cafes, delicatessens, fast food operations, ice cream shops, and take-out food operations; any of which may include outdoor dining.	P	P	CUP*
<b>Entertainment and Recreation</b> This category includes but is not limited to amusement rides; banquet, bingo, billiard, dance, or pool halls; bowling alleys; card rooms; carnivals and circuses for longer than 10 days; fortunetelling; golf driving ranges; miniature golf courses; model studios; night clubs without alcohol; shooting ranges; skating rinks; all types of theaters; video game arcades, and similar uses.	CUP	CUP	N/A
Financial Institutions and Services	P	P	P

<p>This category includes but is not limited to banks, credit unions, finance companies, savings and loans, and similar uses.</p> <p>This category does not include pawnshops, establishments which conduct check cashing services for a fee or donation, or establishments which do not loan money as part of their business operations.</p>			
Gun Stores	CUP	CUP	CUP
<p>Health and Fitness Services</p> <p>This category includes but is not limited to exercise/aerobic centers, figure salons, gymnasiums, health and fitness centers, health spas, martial arts schools, and similar uses. This category also includes massage conducted in accordance with Chapter 5.34.</p>	DR	DR	N/A
Heliports or Helistops	CUP	CUP	N/A
<p>Joint Parking</p> <p>This category includes the joint use of parking facilities solely to serve existing buildings or structures subject to Section 17.12.690.B.3.</p>	DR	DR	DR
<p>Long-Term Health Care Facility</p> <p>This category includes:</p> <ol style="list-style-type: none"> <li>1. Intermediate care facility;</li> <li>2. Intermediate care facility/developmentally disabled;</li> <li>3. Intermediate care facility/developmentally disabled—Habilitation;</li> <li>4. Intermediate care facility/developmentally disabled—Nursing;</li> <li>5. Nursing facility;</li> <li>6. Skilled nursing facility.</li> </ol> <p>*Note: The OP zone is limited to long-term health care facilities or senior citizen housing only where such uses share a site with health-related offices and special services, including but not limited to adult or senior day care, chiropractic, dental, hospice care, medical (including nursing), pharmacy, and therapy.</p>	CUP	CUP	CUP*
<p>Offices—Business, Government or Professional</p> <p>This category includes but is not limited to general business offices; federal, state, county, city or special district offices, libraries, and court facilities; associations; unions; and offices conducting accounting, dental, engineering, escrow, insurance, legal, medical, mortgage brokerage, real estate, security, and commodity brokerage, or similar professional services.</p>	P	P	P
<p>Public Safety Facilities and Services</p> <p>This category includes but is not limited to ambulance services, fire stations, highway patrol stations, police stations, and similar uses.</p>	P	P	N/A
<p>Public Utilities</p> <p>This category is limited to the following uses: 1. Publicly owned uses necessary to the maintenance of the public health, safety, convenience, and welfare; 2. Water reservoirs, dams, treatment plants, gauging stations, pumping stations, tanks, wells, and any uses normal and appurtenant to the storage and distribution of water. Exception: This use is not subject to site plan review (Section 17.12.120).</p> <p>*Note: The following uses require a <b>conditional use permit</b>:</p> <ol style="list-style-type: none"> <li>1. Electric transmission substations and generating plants including microwave facilities used in conjunction therewith;</li> <li>2. Gas distribution depots;</li> <li>3. Publicly owned uses necessary to the maintenance of the public health, convenience, or general welfare;</li> <li>4. Public utility service yards.</li> </ol>	P*	P*	P*



<b>Recycling Facilities - Vending</b> This category is limited to reverse vending machines and is subject to the criteria and standards of Section 17.40.300.	P	P	N/A
<b>Recycling Facilities – Small &amp; Large</b> 1. Small Collection Facility. Subject to the criteria and standards of Section 17.40.310. 2. Large Collection Facility. Subject to the criteria and standards of Section 17.40.320. These uses include donation bins, collection bins, and recycling centers.	DR	DR	N/A
<b>Rental Establishments</b> This category includes but is not limited to auto, clothing, equipment, furniture, hospital equipment, mini-storage, recreational vehicles, and similar rental uses. This category does not include the rental of heavy equipment.	P	P	N/A
<b>Repair Services</b> This category includes but is not limited to appliance repair, gunsmiths, jewelry repair, locksmiths, shoe repair, watch repair, and similar repair services. All repairs shall be conducted within an enclosed building.	P	P	N/A
<b>Residential Uses - Existing</b> This category may continue to be used as a permitted use. Expansion of existing residential uses shall be limited to a cumulative total of no more than 500 square feet of floor area.	P	P	P
<b>Residential Uses - Multifamily</b> 1. Multiple-family project, as a separate development in the C zone (subject to the provisions of the HDR-1 zone except where specifically modified by the conditional use permit); 2. Multiple-family project, combined with commercial development as a mixed use where said apartments are attached to the commercial building (for example, as the second story of a commercial retail center), subject to the provisions of Section 17.12.230, Design requirements. *Note: This category may be permitted in the OP zone only in conjunction with a permitted use in which not less than 50% of such residential units shall be above the ground floor.	CUP	CUP	CUP*
<b>Residential Uses – Supportive</b> This category is limited to the following uses: 1. Congregate living health facility, 2. Mobile home or other residence for use by caretaker and his immediate family in accordance with Article VIII of Chapter 17.40, 3. Residential care facility for the elderly, 4. Rooming and boarding houses, 5. State authorized, certified or licensed family care home, foster home or group home serving 6 or fewer mentally disordered or otherwise handicapped persons or dependent and neglected children, if such homes provide care on a twenty-four-hour a day basis. (Required by Section 5116 of the Welfare and Institutions Code). *Note: Transitional homeless shelters shall require a <b>conditional use permit</b> .	DR*	DR*	N/A
<b>Retail Sales Establishments</b> This category includes but is not limited to bona fide antique stores, apparel stores, appliance stores, bookstores (including used books), convenience market (without alcohol sales), craft stores, computer stores, department stores, grocery store/supermarket/drugstores (without alcohol sales), gift shops, hardware stores, jewelry stores, telephone stores, discounted and wholesale/warehouse type stores, and similar retail sales operations. *Note: The OP zone is limited to bookstores, stationery stores, computer stores, office supplies, pharmacies.  This category does not include adult-oriented businesses, pawnshops, secondhand stores (does not include bona fide antique stores), surplus stores, and establishments engaged in the sale of heavy equipment, or establishments engaged in the sale of any item otherwise prohibited by law.	P	P	P*

<b>Schools – Business and Professional</b> This category includes but is not limited to art, barber, beauty, dance, music, real estate, and similar schools. This category does not include any school specializing in gymnastics, health and fitness services, manual training, martial arts, shop work,* or training in the repair and maintenance of machinery or mechanical equipment.	P	P	P
<b>Schools – Small Specialty/Charter</b>	DR	DR	DR
<b>Services – Commercial</b> This category includes but is not limited to answering service, bail bond services, barber and beauty shops, check cashing, credit bureaus, dry cleaners and laundries, duplicating, faxing services, lithographers, microwave stations, mortuaries and funeral homes, moving and storage, parcel delivery terminals, photo engravers, photocopying, printers or publishers, radio and television broadcast studios, tailors, telecommunication/telecommuting offices, telegraph offices, telephone repeater stations, tourist information centers, veterinary offices, and other similar services. This category does not include services which are industrial in nature such as pest control, industrial gases and chemicals, and similar services. *Note: Dry cleaning or laundry plant – wholesale shall require a <b>conditional use permit</b> .	P*	P*	N/A
<b>Services – Office Professional</b> This category is limited to answering service, barber and beauty shops, blueprinting, dry cleaners and laundries, duplicating, faxing services, lithographers, photo engravers, photocopying, telecommunication/telecommuting offices, and telegraph offices.	P	P	P
<b>Sexually Oriented Businesses</b> This category includes but is not limited to adult bookstores, adult motels, adult motion picture theaters, adult theaters, adult cabarets, escort agencies, adult massage parlors, semi-nude model studios, and similar uses subject to the requirements of Ordinance No. 619.	N/A	N/A	N/A
<b>Shopping and Commercial Centers Over 10 Net Acres</b>	CUP	CUP	N/A
<b>Small Wind Energy Systems (Co-located)</b> Subject to the requirements of Section 17.40.690.	DR	DR	N/A
<b>Structures Over Allowed Height</b> This provision also applies to structures over 50' or three stories in the C zones, and over three stories in the OP zone.	CUP	CUP	CUP
<b>Tattoo Parlors and Body Piercing Establishments</b> This use includes microblading and permanent makeup.	DR	DR	N/A
<b>Transient Residential – Hotels &amp; Motels</b>	CUP	CUP	CUP
<b>Transient Residential – Parks</b> 1. Recreational trailer parks in accordance with Section 17.40.540; 2. Travel trailer parks in accordance with Section 17.40.550.	CUP	CUP	N/A
<b>Wireless Telecommunication Facilities – Major</b> This category includes all major wireless telecommunication facilities subject to the requirements of Section 17.40.640.	CUP	CUP	N/A

<b>Wireless Telecommunication Facilities – Minor, Co-located, Stealth</b> This category includes all minor wireless telecommunication facilities, as defined by this chapter, subject to Section 17.40.640 and the height limits of the C zone. Co-located telecommunication facilities within 100 feet of property with a residential zoning designation may be constructed over the required 35-foot height limit subject to review by the director of community development. Stealth telecommunications facilities located more than 100 feet from residentially zoned property may be constructed over the 50-foot height limit, subject to review by the director of community development. See Section 17.40.640 for requirements and design standards.	DR	DR	DR
<b>Other Uses – Conditional</b> 1. Activity node (development of) subject to the requirements of Section 17.08.365. 2. Earth stations. 3. Radio or television transmission towers. 4. Textile products manufactured from previously prepared materials.	CUP	CUP	N/A
<b>B. Accessory Uses.</b>			
<b>Accessory Buildings and Structures</b> This category applies to accessory structures customarily used in conjunction therewith. Cargo containers shall not be used as accessory buildings or structures and shall not be placed on private real property at any time except as permitted in conjunction with temporary uses allowed in Section 17.12.060. This subsection does not apply to the following real property: a. Real property owned, leased, rented, occupied, or used by a public agency or entity; b. Real property owned, leased, rented, occupied, or used by a nonpublic or private school. For purposes of this subsection, "nonpublic school" means a private, nonsectarian school that enrolls individuals with exceptional needs pursuant to an individualized education program and is certified by the California Department of Education. For purposes of this subsection, "private school" means a full-time day school that provides instruction in the several branches of study required to be taught in the public schools of the state, by persons capable of teaching, and that files an annual private school affidavit as required by the California Department of Education. For purposes of this subsection, "private school" does not include a school that provides instruction in a building used for residential purposes. A nonpublic or private school is not exempt unless it is operating in conformity with all pertinent land use and technical code regulations. c. Real property utilized for the placement of cargo containers that are used exclusively for the storage of emergency supplies to be used for the benefit of the public by a recognized governmental agency, such as the Los Angeles County Fire Department, in the event of a disaster or emergency situation. Placement of a cargo container for the storage of private supplies is not included in this exemption. Placement of cargo containers for this purpose shall be approved through a <b>director's review</b> .	P*	P*	P*
<b>Automobile Body and Fender Repair, and Painting and Upholstering Incidental to the Sale of New Automobiles</b> This use may be permitted provided: 1. That all operations are conducted within an enclosed building, and 2. That the use does not exceed 25% of its total area being devoted to service or repair, body and fender repair, painting or upholstery, and 3. That the use does not exceed one paint spray booth, and 4. That all areas or structures used shall be located or soundproofed so as to prevent annoyance or detriment to adjacent or abutting property, and 5. That all damaged or wrecked vehicles awaiting repair shall be effectively screened so as not to be visible from adjacent or abutting property of the same elevation, and 6. That all repair activities as described in this section shall be confined to the hours between 7 a.m. and 9 p.m. daily, and 7. That no damaged or wrecked vehicles shall be stored for purposes other than repair and shall not constitute an automobile impound yard, and 8. That dismantling of vehicles for purposes other than repair or the sale of used parts is prohibited, and 9. That adequate off-street parking be available to permit such activity.	P	P	N/A
<b>Boat Repair (Minor) Incidental to the Sale of Boats</b> This use may be permitted provided all operations, other than the storage of boats held for sale, are conducted within an enclosed building.	P	P	N/A

<b>Day Nursery Care for Children Offered by Employer</b> This use may be permitted provided such services are offered by an employer solely for use by the children of the employees.	P	P	N/A
<b>Eating and Drinking Establishments in Conjunction with Office Uses</b> This category is limited to cafes, delicatessens, ice cream shops, and restaurants that are developed in conjunction with and located in the same building as office professional uses. This category does not include fast food operations, bona fide restaurants, bars, cocktail lounges, nightclubs, or other uses that meet the definition of an on-site alcohol establishment.	P	P	P
<b>Manufacturing, Processing, Packaging, Treating and Storage in Conjunction with the Business Conducted on the Premises</b> This use may be permitted provided: <ol style="list-style-type: none"> <li>1. That such activity is restricted to the ground floor of the building or buildings and does not occupy more than 25% of said ground floor area,</li> <li>2. That not more than 5 employees are engaged in such activity,</li> <li>3. That a commercial appearance is maintained by providing office or window display space or both, along the entire street frontage of the building or buildings, except doorways, to a depth of not less than 2 feet,</li> <li>4. That any portion of the building or buildings devoted to such activity is not nearer than 50 feet to any residential zone,</li> <li>5. That the building is constructed, that the machinery and equipment are installed and maintained, and that the activity is conducted in such a way, that all noise, vibration, dust, odor, and all other objectionable consequences will be confined or reduced to an extent necessary to ensure that no annoyance or injury will result to persons or property in the vicinity, and</li> <li>6. That any such activity is conducted wholly within a completely enclosed building.</li> </ol>	P	P	N/A
<b>Private Car Wash</b> This use is limited to car washes which are accessory to an existing business (i.e., rental car facility or automotive dealership) and which are not available for use by the general public.	DR	DR	DR
<b>Rental, Leasing, or Repair of Articles Sold on the Premises</b> This use may be permitted provided such rental, leasing or repair is incidental to the retail sales of such articles.	P	P	N/A
<b>Electric Vehicle Charging Station</b> An electric vehicle charging station (EVCS) shall be permitted as an accessory use within any existing legal single-family or multiple-family residential garage or carport, or within any existing legal commercial parking space in a parking lot or in a parking garage, subject to all applicable city code requirements and the following: <ol style="list-style-type: none"> <li>1. Electric vehicle charging stations (EVCS) for public use shall be subject to the following requirements: a. The EVCSs shall be located in a manner which will be easily seen by the public for informational and security purposes and shall be illuminated during evening business hours; and b. Be located in desirable and convenient parking locations which will serve as an incentive for the use of electric vehicles; and c. The EVCS pedestals shall be protected as necessary to prevent damage by automobiles; and d. The EVCS pedestals shall be designed to minimize potential damage by vandalism and to be safe for use in inclement weather; and e. Complete instructions and appropriate warnings concerning the use of the EVCS shall be posted on a sign in a prominent location on each station for use by the operator; and f. One standard nonilluminated sign, not to exceed 4 square feet in area and 10 feet in height, may be posted for the purpose of identifying the location of each cluster of EVCSs; and g. The EVCS may be on a timer that limits the use of the station to the normal business hours of the use(s) which it serves to preclude unauthorized use after business hours.</li> <li>2. Electric vehicle charging stations for private use shall: a. Be located in a manner which will not allow public access to the charging station; and b. Comply with subsections G.1.c., d., and e. of this section.</li> </ol>	P	P	P
<b>Wireless Telecommunication Facilities – Mini</b> This category includes all mini wireless telecommunication facilities subject to the requirements of Section 17.40.640.	P	P	P
<b>C. Temporary Uses.</b>			

<b>Christmas Trees and Wreaths</b> This use is limited to the seasonal sale of such items, between November 1 and December 25, both dates inclusive, to the extent permitted by other statutory and ordinance provisions. Any structures, facilities and materials used in connection with the sale of Christmas trees and wreaths shall be removed from the premises by December 31 of the same calendar year, and the property restored to a clean condition.	DR	DR	DR
<b>Pumpkins and Other Seasonal Agricultural Products</b> This use is limited to the sale of such items from October 1 through Thanksgiving Day to the extent permitted by other statutory and ordinance provisions. Any structures, facilities and materials used for the sale of pumpkins and other seasonal agricultural products shall be removed from the premises not later than 7 days following the closure of the sales operation. No other outdoor sales shall be permitted until property has been restored to a clean condition.	DR	DR	N/A
<b>Outdoor Sales and Promotional Activities</b> Outdoor sales and promotional activities in private parking lots, on private pedestrian ways, and on public sidewalks, incidental to a use conducted primarily within a building located on the premises as follows: 1. Parking lot sales may be allowed only where: a. The use on the site complies with current parking standards, and b. No more than 10% of the provided parking spaces are to be used for this purpose, and c. Placement of the activity in the parking lot shall not significantly disrupt the circulation pattern on the site, and d. Such sales are scheduled between January 15 and November 15 and shall not exceed a total of 12 days in any calendar year. 2. Private pedestrian way sales may be allowed where: a. Placement of the activity on the pedestrian way allows for a clear aisle for pedestrian traffic of not less than 5 feet in width, and b. Such sales are scheduled between January 15 and November 15 and shall not exceed a total of 12 days in any calendar year. 3. Sidewalk sales may be allowed where: a. Placement of the activity allows for a clear aisle of not less than 5 feet in width, and b. Such sales are scheduled between January 15 and November 15 and shall not exceed a total of 12 days in any calendar year, and c. Insurance has been obtained by type and in an amount specified by the city attorney, and d. An encroachment permit has been obtained from the department of building and engineering services.	DR	DR	N/A
<b>Storage Containers for Merchandise During Holidays or Events</b> Placement shall be within loading areas or utilize nonessential parking areas behind the buildings so as not to restrict the use of heavily used parking areas during such holidays or special events. The use of such containers shall not exceed 3 months in any calendar year.	DR	DR	N/A
<b>Temporary Construction or Commercial Storage</b> Storage of building materials, machinery and equipment used in conjunction with a construction or development project undertaken pursuant to an active building permit. Storage shall be on the lot or parcel which is part of the project, or on property adjoining the construction or development site with the written consent of the property owner. Storage shall not occur until the building permit is obtained. Storage shall be removed within thirty (30) days after the permit is expired, revoked, or finalized. Cargo containers may be used for the temporary construction storage subject to code requirements.	DR	DR	DR
<b>Temporary Offices</b> The placement and use of a temporary office in conjunction with a construction or development project undertaken pursuant to an active building permit. A temporary office shall be placed on the lot or parcel which is part of the project, or on property adjoining the construction or development site with the written consent of the property owner. The placement of a temporary office shall not occur until the building permit is obtained. The temporary office shall be removed within thirty (30) days after the permit is expired, revoked, or finalized. Use of commercial coaches as temporary offices subject to the provisions of Article X of Chapter 17.40.	DR	DR	DR

(Ord. 896 § 1 (Exh. A § 5), 2008; Ord. 753 § 1 (Exh. A § 3), 1999; Ord. 711 § 15 (part), 1995: prior zoning ord. § 221.021)

(Ord. No. 1093, § 4(Exh. A), 10-11-2022; Ord. No. 1106, § 4(Exh. A), 10-10-2023)

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### 17.12.050 Accessory uses.

The following uses are considered as accessory uses to the permitted uses in the C zone:

A. Accessory buildings and structures customarily used in conjunction therewith;

Cargo containers shall not be used as accessory buildings or structures, and shall not be placed on private real property at any time except as permitted in conjunction with temporary uses allowed in Section 17.12.060.

1. This subsection does not apply to the following real property:

- a. Real property owned, leased, rented, occupied or used by a public agency or entity;
- b. Real property owned, leased, rented, occupied or used by a nonpublic or private school. For purposes of this subsection, "nonpublic school" means a private, nonsectarian school that enrolls individuals with exceptional needs pursuant to an individualized education program and is certified by the California Department of Education. For purposes of this subsection, "private school" means a full-time day school that provides instruction in the several branches of study required to be taught in the public schools of the state, by persons capable of teaching, and that files an annual private school affidavit as required by the California Department of Education. For purposes of this subsection, "private school" does not include a school that provides instruction in a building used for residential purposes. A nonpublic or private school is not exempt unless it is operating in conformity with all pertinent land use and technical code regulations.
- c. Real property utilized for the placement of cargo containers that are used exclusively for the storage of emergency supplies to be used for the benefit of the public by a recognized governmental agency, such as the Los Angeles County Fire Department, in the event of a disaster or emergency situation. Placement of a cargo container for the storage of private supplies is not included in this exemption. Placement of cargo containers for this purpose shall be approved through a director's review.

B. Automobile body and fender repair, and painting and upholstering when such uses are incidental to the sale of new automobiles, provided:

1. That all operations are conducted within an enclosed building, and
2. That the use does not exceed 25% of its total area being devoted to service or repair, body and fender repair, painting or upholstering, and
3. That the use does not exceed one paint spray booth, and
4. That all areas or structures used shall be located or soundproofed so as to prevent annoyance or detriment to adjacent or abutting property, and
5. That all damaged or wrecked vehicles awaiting repair shall be effectively screened so as not to be visible from adjacent or abutting property of the same elevation, and
6. That all repair activities as described in this section shall be confined to the hours between 7 a.m. and 9 p.m. daily, and
7. That no damaged or wrecked vehicles shall be stored for purposes other than repair and shall not constitute an automobile impound yard, and
8. That dismantling of vehicles for purposes other than repair or the sale of used parts is prohibited, and

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9. That adequate off-street parking be available to permit such activity;
- C. Minor repair of boats which repair is incidental to the sale of boats provided all operations, other than the storage of boats held for sale, are conducted within an enclosed building;
  - D. Day nursery for children provided such services are offered by an employer solely for use by the children of the employees;
  - E. Manufacturing, processing, packaging, treating and storage related to, incidental to, and operated in conjunction with the business conducted on the premises, provided:
    1. That such activity is restricted to the ground floor of the building or buildings and does not occupy more than 25% of said ground floor area, and
    2. That not more than 5 employees are engaged in such activity, and
    3. That a commercial appearance is maintained by providing office or window display space or both, along the entire street frontage of the building or buildings, except doorways, to a depth of not less than 2 feet, and
    4. That any portion of the building or buildings devoted to such activity is not nearer than 50 feet to any residential zone, and
    5. That the building is constructed, that the machinery and equipment are installed and maintained, and that the activity is conducted in such a way, that all noise, vibration, dust, odor and all other objectionable consequences will be confined or reduced to an extent necessary to ensure that no annoyance or injury will result to persons or property in the vicinity, and
    6. That any such activity is conducted wholly within a completely enclosed building;
  - F. Rental, leasing or repair of articles which are sold on the premises, provided such rental, leasing or repair is incidental to the retail sales of such articles;
  - G. Electric Vehicle Charging Station. An electric vehicle charging station (EVCS) shall be permitted as an accessory use within any existing legal single-family or multiple-family residential garage or carport, or within any existing legal commercial parking space in a parking lot or in a parking garage, subject to all applicable city code requirements and the following:
    1. Electric vehicle charging stations (EVCS) for public use shall be subject to the following requirements:
      - a. The EVCSs shall be located in a manner which will be easily seen by the public for informational and security purposes and shall be illuminated during evening business hours; and
      - b. Be located in desirable and convenient parking locations which will serve as an incentive for the use of electric vehicles; and
      - c. The EVCS pedestals shall be protected as necessary to prevent damage by automobiles; and
      - d. The EVCS pedestals shall be designed to minimize potential damage by vandalism and to be safe for use in inclement weather; and
      - e. Complete instructions and appropriate warnings concerning the use of the EVCS shall be posted on a sign in a prominent location on each station for use by the operator; and
      - f. One standard nonilluminated sign, not to exceed 4 square feet in area and 10 feet in height, may be posted for the purpose of identifying the location of each cluster of EVCSs; and

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- g. The EVCS may be on a timer that limits the use of the station to the normal business hours of the use(s) which it serves to preclude unauthorized use after business hours.
    - 2. Electric vehicle charging stations for private use shall:
      - a. Be located in a manner which will not allow public access to the charging station; and
      - b. Comply with subsections G.1.c., d. and e. of this section.
  - H. Mini Wireless Telecommunication Facilities. This category includes all mini wireless telecommunication facilities subject to the requirements of Section 17.40.640.
  - I. Cargo containers that are present on private real property, for any use or purpose, on the effective date of this section shall be removed within six months from the effective date, unless the property owner obtains the requisite approvals and permits in conjunction with temporary uses allowed in Section 17.12.060 and otherwise complies with all regulations pertaining to cargo containers.
  - J. Collection bins, subject to the approval process and operating requirements set forth in Chapter 17.45 of this code.

This subsection does not apply to real property owned, leased, rented, occupied or used by a public agency or entity, or by a nonpublic or private school, as defined in Section 17.12.050.A. of this code.
- (Ord. 753 § 1 (Exh. A § 2 (part)), 1999; Ord. 713 § 3 (part), 1995; Ord. 711 § 15 (part), 1995: prior zoning ord. § 221.022)
- (Ord. No. 921, §§ 5, 6, 6-9-09; Ord. No. 964, § 1, 5-24-2011; Ord. No. 1098, § 2, 1-24-2023)

### **17.12.060 Temporary uses.**

The following uses are considered as temporary uses in the C zone:

- A. The placement and use of a temporary office in conjunction with a construction or development project undertaken pursuant to an active building permit. A temporary office shall be placed on the lot or parcel which is part of the project, or on property adjoining the construction or development site with the written consent of the property owner. The placement of a temporary office shall not occur until the building permit is obtained. The temporary office shall be removed within 30 days after the permit is expired, revoked, or finalized.
- B. Use of commercial coaches as temporary offices subject to the provisions of Article X of Chapter 17.40 and this zone.
- C. 1. Storage of building materials, machinery and equipment used in conjunction with a construction or development project undertaken pursuant to an active building permit. Storage shall be on the lot or parcel which is part of the project, or on property adjoining the construction or development site with the written consent of the property owner. Storage shall not occur until the building permit is obtained. Storage shall be removed within 30 days after the permit is expired, revoked, or finalized.
- 2. Cargo containers may be used for the temporary construction storage described in (1) of this subsection. A cargo container approved pursuant to this subsection shall not require a separate permit. The number and location of cargo containers used for temporary construction storage shall be subject to the review and prior written approval of the building official and directors of planning and housing and neighborhood revitalization or their duly authorized representatives. Application for approval of cargo containers for temporary construction storage shall be made on a city-approved form and shall indicate the number of the building permit obtained for the construction or development project for which the temporary construction storage is requested, the size of each cargo container, the proposed



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- location of each container on the property, and the date on which each container shall be placed on the property.
3. The time period for which a cargo container may be used for temporary construction storage is limited to the time when the building permit is active. An active building permit means one that has not expired, been revoked, or been finalized. Cargo containers used for temporary construction storage shall be removed from the property within 30 calendar days of the expiration, revocation or finalization of a building permit.
  4. Cargo containers used for temporary construction storage shall not exceed eight feet in width, eight feet six inches in height, and 40 feet in length.
  5. Cargo containers used for temporary construction storage shall conform to the following standards:
    - a. Cargo containers shall be set back a minimum of five feet from any property line and a minimum of 10 feet from any structure.
    - b. Cargo containers shall not be stacked on top of each other or on any other structure.
    - c. Cargo containers shall not encroach upon, block, obstruct, or reduce in any manner any required exits, windows or vent shafts of structures, or any parking spaces, driveways, private streets, or public rights of way.
    - d. Cargo containers shall not be used for human habitation or occupied by individuals for any reason.
    - e. Cargo containers shall not have any electrical, plumbing, heating or air conditioning installations or systems, and shall not be connected to a power source.
    - f. Refuse, garbage, trash and debris, as well as hazardous substances, as defined by state or federal law, shall not be placed or stored in, against, on, or under a cargo container at any time.
- D. 1. Cargo containers may be used for temporary storage of items related to the use of commercial-zoned property, including but not limited to business inventory, office furniture, office supplies, office equipment and other items, when a structure is undergoing rehabilitation, repair, remodeling, alteration or other construction work under an active building permit.
2. The number and location of cargo containers used for temporary commercial storage shall be subject to the review and prior written approval of the building official and directors of planning and housing and neighborhood revitalization or their duly authorized representatives. A cargo container approved under this subsection shall not require a separate permit. Application for approval of cargo containers for temporary commercial storage shall be made on a city-approved form and shall indicate the number of the building permit obtained for the repair, remodeling, alteration or other work for which the temporary commercial storage is requested, the size of each cargo container, the proposed location of each container on the property, and the date on which each container shall be placed on the property.
  3. The time period for which a cargo container may be used for temporary commercial storage is limited to the time when the building permit is active. An active building permit means one that has not expired, been revoked, or been finalized. Cargo containers used for temporary commercial storage shall be removed from the property within 30 calendar days of the expiration, revocation or finalization of a building permit.
  4. Cargo containers used for temporary commercial storage shall not exceed eight feet in width, eight feet six inches in height, and 40 feet in length.
  5. Cargo containers used for temporary commercial storage shall conform to the standards set forth in Section 17.12.060.C.5.

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- E. 1. Cargo containers may be used for emergency storage of items related to the use of commercial-zoned property, including but not limited to business inventory, office furniture, office supplies, office equipment and other items, when a structure becomes uninhabitable due to fire, flood, earthquake, vandalism, or other such act against the structure.
2. Cargo containers used for emergency storage shall require a container permit. The number and location of cargo containers used for emergency commercial storage shall be subject to the review and prior written approval of the directors of planning and housing and neighborhood revitalization or their duly authorized representatives. Upon such approval, and payment of a container permit fee in an amount established by city council, a container permit shall be issued.
  3. Cargo containers may be used for emergency commercial storage for a period not to exceed fifteen (15) calendar days. This use may be extended for an additional ten (10) calendar days upon the prior written approval of the directors of planning and housing and neighborhood revitalization.
  4. Cargo containers used for emergency commercial storage shall not exceed eight feet in width, eight feet six inches in height, and 40 feet in length.
  5. Cargo containers used for emergency commercial storage shall conform to the standards set forth in Section 17.12.060.C.5.
- F. 1. Cargo containers may be used for storage of items related to the use of commercial-zoned property, including but not limited to business inventory, office furniture, office supplies, office equipment and other items, in conjunction with relocation to or from a property or in preparation for storage of such items at a storage facility.
2. Cargo containers used for relocation storage shall require a container permit. The number and location of cargo containers used for relocation storage shall be subject to the review and prior written approval of the directors of planning and housing and neighborhood revitalization or their duly authorized representatives. Upon such approval, and payment of a container permit fee in an amount established by city council, a container permit shall be issued.
  3. Cargo containers may be used for relocation storage for a period not to exceed 15 calendar days. This use may be extended for an additional 10 calendar days upon the prior written approval of the directors of planning and housing and neighborhood revitalization.
  4. Cargo containers used for relocation storage shall not exceed eight feet in width, eight feet six inches in height, and 40 feet in length.
  5. Cargo containers used for relocation storage shall conform to the standards set forth in Section 17.12.060.C.5., except as provided in 6. of this subsection.
  6. Cargo containers used for relocation storage may be placed in parking lots so long as no more than 10% of the provided parking spaces are used for this purpose.
- G. Cargo containers that are present on private real property, for any use or purpose, on the effective date of this section shall be removed within six months from the effective date, unless the property owner obtains the requisite approvals and permits in conjunction with temporary uses allowed in this section and otherwise complies with all regulations pertaining to cargo containers.

This subsection does not apply to real property owned, leased, rented, occupied or used by a public agency or entity, or by a nonpublic or private school, as defined in Section 17.12.050.A. of this code.

(Ord. 711 § 15 (part), 1995; prior zoning ord. § 221.023)

(Ord. No. 921, § 7, 6-9-09)

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### **17.12.070 Reserved.**

### **17.12.080 Reserved.**

### **17.12.090 Interpretation.**

Where a conflict in interpretation occurs regarding application of Sections 17.12.030, 17.12.040, 17.12.050, or 17.12.060 to any specific case the director shall determine the interpretation.

(Ord. 711 § 15 (part), 1995: prior zoning ord. § 221.026)

### **17.12.100 Adjustments.**

Refer to Article III Adjustment Permits. (Ord. 711 § 15 (part), 1995: prior zoning ord. § 221.027)

(Ord. No. 1016, § 2, 12-13-2016)

### **17.12.120 Site plan review required—Fees.**

- A. A site plan (with vicinity map) and building elevations, drawn to scale and reflecting the accurate dimensions of the buildings and property, shall be required of any person seeking to erect new buildings or structures, make additions to any existing buildings or structures, site temporary commercial coaches, or otherwise grade, improve or develop any lot or portion thereof for a permitted use prior to the issuance of any grading or building permit. The site plan shall be accompanied by an appropriate development application and both shall be filed with the planning department. The director or his designated representative shall review the site plan for conformance with the provisions of this title. The site plan shall demonstrate conformance with height regulations, property development regulations, sign regulations or a sign program required by the city for multiple-tenant projects, off-street parking requirements, the adopted City of Lancaster Design Guidelines, any other requirements established for the adopted zoning designation in which the property(ies) is (are) located, and any other applicable city ordinances, standards, guidelines or policies. In addition to the conditions and requirements imposed by the ordinance codified in this title and other city ordinances, standards, guidelines and policies, the director may place conditions on the approval of the site plan where the director finds that such action is necessary to protect the public health, safety and welfare. At such time as the site plan complies with the requirements of the ordinance codified in this title and other city ordinances, standards, guidelines or policies, the site plan shall be approved by the director or his designated representative. The site plan approval shall be valid for 2 years from the date of approval. A site plan shall be considered "used" when the slab of a major building in the project is poured and inspected, although circumstances in each case may vary and the final determination as to "use" of a site plan review shall be made by the director. Three one-year extensions of the approval may be granted by the director provided such written request for an extension is received not less than 60 days prior to expiration, and any significant environmental changes which have occurred since the original approval have been addressed. Any extension granted shall be conditioned to comply with the city's current design guidelines as adopted by the city council, unless the applicant can demonstrate to the director's satisfaction that such compliance will impose an undue hardship on the project. In the event the site plan or an extension thereof is denied, the applicant may appeal the decision in accordance with Section 17.36.030. All projects constructed in accordance with an approved site plan shall be permanently maintained as approved. Any desired subsequent changes shall be submitted for approval as an amendment to the site plan. Prior to occupancy the site shall be inspected

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for compliance with the site plan. All improvements shall be installed and functioning before occupancy will be allowed.

Where the director determines that the requirements of this section surpass the city's need for project review of a particular development proposal, the director may exercise discretion and apply the provisions of Article VI of Chapter 17.32, Director's Review, in its place.

- B. Fees Required. When the appropriate development application is filed per subsection A of this section it shall be accompanied by the filing fee established by resolution of the city council.

(Ord. 711 § 15 (part), 1995: prior zoning ord. §§ 221.040, 221.041)

(Ord. No. 924, § 1, 8-25-09; Ord. No. 956, § 3, 1-11-2011)

### **17.12.130 Property development regulations.**

A. General Regulations.

1. No new building or commercial coach shall be erected, constructed, moved onto, or established on an existing legal lot or parcel of land unless said building or commercial coach shall comply with all of the regulations set forth in city ordinances, standards, guidelines or policies and subsection B of this section or Article X of Chapter 17.40, Commercial Coaches as Temporary Offices, which are pertinent to its placement on said lot or parcel.
2. No existing building or commercial coach located on an existing legal lot or parcel of land shall be convened, enlarged or moved unless said building, or addition thereto, shall comply with all of the regulations set forth in city ordinances, standards, guidelines, or policies and subsection B of this section or Article X of Chapter 17.40, Commercial Coaches as Temporary Offices, which are pertinent to its placement on said lot or parcel.
3. No new lot shall be created and no building, or portion thereof, existing on such new lot shall be used, unless said lot and said building location shall comply with all of the regulations set forth in city ordinances, standards, guidelines or policies and subsection B of this section which are pertinent to the area and dimensions for new lots and the placement or location of buildings on said lot.

- B. C Zone. Wherever property is designated as a C zone on the zoning map the following regulations, specific or general, shall apply:

1. Lot Dimensions. The following minimum lot dimensions shall apply to all lots created after the adoption of this section, except those lots created within the boundaries of an approved shopping center to accommodate individual tenants. (Those lots which were legally created, prior to the adoption of this section, in compliance with ordinances in effect at the time of their creation need not comply unless involved in a new subdivision or change in lot configuration other than a lot line adjustment as provided in Title 16 of this code.)

	Minimum	Minimum	Minimum
Zone	Lot Area	Lot Width*	Lot Depth
C	10,000 sq. ft.	100 ft.	100 ft.

\* Also denotes minimum street frontage.

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See Section 17.40.070, 17.40.080, 17.40.090 A. or 17.40.090 B. in the event public use or required street dedication would reduce the net lot area, lot width, or lot depth of an existing lot to less than the required minimum.

2. Yard Requirements.

a. Fences and Walls Permitted. Fences and walls may be erected and maintained in required yards subject to the requirements specified herein:

1. Front Yards. Fences and walls within a required front yard shall not exceed a height of 6 feet.
2. Corner Side Yards, Interior Side, and Rear Yards. Fences and walls within a required corner side yard, interior side, and/or rear yard shall not exceed 6 feet.
3. Retaining Walls. Retaining walls not to exceed 6 feet in height are permitted in all yards.
4. Retaining Walls Topped with Walls or Fences.
  - a. Where a retaining wall protects a cut below the natural grade and is located on a front, side or rear lot line, such retaining wall may be topped by a fence or wall of the same height that would otherwise be permitted at the location if no retaining wall existed. Where such retaining wall contains a fill, the height of the retaining wall built to retain the fill shall be considered as contributing to the permissible height of a fence or wall providing, however, that in any event an open-work non-view-obscuring fence of 3½ feet may be erected at the top of the retaining wall for safety protection.
  - b. Where a wall or fence is located in the required yard adjacent to a retaining wall containing a fill, such wall or fence shall be set back from said retaining wall a distance of one foot for each one foot in height to a maximum distance of 5 feet, provided, however, that this does not permit a wall or fence in required yards higher than permitted by this section. The area between such wall or fence and said retaining wall shall be landscaped and continuously maintained in good condition.
5. Fences and Walls Exempted. Where a fence or wall exceeding the heights specified is required by any law or regulation of the state of California, a fence or wall not exceeding such required height is permitted.
6. Measurement of Fence and Wall Height. The height of a fence or wall shall be measured at the highest average ground level within 3 feet of either side of said wall or fence. In order to allow for variation in topography, the height of a required fence or wall may vary an amount not to exceed 6 inches, provided, however, that in no event shall the average height of such fence or wall exceed the maximum height specified.
7. Notwithstanding the other provisions of this section, if site plans and/or other pertinent information required by the Director for the proposed use are first submitted to and approved by the Director in accordance with Article VI of Chapter 17.32, the Director may permit fences or walls within any required yard to a height not to exceed 8 feet, subject to materials requirements, and other conditions of approval.
8. Commercial uses adjacent to or across a street or alley from residentially zoned property or property developed with a residential use shall provide a minimum 6-foot-high masonry wall along all common lot lines. All walls shall be consistent with the site's architecture and, in instances where visible from the public right-of-way, shall be constructed with decorative materials.

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9. Temporary Fence. If site plans and/or other pertinent information required by the Director for the posed use are first submitted to and approved by the Director in accordance with Article VI of Chapter 17.32, a temporary fence may be installed on vacant property, subject to the time limits, materials, and other conditions of approval. Temporary fencing materials may include chain link.
  10. Prohibited Fence Materials. The use of chain link, metal panels, fabric or temporary material, non-durable wood, barbed wire, razor wire, electrical fence, glass, and other similar objects of a hazardous characteristic shall not be permitted for commercial uses. If site plans and/or other pertinent information required by the Director for the proposed use are first submitted to and approved by the Director in accordance with Article VI of Chapter 17.32, chain link with black, green, or other colored fabric may be installed as temporary construction fencing for properties with an active building permit in good standing, subject to time limits, materials, and other conditions of approval.
- b. Additions or modifications to buildings or uses, either constructed or having received building permit approval, or having been legally established prior to May 4, 1983, may be allowed with respect to yards of lesser dimension than required in this subsection where, in the opinion of the Director, allowing less than full compliance with the yard requirements would impose no substantial detriment to abutting property or improvements thereon. In rendering a decision on whether to allow a reduction of the required yard, the Director shall consider whether:

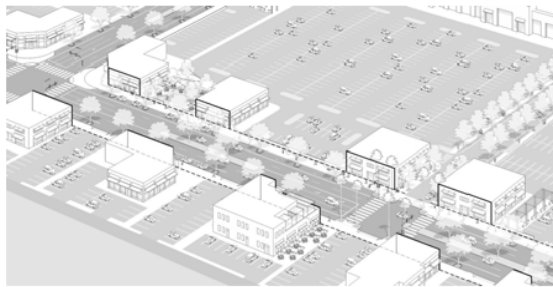
(See Sections 17.40.093, 17.40.095 and 17.40.097 in the event yard requirements must be reduced for street widening or transit stops.)

- 1) There are special circumstances or exceptional characteristics applicable to the property involved which are not generally applicable to other properties in the same vicinity with the same zoning;
- 2) An adjustment (if authorized) will constitute a grant of special privilege inconsistent with the limitations on other properties in the same vicinity with the same zoning; and
- 3) The strict application of the yard requirements would result in practical difficulties and unnecessary hardship which is inconsistent with the purpose of the yard requirements.

In no case shall the Director's approval of the reduction of a required yard relieve the applicant/property owner from complying with minimum landscape requirements established by this title, unless such relief is specifically approved by the Director. (See Sections 17.40.093, 17.40.095 and 17.40.097 in the event yard requirements must be reduced for street widening or transit stops.)

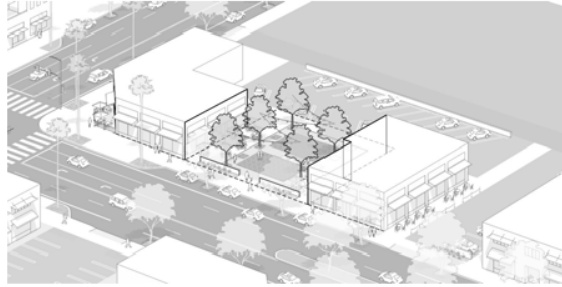
- b. Setbacks, building placement, and building design shall be provided as follows. Guidance in the application of these requirements is provided by adopted city design guidelines and various diagrams contained within this code:
  - 1) Street Frontages.
    - a) Street Frontage-Build-To Line. A "build-to" line for street frontages is established as follows. This "build-to" line shall apply to all street frontages adjacent to a property where pedestrian or vehicular access is available from that frontage:
      - (1) Arterial Street: Zero (0) to twelve (12) feet.
      - (2) All Other Streets: Zero (0) to six (6) feet.
    - b) Building Placement. Except as provided in Section 17.12.130.B.2.b.1) c), building placement on a property shall comply with the following requirements.

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- (1) New buildings, or additions to existing buildings, shall be designed and located so that a minimum of fifty (50) percent of the street frontage(s) has buildings located at the established "build-to" line for the parcel.
  - (2) Vehicular driveways and parking areas shall not be located between the façade of a building located at the "build-to" line and the back of the public sidewalk.
  - (3) In areas of the site where buildings are not located at the established "build-to" line, a minimum landscaped area of ten (10) feet in width shall be provided from the back of the sidewalk to any parking area. Such width may be reduced by the approving authority where a parkway design is used to separate the sidewalk from the street curb. Landscaping installation and maintenance shall be in accordance with the requirements of Chapter 8.50.



Example of Building Placement at Build-To Line for 50% of Street Frontage  
Diagram Courtesy of Sargent Town Planning

- c) Exceptions to Building Placement Requirements. Exceptions to the requirement for building placement established in subsection may be granted by the approval authority in the following circumstances:
  - (1) In the case of a commercial center, an exception may be granted where an anchor tenant requires a specific dimension for a "view corridor" from the adjacent street.
  - (2) On a corner lot situation, an exception may be granted to reduce the minimum fifty (50) percent requirement on one of the frontages where another frontage exceeds the minimum requirement and the overall intent of the build-to line requirement is met.
  - (3) Where people-oriented activity areas, such as outdoor dining locations, are provided at the build-to line and designed in such a way as to meet the intent of the "build-to" line, an exception may be granted.
  - (4) Where a drive-through lane is provided between the building and the "build-to line", an exception may be granted if the building provides, as required in Section 17.12.130.B.2.b.2), sufficient design features facing the street frontage(s).



Example of Placement of Outdoor Activity Areas Along Street Frontage at Build-To Line  
Diagram Courtesy of Sargent Town Planning

- 2) **Building Design Requirements.** All buildings located entirely or partially at the "build-to" line shall meet the requirements as stated below. Determination of the appropriate building design elements shall be guided by Section 17.12.230 and the adopted city design guidelines.
  - a) **Building Façades facing Street Frontage(s).**
    - (1) Buildings shall generally be oriented so that the rear of the building does not directly face the adjacent street frontage(s). The approving authority may approve an exception to this where sufficient design elements, including but not limited to building fenestration, building materials, pedestrian access points into and through the building, and other techniques are provided to meet the design intent of the code.
    - (2) Design of building façades facing a street shall provide the appearance of a storefront. Design elements may include arcades, patios, awnings, and overhangs as appropriate to enhance appearance and use of the space.
  - b) **Public Entrances.**
    - (1) Except as provided under subsection ii., all buildings located entirely or partially at the "build-to" line shall have a public entrance directly facing the street frontage, and provide direct pedestrian access to the entrance from the adjacent street frontage.
    - (2) A public entrance may be located on the side of a building not directly facing a street frontage provided that the entrance is clearly visible to people from the adjacent street, direct public access is provided, and the building façade directly facing the street has sufficient fenestration and other design elements and treatment to create a visible connection with that street frontage.





- 3) Interior side yard and rear yard: Ten (10) feet where abutting a residential zone.
3. Height Regulations. The height of buildings shall be as follows:
- a. No building or structure in the C zone shall exceed a height of 50 feet or 3 stories, whichever is less. This section does not apply to conditional use permit uses which shall be subject to Article I of Chapter 17.32. (See Article XII of Chapter 17.40 for general exceptions.)
  - b. No commercially used building in the C zone which is within 100 feet of any RR, SRR, or R zone shall exceed a height of 2 stories or 35 feet, whichever is less.
  - c. No building may be constructed which would shade any existing active solar energy system on adjoining property without the consent of the affected property owner.
  - d. Exception for Solar Systems. Solar collectors may exceed the height limit when mounted on the roof of a legal, conforming building. The right to exceed the height limit shall be exercised only in the event that: there is no other practical means or location for achieving an efficient placement on the building or site in question; such collectors may exceed the height limit only to the extent necessary to achieve efficient placement; in no case shall such solar collectors (or related equipment) encroach more than 5 feet beyond the limit. Also the placement of a solar collector shall not shade or otherwise diminish the efficiency of existing solar collectors on neighboring property, or preclude such property from sufficient solar access to successfully operate a solar energy system sufficient to serve the needs of the business or occupants.
4. Reserved.
5. Landscaping. No landscaping shall be placed in a manner which shades or would ultimately shade any existing solar energy system from the sun on a contiguous lot.
6. Outside display. All displays shall be located wholly within an enclosed building with the exception of the following:
- a. Amusement rides and devices;
  - b. Automobile sales, limited to automobiles, tractors, and trucks under 2 tons held for sale and rental only;
  - c. Automobile service stations, limited to automobile accessories and facilities necessary to the dispensing of petroleum products only;
  - d. Boat sales, limited to boats held for sale or rental only;
  - e. Carnivals—Commercial;
  - f. Christmas trees and wreaths, sale of;
  - g. Crops, field, tree, bush and row, including nursery stock, flowers and vines;
  - h. Electric distribution substations;
  - i. Equipment rental;
  - j. Gas metering and control stations, public utility;
  - k. Mobilehome sales, limited to mobilehomes held for sale or rental only;
  - l. Parking lots;
  - m. Pumpkins and other seasonal agricultural products, sale of;

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- n. Recreational vehicle sales, limited to recreational vehicles held for sale or rental only;
  - o. Signs, existing outdoor advertising;
  - p. Temporary outdoor sales subject to Section 17.12.040;
  - q. Trailer sales, box and utility, limited to trailers held for sale only.
7. Trash enclosure location(s) and access shall be designed to the satisfaction of the Director. The trash enclosures shall meet the following requirements:
- 1. Locate trash enclosures away from view, from primary entrances drive or streets;
  - 2. Design the trash enclosure to be a minimum of 165 square feet;
  - 3. Accommodate source separation of recyclable materials in accordance with State requirements;
  - 4. Design trash enclosures with a non-combustible, overhanging, trellis or roof cover; and
  - 5. Separate trash enclosure from adjacent parking with a 6-foot wide minimum planter.
8. Automobile fueling stations shall be required to designate adequate space for the installation of at least one hydrogen fueling pump and all associated infrastructure. At the discretion of the director, the installation and operation of said pump(s) may be required.

(Ord. 711 §§ 15, 44 (part), 1995: prior zoning ord. § 221.050)

(Ord. No. 907, § 5, 10-28-2008; Ord. No. 1016, § 3, 12-13-2016; Ord. No. 1028, § 1, 7-11-2017; Ord. No. 1070, § 4(Exh. A), 1-14-2020)

### **17.12.140 Signs.**

A person shall not use, install, or construct any sign in the C zone except as specifically permitted in this section. Signs shall be subject to all regulations and conditions, including without limitation submittal of a sign plan, set forth in the ordinance codified in this title and any other ordinance now existing or hereafter adopted by the city regulating the installation, use and/or construction of signs. A comprehensive sign plan for multiple-tenant projects or an individual sign plan for single-tenant projects, must be submitted to and approved by the director or a designated representative. Sign plans must be fully dimensioned, including the proposed sign location, elevations, colors and materials. A person who has first obtained approval of the sign plan and all required permits and inspection approval shall be permitted to use, install or construct signs as specified in the C zone.

(Ord. 711 § 15 (part), 1995: prior zoning ord. § 221.060)

### **17.12.150 Signs—General provisions.**

- A. The provisions of this section regulating signs shall not apply to the following signs except as otherwise indicated herein:
- 1. Official notices issued by any court, public body or public officer;
  - 2. Notices posted by any public officer in performance of a public duty, or for any person in giving legal notice;
  - 3. Traffic, directional, warning or informational signs or banners required or authorized by the public authority having jurisdiction over such signs;
  - 4. Official signs used for emergency purposes only;

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5. Permanent memorial or historical signs, plaques or markers;
  6. Public utility signs, provided such signs do not exceed 3 square feet in area;
  7. Any signs for a shopping center of 10 net acres or more which are lawfully erected in accordance with a city-approved sign program required as a condition of approval of the conditional use permit authorizing the shopping center;
  8. Any signs for a shopping center of less than 10 net acres which are lawfully erected in accordance with a city-approved sign program required as a condition of the site plan approval.
- B. Prohibited Signs. The following signs shall be prohibited in the C zone and may not be included in any sign plan.
1. Signs which contain or utilize:
    - a. Any exposed incandescent lamp,
    - b. Any revolving beacon light,
    - c. Any continuous or sequential flashing operation, except signs displaying time of day, atmospheric temperature or having programmable electronic public service messages only,
    - d. Any system for display of time of day, atmospheric temperature or programmable electronic public service messages in which:
      - 1) The messages are not public service in nature, or
      - 2) The proposed display has any illumination which is in continuous motion or which appears to be in continuous motion, or
      - 3) The message is changed at a rate faster than one message every 4 seconds, or
      - 4) The interval between messages is less than one second, or
      - 5) The intensity of illumination changes, or
      - 6) The display is located less than 100 feet on the same side of the street, or 200 feet across the street, from residentially zoned property;
  2. Any notice, placard, bill, card, poster, sticker, banner, sign, advertising or other device calculated to attract the attention of the public which any person posts, prints, sticks, stamps, tacks or otherwise affixes, or causes the same to be done to or upon any street, right-of-way, public sidewalk, crosswalk, curb, lamppost, hydrant, tree, telephone pole or lighting system, or upon any fixture of the police or fire alarm system of the city of Lancaster or the county of Los Angeles;
  3. Any sign which is placed in a manner which would obstruct a driver's or pedestrian's vision and thus create a hazard, or potential hazard, to the public health, safety or welfare;
  4. Any strings of pennants, banners or streamers, clusters of flags, strings of twirlers or propellers, flares, balloons, and similar attention-getting devices, including noise-emitting devices, with the exception of the following:
    - a. Automobile sales uses only may utilize pennants, banners or streamers subject to the following conditions:
      - 1) All such displays must be positioned horizontally and parallel to the ground and shall maintain a minimum height of 14 feet and a maximum height of 18 feet from grade level.

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- 2) All lines supporting such devices shall be secured in a taut manner and shall exhibit no more than 5 inches sag or droop at midline. No more than 3 such lines may be placed above one another and such lines shall be located along street frontages only.
    - 3) All pennants, banners or streamers shall be maintained in good condition. Such devices which have become torn, tattered, faded or otherwise fallen into disrepair shall be removed or replaced.
  - b. National state, local governmental, institutional or corporate flags properly displayed,
  - c. Holiday decorations in season used for an aggregate period of 60 days in any one calendar year;
  - 5. Awning or entrance canopy signs;
  - 6. Devices dispensing bubbles and free-flowing particles of matter;
  - 7. Devices projecting, or otherwise reproducing the image of a sign or message on any surface or object;
  - 8. New outdoor advertising signs;
  - 9. Pole signs;
  - 10. Portable signs;
  - 11. Projecting signs;
  - 12. Revolving signs of any kind;
  - 13. Roof signs;
  - 14. Sidewalk signs;
  - 15. Signs advertising or displaying any unlawful act, business or purpose;
  - 16. Signs emitting or amplifying sounds for the purpose of attracting attention;
  - 17. Temporary signs, except as otherwise specifically permitted by this title.
  - 18. Off-premises signs constituting a commercial advertisement that is not located on the site of the business or entity indicated or advertised by the sign including temporary, portable, mobile signs affixed to a wall, structure, or vehicle.
- C. General Sign Regulations. The following regulations apply to all signs in the C zone:
- 1. In no case shall a lighted sign or lighting device thereof be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a street, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
  - 2. Existing outdoor advertising signs are subject to Section 17.40.210.
  - 3. Signs, except outdoor advertising signs, may be single-, double- or multi-faced, provided that:
    - a. The distance between the faces of any double-faced sign, other than a "V" shaped projecting sign, shall not exceed 36 inches.
    - b. The separation between the intersecting faces of any multi-faced sign shall not exceed 12 inches.
  - 4. Any sign located on vacant and unoccupied property, and which was erected for an occupant or business unrelated to the present occupant or business, or any sign which pertains to a time, event or purpose which no longer exists shall be removed within 30 days after the purpose for, or use utilizing such sign has been removed from such property.
  - 5. Any permitted sign may be a changeable copy sign.

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6. All signs shall be designed in the simplest form and be free of any exposed bracing, angle iron, guy wires, cables or similar devices.
  7. The exposed backs of all signs visible to the public shall be suitably covered, finished and properly maintained.
  8. All signs shall be maintained in good repair, including display surfaces which shall be kept neatly painted or posted.
  9. Any sign which does not conform to the provisions of this title shall be made to conform or shall be removed as provided in subsection B.4. of Section 17.32.850 except as provided in Section 17.32.850B.4.c.
  10. Except where otherwise specifically provided by this title, sign regulations established pursuant to this title shall not apply to signs within a building, arcade, court or other similarly enclosed area where such signs are not visible to the public without entering such facilities.
  11. The height of all signs shall be measured from the highest point of the sign.
- D. Computation of Sign Area. Computation of the surface area of any sign face shall consist of all lettering, figures, symbols, designs and pictures, together with all framing, background material, colored or illuminated areas, and attention-attracting devices forming an integral part of the overall display, but excluding all support structures, except that:
1. Superficial ornamentation of a non-message-bearing character which does not exceed 5% of the surface area of the sign face shall be exempted from computation.
  2. Wall signs painted on or affixed directly to a building wall or façade, and having no discernible boundary, shall have the areas between letters, words intended to be read together, and any device intended to draw attention to the sign message included in any computation of surface area of the sign face.
  3. Signs placed in such a manner, or bearing a text, as to require dependence upon each other in order to convey meaning shall be considered one sign and the intervening areas between the signs shall be included in any computation of surface area of the sign face.
  4. Spherical, cylindrical or other 3-dimensional signs shall be considered to have 2 faces. The area of each sign face shall consist of  $\frac{1}{2}$  of the total area of the 3-dimensional sign.

(Ord. 711 § 15 (part), 1995: prior zoning ord. § 221.061)

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

### **17.12.160 Business signs.**

Business signs may be permitted in the C zone subject to Section 17.12.230, and the restrictions of this section. For more information concerning specific types of signs see Section 17.04.240, Definitions.

- A. Wall Business Signs.
1. Area Permitted.
    - a. Each ground floor business establishment fronting on and/or oriented toward one or more streets may be permitted (See Section 16.04.060 of this code for the definitions of the different classifications of streets):

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- 1) On lots or parcels abutting or directly across a local or collector street from residentially zoned property, a maximum of one square foot of wall sign area for each one linear foot of building frontage;\*
  - 2) On all other lots or parcels a maximum of 3 square feet of wall sign area for each one linear foot of building frontage;
  - 3) If building identification signs are used, the area of such signs shall be subtracted from the area permitted for wall signs.

\* EXCEPTION. In instances where businesses abut residentially zoned property but the proposed signs do not face toward residentially zoned property, the Director may determine the amount of signage to be permitted not to exceed the maximum of 3 square feet for each one linear foot of building frontage.

- b. Where a ground floor business establishment fronts only on a parking lot, alley, open mall, landscaped open space, or other public way, the exterior building wall facing such parking lot, alley, open mall, landscaped open space, or other public way shall be considered a building frontage for purposes of computing permitted wall sign area.
  - c. Secondary Wall Signs. A ground floor business establishment having entrances intended for and regularly utilized by the public on the side of a building not considered to be building frontage by this section shall be permitted one secondary wall sign on each such side provided the sign does not exceed  $\frac{1}{2}$  the sign area permitted on the building frontage of said business. The combined area of all signs shall not exceed that specified in subsection A.1. of this section. Additional secondary wall signs may be permitted on frontages without a public entrance subject to a Director's Review.
  - d. Except as provided in subsection A.1.c. of this section, permitted sign area shall be used only on the face of the building wall for which it was calculated. No sign area may be transferred from one building frontage to another.
  - e. Any building containing business establishments which front only on an indoor mall having a limited number of entrances, shall be considered a single establishment for the purpose of computing the wall sign area permitted on the exterior walls of such building.
  - f. Each ground floor business establishment shall be permitted a minimum sign area of 20 square feet for each building frontage.
  - g. Each business establishment located above the ground floor which has an individual entrance from the outside of the building may be allowed a wall sign near the individual entrance in accordance with the area permitted for ground floor uses under subsection A.1.a.1) of this section. Such business establishments which are served by a common entrance may not have signs above the ground floor.
  - h. Each business establishment located on the ground floor or second floor having no building frontage shall be permitted a maximum of 4 square feet of sign area facing the street. Such business establishments may not have signs above the ground floor.
2. Height Permitted. Wall business signs shall not extend above:
    - a. Eighteen inches below the top of the wall of a single-story building;
    - b. The lowest point of a sloping roof of a single-story building.
  3. Projection Permitted. Wall business signs shall not project more than 18 inches from the building wall to which they are attached. Freestanding signs may not project over the public right-of-way.

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4. Lighting. Wall business signs may be internally or externally lighted, but any continuous or sequential flashing operation is prohibited.

B. Freestanding Business Signs.

1. Monument Signs and Post Signs. Monument Signs and Post Signs shall comply with the following standards:
  - a. Frontage. Monument and post signs may be permitted on any lot or parcel of land for each street frontage having a continuous distance of 150 feet or more. Such signs may also be permitted as provided in subsection B.9. of this section.
  - b. Area Permitted.
    1. Except as otherwise provided in this section, the maximum freestanding business sign area that shall be permitted for each street frontage or for each combination of frontages considered to be a single frontage under either subsection B.9.a. or b. of this section is:
      - a. On lots or parcels where the street frontage abuts or is directly across a local or collector street from residentially zoned property, 50 square feet total sign area;
    2. On all other lots or parcels, 150 square feet total sign area.

Where the locational requirements of Section 17.12.140 et seq. permit additional freestanding business signs on the same frontage, sign area allocated for each sign may be any proportion provided that the sum does not exceed the maximum permitted sign area established herein for a specific frontage or combination of frontages and that they conform to all other requirements of Section 17.12.140 et seq.

- c. Height Permitted. Monument and post signs shall not exceed a maximum height of 12 feet measured vertically from ground level at the base of the sign, or 3 feet below the roof line, whichever is least.
- d. Location of Signs on All Lots and Parcels.
  1. Monument and post signs shall not be located nearer than 50 feet from any lot line, other than a lot line adjoining a street.
  2. Monument and post signs shall not be located nearer than 150 feet from any other freestanding business sign on the same frontage on the same lot, parcel of land, or within any shopping center.
  3. Monument and post signs shall be directed toward the street frontage from which the area of the sign is computed.
- e. Projection.
  1. Monument and post signs shall not project over the roof of any building or structure.
  2. Monument and post signs shall not project over any public right-of-way.
- f. Movement. Monument and post signs shall not rotate, move or simulate motion in any way.
- g. Lighting. Monument and post signs may be internally or externally lighted, but any continuous or sequential flashing operation is prohibited.
- h. Other requirements for monument signs.
  1. Sign copy shall be displayed within one sign structure. No other signage shall be attached to or placed on the monument sign.

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2. All electrical service to the sign shall be underground and hidden from view.
- i. Exceptions.
    1. If a lot or parcel of land is a corner lot, the distances of any 2 intersecting street frontages may be combined and considered as a single frontage for the purpose of erecting and/or maintaining a single freestanding business sign adjacent to the corner formed by the intersecting street frontages, provided that:
      - a. The total combined distance of the 2 street frontages is 150 feet or more with no frontage less than 50 feet; and
      - b. No street frontage shall be used in combination as described herein more than once; and
      - c. Such sign or signs comply with all area, height, projection, lighting, movement, and locational requirements established elsewhere in this title.
    2. If any application for Director's Review, including a site plan and an architectural sketch of the proposed sign, is first submitted to and approved by the Director as provided in Article VI of Chapter 17.32, the street frontages of 2 or more contiguous lots or parcels of land may be combined and considered as a single frontage for the purpose of jointly erecting and/or maintaining one freestanding business sign, provided that:
      - a. The combined street frontage is 150 feet or more; and
      - b. Such lots or parcels of land share a common street frontage; and
      - c. Such sign complies with all area, height, projection, lighting, movement and locational requirements established elsewhere in this title; and
      - d. If one such lot is a corner lot, only frontage along the street common to all lots or parcels of land so combined shall be used in these computations and all other frontages shall be considered separately.
    3. If an application for Director's Review, including a site plan and an architectural sketch of the proposed sign, is first submitted to and approved by the Director as provided in Article VI of Chapter 17.32, one monument sign 42 inches or less in height may be erected and/or maintained on a lot or parcel of land having less than 150 feet of continuous street frontage. However if a monument sign greater than 42 inches in height or a post sign is desired by the applicant the Director, in approving any such application shall make the following findings in addition to those specified in Section 17.32.790:
      - a. That no freestanding business sign currently exists on the subject property; and
      - b. That it is not practical for the applicant to combine the street frontage of said property with the frontage of one or more contiguous properties in order to comply with the minimum frontage requirement pursuant to subsection B.1. of this section; and
      - c. That surrounding buildings, structures or topographical features would substantially obstruct the visibility of a wall sign as permitted by this section for a distance of 100 feet, on one or both sides of such sign, measured along the center line of the street upon which such property fronts; and
      - d. That the requested sign is necessary for the effective identification of businesses located on said premises; and



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- e. That the requested sign will not obscure or significantly detract from existing legal signing located on surrounding properties; and
  - f. That the requested sign does not constitute a detriment to public health, safety and welfare; and
  - g. That the requested sign is in compliance with all other provisions of this title.
4. If the obstruction referred to in subsection B.9.c.3) of this section is a nonconforming sign, the Director shall require, as a condition of approval, that the proposed sign be removed no later than the date specified by this title for removal of the nonconforming sign. Such date for removal shall not be extended except in the instance where the amortization period for said nonconforming sign has been extended by the approval of an application for nonconforming use and structure review. In such instance, the new removal date shall not extend beyond the new amortization period established for said nonconforming sign.

The maximum permitted area of such sign shall be in the following ratio:

- a. On lots or parcels where the street frontage abuts or is across a local or collector street from residentially zoned property,  $\frac{1}{2}$  square foot of sign area for each foot of street frontage up to a maximum of 50 square feet total sign area; and
  - b. On all other lots or parcels,  $1\frac{1}{2}$  square feet of sign area for each foot of street frontage up to a maximum of 150 square feet total sign area.
5. Proposals for shopping centers of more than 2 net acres but no greater than 10 net acres shall require the submittal of an overall sign program which is subject to the Director's Review and approval. Shopping centers of greater than 10 net acres in size shall require an overall sign program as a condition of the required conditional use permit.
2. Pylon Signs. Pylon Signs shall comply with the following standards:
- a. Number. One sign for each site with a minimum of 150 feet of frontage on a major arterial.
  - b. Height. Maximum of 12 feet. For signs over 12 feet in height a Conditional Use Permit shall apply.
  - c. Location. Signs shall be located a minimum of 15 feet from interior side lot lines. Criteria for determining the precise location of signs shall include, but not limited to, visibility from the street, proximity to other signs and buildings, frontage and configuration of the site. Each sign shall a minimum of 100 square feet of landscaped planter area proportionally surrounding the sign, which shall be in addition to any other required landscaped area.
  - d. Street Address. All signs shall contain a street address.
  - e. Design Guidelines. Signs permitted per this section shall comply with any sign design guidelines that may be adopted by the City or as may be determined by the Director.
  - f. Design Review. All signs shall be reviewed and approved or conditionally approved with a Director's Review or Conditional Use Permit. Factors that the Director or Commission will consider include, but are not limited to the following:
    - 1. That the sign does not interfere with the ability of adjoining properties or uses to have visible signage;
    - 2. That the sign does not detract from architectural features of the building; and
    - 3. That the sign does not interfere with vehicular or pedestrian movement or with visibility for vehicular or pedestrian movements.

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- C. Under Marquee Sign. Each business establishment may be permitted under marquee signs subject to the following restrictions:
1. Area permitted: Maximum of 3 square feet total sign area.
  2. Number permitted:
    - a. Maximum of 2 per tenant; and
    - b. One for each entrance.
  3. Height above sidewalk: Shall not be less than 8 feet.
  4. Lighting. Under marquee signs may be internally or externally lighted, but any continuous or sequential flashing operation is prohibited.
- D. Window Signs. Each business establishment may be permitted display window signs subject to the following restrictions:
1. Area permitted: Maximum of 25% of the window area.
  2. Lighting. Window signs may be internally or externally lighted, but any continuous or sequential flashing operation is prohibited.
- E. Incidental Business Signs. Each business establishment may be permitted incidental business signs provided:
1. That such signs are wall signs or window signs or are displayed within an existing freestanding sign structure; and
  2. That such signs do not exceed 3 square feet in sign area or 6 square feet in total sign area; and
  3. That the sum of the sign areas of all such signs does not exceed 10 square feet.
  4. Incidental business signs may be internally or externally lighted but any continuous or sequential flashing operation is prohibited.

(Ord. 711 § 15 (part), 1995: prior zoning ord. § 221.063)

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

### **17.12.170 Building identification signs.**

Building identification signs may be permitted in the C zone subject to the following restrictions:

- A. Area Permitted. One wall-mounted sign may be permitted provided:
1. Such sign does not exceed 6 square feet in sign area where located less than 30 feet above ground level measured at the base of the building below said sign; or
  2. Such sign does not exceed 2% of the exterior wall area of the building wall on which it is mounted, excluding penthouse walls, where located more than 30 feet above ground level measured at the base of the building below said sign.
  3. The area of the building identification sign shall be subtracted from the area permitted for wall signs.
- B. Height Permitted. Such signs shall not extend above a line 18 inches below the highest point of a parapet wall or the lowest point of a sloping roof.
- C. Lighting. Building identification signs may be internally or externally lighted but any continuous or sequential flashing operation is prohibited.

### **17.12.180 Temporary signs.**

Temporary signs may be permitted in the C zone subject to the following restrictions:

- A. Area Permitted. Temporary signs which are posted or erected for 90 days or less shall not exceed 16 square feet in sign area or 32 square feet in total sign area as defined in Section 17.04.240. Temporary signs which have obtained a permit pursuant to subsection G of this section and which are posted or erected for more than 90 days shall not exceed 32 square feet in sign area or 64 square feet in total sign area.
- B. Height Permitted.
  - 1. Freestanding temporary signs shall not exceed 6 feet in height.
  - 2. Temporary signs which are posted, attached or affixed to buildings of more than one story shall not be higher than the finished floor line of the second floor of such building.
  - 3. Temporary signs which are posted, attached or affixed to a single-story building shall not extend above:
    - a. Eighteen inches below the top of the wall of the building;
    - b. The lowest point of a sloping roof of the building.
- C. Projection Permitted. Where temporary signs are attached to a wall such signs shall not project more than 18 inches from the building wall to which they are attached.
- D. Lighting. Temporary signs shall not be lighted.
- E. Placement. Temporary signs shall not be placed on public property (see Section 17.12.150 B.2.), or in any manner that would endanger the public (see Section 17.12.150.B.3.).
- F. Duration. No temporary sign shall be posted for more than 90 days without obtaining a sign permit pursuant to subsection G of this section. No sign permit for a temporary sign shall be valid for more than one year. Upon written request for an extension, the director may grant an extension for up to one additional year, upon making a finding in writing that the sign is otherwise in compliance with the requirements of Section 17.12.140 et seq. and that the extension is necessary to accomplish the purposes for which the sign has been posted. No additional extensions may be granted. All temporary signs shall be removed within 14 calendar days after occurrence of the event, if any, which is the subject of the temporary sign. The date of the posting shall be permanently and legibly marked on the lower right-hand corner of the sign face.
- G. Permit Required. Any person who proposes to post or erect a temporary sign for more than 90 days shall file an application for a sign permit with the department of community development. The applicant shall also file a statement of responsibility as required in subsection I of this section.
- H. Standards for Approval.
  - 1. Within 7 working days the director or his designated representative shall act upon the application for a temporary sign permit.
  - 2. The action on the application shall be based on character; location; design, including design elements such as material, letter style, colors, sign type, and shape; and the provisions of Section 17.12.140 et seq.
  - 3. If the action is to disapprove, the notice of disapproval shall specify the reasons therefor.

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- I. Statement of Responsibility. Each person desiring to post or erect a temporary sign(s), regardless of duration, shall submit to the department of community development a statement of responsibility in a form approved by the director with a description sufficient to identify the temporary sign(s), the locations of the sign(s) to be posted, and certifying a named individual who is responsible for removing each temporary sign. In the event the responsible individual fails to remove the temporary sign(s) as required by subsection F of this section, the temporary sign(s) shall be deemed abandoned and may be removed by the city, the cost of which removal shall be payable by the responsible individual.
  - J. Removal of Unauthorized, Unmaintained or Dangerous Signs.
    - 1. Temporary signs for which a statement of responsibility has not been submitted and, if required, a permit has not been obtained, are subject to immediate removal by the city without compensation. The city may, at its option, also pursue legal action under Section 17.04.220.
    - 2. Temporary signs which are deemed by the city to constitute a threat to the public health and safety are subject to immediate removal by the city without compensation. (Some examples might include signs which are not secured against the wind or are placed in a manner which would interfere with the vision of drivers or pedestrians.) The city's cost of removal shall be payable by the responsible individual.
    - 3. Temporary signs for which a statement of responsibility has been submitted and, if required, a permit has been obtained, and which do not pose a threat to public health and safety but are otherwise posted in violation of Section 17.12.140 et seq. shall be subject to removal in accordance with the following procedures. The city shall provide written notice to the responsible individual for each temporary sign established pursuant to subsection I of this section, that the sign is in violation of Section 17.12.140 et seq.; shall specify the nature of the violation; and shall direct the responsible individual therefor to remove or alter such temporary sign.

If the responsible individual fails to comply with the notice within 3 working days after such notice is mailed, the sign(s) shall be deemed abandoned, and may be removed by the city, the cost of which shall be payable by the responsible individual to the city.

(Ord. 711 § 15 (part), 1995: prior zoning ord. § 221.065)

### **17.12.200 Directional and/or information signs.**

Freestanding or wall-mounted directional and/or information signs may be permitted in the C zone subject to the following restrictions:

- A. Area Permitted. Directional and/or informational signs shall not exceed 12 square feet in sign area or 24 square feet in total sign area.
- B. Height Permitted.
  - 1. Wall-mounted directional and/or information signs shall not extend above a line 18 inches below the highest point of a parapet wall or the lowest point of a sloping roof.
  - 2. Freestanding directional and/or informational signs shall not exceed 10 feet in height measured from the base of the sign.
- C. Lighting. Directional and/or information signs may be internally or externally lighted but any continuous or sequential flashing operation is prohibited.
- D. Location of Signs. All such signs shall be located on-site.

(Ord. 711 § 15 (part), 1995: prior zoning ord. § 221.067)

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### 17.12.210 Special purpose signs.

The following special purpose signs may be permitted in the C zone as provided herein:

- A. Community Identification Signs. If a site plan is first submitted to and approved by the director, as provided in Article VI of Chapter 17.32, freestanding community identification signs may be permitted in any zone at or near the entrance to an unincorporated community subject to the following restrictions:
  - 1. Area Permitted. Such signs shall not exceed 96 square feet in sign area or 192 square feet in total sign area.
  - 2. Height Permitted. Such signs shall not exceed a maximum height of 12 feet measured vertically from the base of the sign.
  - 3. Lighting. Community identification signs may be internally or externally lighted but any continuous or sequential flashing operation is prohibited.
  - 4. Design. Such signs shall be architecturally related to the area in which they are located.
- B. Civic Organization Signs. If a site plan is first submitted to and approved by the director, as provided in Article VI of Chapter 17.32, freestanding civic organizations signs may be permitted in any zone at or near the entrance to the city subject to the following restrictions:
  - 1. Area Permitted. Such signs shall not exceed 50 square feet in sign area or 100 square feet in total sign area.
  - 2. Height Permitted. Such signs shall not exceed 12 feet in height measured vertically from the base of the sign.
  - 3. Lighting. Civic organization signs shall be unlighted.
  - 4. Design. Such signs shall be architecturally related to the area in which they are located.
- C. Bulletin or Special Event Signs. One freestanding or wall-mounted bulletin or special event sign may be erected and maintained on each lot or parcel of land in the C zone developed for a publicly owned, charitable, religious or educational institution subject to the following restrictions:
  - 1. Area Permitted. Such sign shall not exceed 50 square feet in sign area or 100 square feet in total sign area.
  - 2. Height Permitted.
    - a. A wall-mounted sign shall not extend above a line 18 inches below the highest point of a parapet wall or the lowest point of a sloping roof.
    - b. A freestanding sign shall not exceed 12 feet in height measured vertically from the base of the sign.
  - 3. Lighting. Bulletin or special event signs may be internally or externally lighted, but any continuous or sequential flashing operation is prohibited.
  - 4. Design. Such sign shall be architecturally related to the structure to which it is appurtenant.
  - 5. Location of Sign. A freestanding sign shall not be located nearer than 25 feet to any lot line.
- D. Fuel Pricing Signs. Fuel pricing signs shall be monument signs and are permitted for each business offering gasoline or other motor vehicle fuel for sale subject to the following restrictions:
  - 1. Area Permitted.

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- a. One sign, not to exceed 30 square feet in sign area or 60 square feet in total sign area, shall be permitted for each street frontage.
    - b. If said business is located on a corner, one sign, not to exceed 50 square feet in sign area or 100 square feet in total sign area, shall be permitted at the corner in lieu of separate signs on each of the intersecting frontages.
    - c. The area per sign face of a combined freestanding business and fuel pricing sign shall not exceed the sum of the permitted areas per sign face of the 2 combined signs, nor shall permitted sign areas be transferred between sign faces of a combined freestanding business and fuel pricing sign.
  2. Height Permitted.
    - a. No separate freestanding sign shall exceed 12 feet in height at a corner or 5 feet in height elsewhere. Such height shall be measured vertically from the base of the sign.
    - b. No combined business and fuel pricing sign or no business sign to which fuel pricing panels are mounted shall exceed the maximum permitted height of a freestanding business sign as established in Section 17.12.160.
  3. Lighting. Fuel pricing signs may be internally or externally lighted, but any continuous or sequential flashing operation is prohibited.
  4. Location of Sign. A separate freestanding sign shall not be located nearer than 25 feet from any existing freestanding sign or from any lot line, other than a lot line adjoining a street.
- E. Outdoor Menu Signs for Restaurants with Drive-Through or Car Service. Outdoor menu signs shall be separate freestanding signs and may be permitted for each business offering food to drive-through or car service customers subject to the following restrictions:
1. Area Permitted. One sign, not to exceed 24 square feet in total sign area may be permitted for each business. In the event the business has more than one drive-through service facility, 2 signs may be permitted which may share the total sign area permitted herein but shall not exceed it.
  2. Height Permitted. No outdoor menu sign shall exceed a height of 6 feet.
  3. Lighting. Outdoor menu signs may be internally or externally lighted but any continuous or sequential flashing operation is prohibited.
  4. Design. Such signs shall be designed to serve the needs of the motorist customer and shall be permanently affixed to the ground.
  5. Location of Sign. No outdoor menu sign shall be located in any required yard.
- F. Temporary Window Signs. Temporary window signs may be placed in the display windows of a business at which a merchandise sale or change in the status of the business is taking place subject to the following restrictions:
1. Area Permitted. Such signs shall not cover more than 25% of the display window area.
  2. Height Permitted. The height of the display window where the sign is placed.
  3. Lighting. No lighting other than what permanently exists in the display window.
  4. Location of Signs. Such signs shall be placed on display windows only and shall not be placed on the glass of any door.
  5. Time. Such signs may be permitted for up to 10 days in any calendar month.

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- G. Time, Temperature, and Public Service Message Signs. Signs using any system for the display of time of day, atmospheric temperature, or programmable electronic messages shall be wall, post or monument signs and may be permitted subject to the prohibitions in Section 17.12-.150B and the following restrictions:

1. Area Permitted. One sign not to exceed 24 square feet in total sign area may be permitted for each street frontage, up to a maximum of 2 for each business.
2. Height Permitted. No such sign shall exceed a height of:
  - a. For monument or post signs: 12 feet;
  - b. For wall signs: not less than 18 inches below the top of the wall of a single-story building.
3. Location of Sign. Such signs shall be placed not closer than 500 feet to any business already using this type of sign.
4. Other. Such signs must not violate the restrictions imposed by Section 17.12.150 B.1.d.

(Ord. 711 § 15 (part), 1995: prior zoning ord. § 221.068)

### **17.12.220 Off-street parking.**

The automobile parking facilities required by this section shall be provided and permanently maintained as such unless and until a substitute has been provided which is in full compliance with the provisions of this title. The following parking requirements shall be complied with in the C zone:

- A. General Conditions. The provisions of this section shall apply at the time that:
  1. A building or structure is erected; or
  2. An existing building or structure is altered or enlarged to increase the occupancy capacity.
- B. Parking Requirements by Use.
  1. Except as provided for in subsection B.5, below, for all uses, the developer, property owner, or authorized agent shall determine the number of parking spaces sufficient for the proposed use, and shall provide justification acceptable to the director of community development and/or the planning commission to support the determination.
  2. Mixed-Use, in Conjunction with Multi-Family Residential Use. The developer, property owner, or authorized agent shall determine the number of parking spaces sufficient for the non-residential portion of the mixed-use development, and shall provide justification acceptable to the director of community development and/or the planning commission to support the determination. The parking requirement for the multi-family portion shall be consistent with Section 17.08.100 of the residential zones.
  3. Multi-Family Uses. The parking requirement for multi-family uses shall be consistent with Section 17.08.100 of the residential zones.
  4. All uses shall provide parking for disabled persons in accordance with federal and state requirements.
  5. Except as necessary to comply with requirements to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities, for sites located within one-half mile of a major transit stop as defined in Section 21155 of the Public Resources Code, no parking is required, except:
    - a. Event centers shall provide parking for employees and other workers.

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- b. Development projects where any portion is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging (except where a portion of a housing development project is designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code) shall provide parking in accordance with the minimum parking requirements of subsection B.1, above.
  - c. Development projects for which, within 30 days of the receipt of a completed application, the city finds that based on a preponderance of the evidence in the record that not imposing or enforcing minimum automobile parking requirements on the development would have a substantially negative impact on any of the following:
    - 1) The city's ability to meet its share of the regional housing need in accordance with Section 65584 for low- and very low-income households.
    - 2) The city's ability to meet any special housing needs for the elderly or persons with disabilities identified in the analysis required pursuant to paragraph (7) of subdivision (a) of Section 65583.
    - 3) Existing residential or commercial parking within one-half mile of the housing development project.
  - d. Subsection (c) above shall not apply for the following projects:
    - 1) Housing development projects that dedicate a minimum of 20% of the total number of housing units to very low, low-, or moderate-income households, students, the elderly, or persons with disabilities.
    - 2) Housing development projects that contain fewer than 20 housing units.
    - 3) Housing development projects subject to parking reductions based on the provisions of any other applicable state law.

(Ord. 711 § 15 (part), 1995: prior zoning ord. §§ 221.070—221.075)

(Ord. No. 1016, § 4, 12-13-2016; Ord. No. 1106, § 4(Exh. A), 10-10-2023)

### **17.12.230 Design requirements.**

The following design requirements shall be met for development in the C zone:

A. General requirements applicable to all development:

- 1. Access.
  - a. Automobile.
    - 1) Driveways providing access to the site may be required to be combined, relocated, or otherwise limited in order to minimize traffic conflicts and improve public safety. All driveways shall be constructed to comply with current city standards. All driveway locations are subject to the approval of the director of public works.
    - 2) Entry drives into parking areas shall be of sufficient depth to provide for vehicle stacking appropriate to the size, location and intensity of the project served.
    - 3) Access to drive-through facilities shall have a sufficient depth to provide vehicle stacking for not less than 7 automobiles at a depth of 24 feet per automobile per drive-through facility. (One bank teller station equals one such facility.)



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Such stacking space shall be designed in a manner which will not restrict access to or from parking spaces, aisles or driveways.

- 4) Private internal roadways shall be constructed at the minimum widths necessary for safe traffic circulation in order to minimize heat absorption and storm water runoff.

b. Pedestrians and Bicycles.

- 1) On-site pedestrian walkways serving all commercial buildings, freestanding or common walls as in a shopping center, shall be installed in a manner which will promote direct, safe and convenient pedestrian access to public sidewalks, crosswalks and transit stops with minimal interruption by vehicular traffic. Where the walkways are interrupted by traffic the design of the crosswalk shall be intended to slow the speed of traffic.
- 2) Such pedestrian walkways shall be provided to each abutting street which is served by a sidewalk. The walkways shall be clearly designated through the use of raised walkways, decorative paving, placement of lighting, landscaping, shading devices, or other design features.
- 3) Pedestrian walkways and seating should be visible from buildings, parking facilities, and rights-of-way to the greatest degree possible to provide surveillance of these areas.
- 4) Access for bicycles shall be provided for all sites abutting or adjacent to planned bicycle and/or trail routes.
- 5) Bicycle parking shall be provided in a convenient location near the entrance of the building.

c. Public Transit.

- 1) Opportunities for turnouts, shelters and pedestrian access shall be provided at a location which is convenient to building entrances for all sites abutting expressways or arterial streets that are served by public transit routes.
- 2) If deemed necessary by the city for project mitigation, the city will consult with the bus company to determine appropriate improvements per the transportation demand and trip reduction measures of Ordinance No. 633.

2. Paving. Parking areas, as well as the maneuvering areas and driveways used for access thereto shall be paved with:

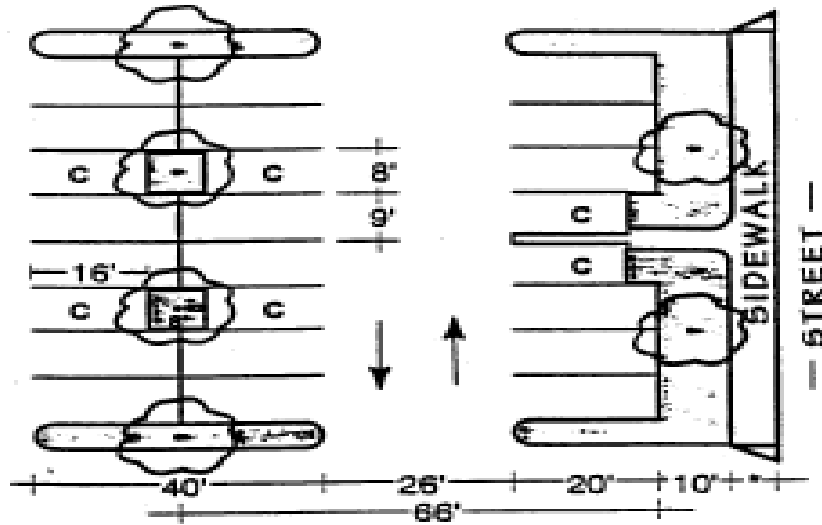
- a. Concrete surfacing to a minimum thickness of 3½ inches with expansion joints as necessary; or
- b. Asphalt surfacing, rolled to a smooth, hard surface having a minimum thickness of 2 inches after compaction, and laid over a base of crushed rock, gravel or other similar material compacted to a minimum thickness of 4 inches.
- c. For commercial truck parking and drive aisles, asphalt surfacing rolled to a smooth hard surface having a minimum thickness of 3 inches after compaction and, at a minimum, designed to accommodate a traffic index (TI) of 6.5 as calculated in accordance with the latest edition of the CalTrans Highway Design Manual. Large commercial projects may need a greater TI based upon their use.

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- d. Other alternative material that will provide at least the equivalent in service, life and appearance of the materials and standards which would be employed for development pursuant to subsection A.2.a. or b.
  - e. The director of public works, at the request of the director, shall review and report on the adequacy of paving where alternative materials are proposed under subsection A.2.d. The director of public works may approve such alternative materials if, in his opinion, the evidence indicates compliance with subsection A.2.d.
3. Size and Marking of Spaces.
- a. No less than 75% of parking spaces shall exhibit dimensions of 9 feet wide by 20 feet long or 10 feet wide and 18 feet long in 90-degree parking, or 9 feet wide by 18 feet long in 45- or 60-degree parking, with required disabled person parking spaces as provided by federal and state law.
  - b. Compact Spaces. No greater than 25% of the parking spaces may exhibit minimum dimensions of 8 feet in width by 18 feet in length. Such spaces shall be labelled "compact car only" in a manner acceptable to the director.
  - c. No parking shall occur in the first 10 feet of a required front or street side yard.
  - d. Where parking abuts an alley, the improved alley may be used as an aisle subject to approval of the parking lot design. (See the following diagrams for parking design options.)
4. Circulation. Entrances and exits shall be clearly identified. Vehicular circulation should be "one-way" in each aisle or "two-way" if the aisle width is a minimum of 20 feet. No aisle shall be less than 12 feet in width.
5. Location of Parking Spaces. Parking spaces used to meet requirements for commercial centers shall not be located in the rear of the center unless direct customer access to the buildings is permitted from these locations.
6. Loading Spaces. Number and location of such spaces shall be required as specified by the director.
7. Shopping Cart Storage. Those uses which require shopping carts for use by their customers shall provide designated storage areas in the parking lot area. Shopping cart storage areas shall be shown on the site plan as distinct and separate from the parking spaces and identify the cart storage capacity. Such storage areas shall not be placed in any required parking space.

## PARKING LOT DESIGN OPTIONS

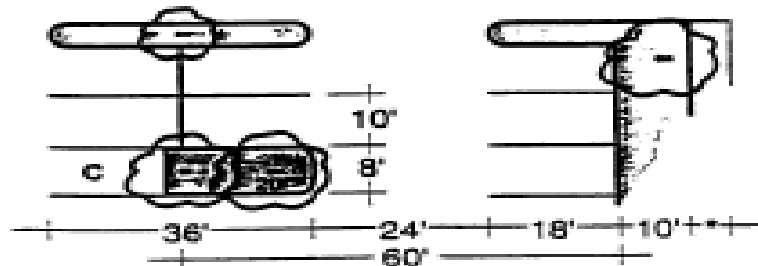
### 90°

STANDARD 90° - MINIMUM PARKING SPACE 9' X 20'  
 OPTION 90°-1 - MINIMUM PARKING SPACE 10' X 18'  
 C- ALL COMPACT PARKING SPACES ARE 8' X 16'



\* SIDEWALK WIDTH IN ACCORDANCE WITH CITY STANDARDS  
 FOR THE STREET CLASSIFICATION.  
 END STALLS PARALLEL TO WALLS OR FENCES SHALL BE 10' IN WIDTH.

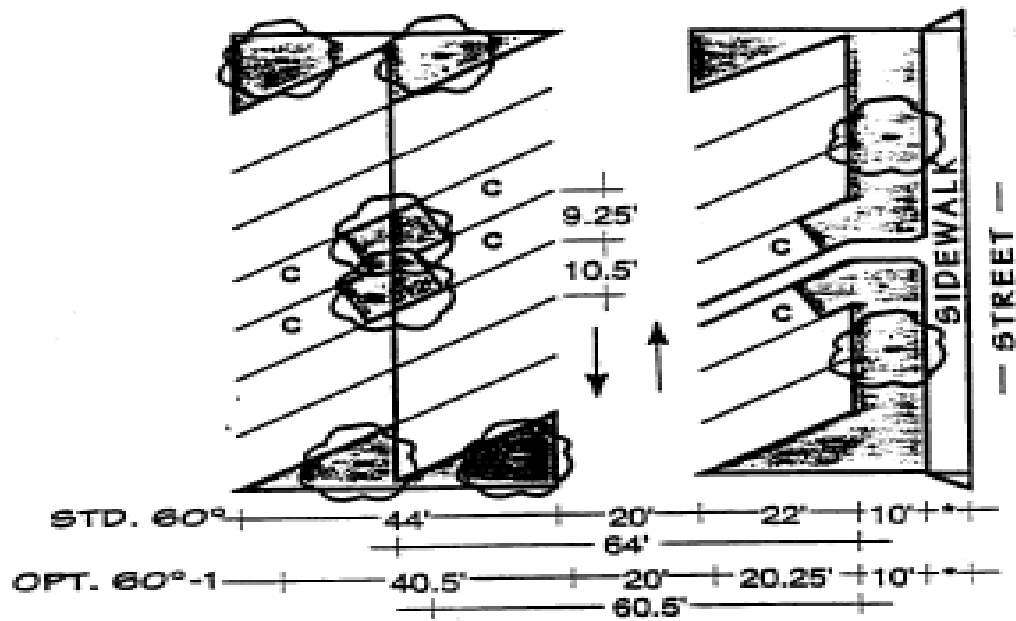
### OPTION 90°-1



## PARKING LOT DESIGN OPTIONS, cont.

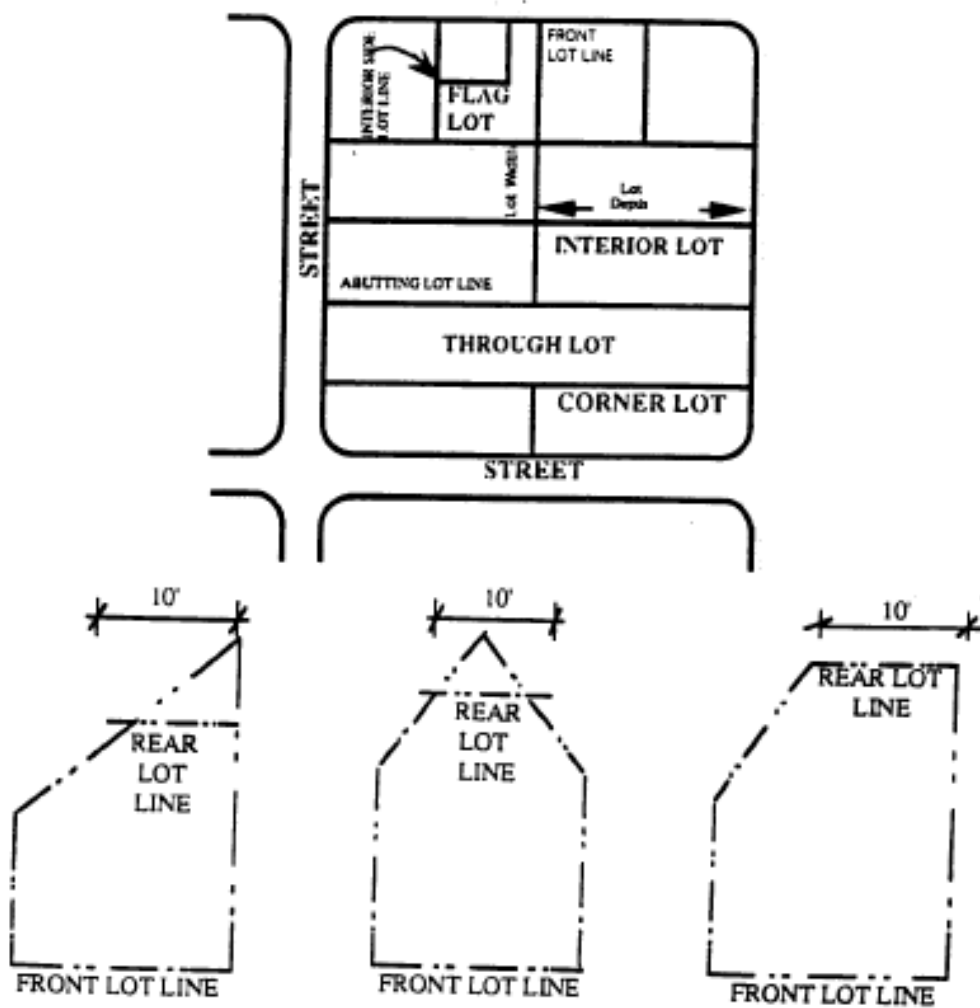
**60°**

STANDARD 60° - MINIMUM PARKING SPACE 9' x 20'  
 OPTION 60°-1 - MINIMUM PARKING SPACE 9' x 18'  
 C- ALL COMPACT PARKING SPACES ARE 6' x 16'



\* SIDEWALK WIDTH IN ACCORDANCE WITH CITY STANDARDS FOR THE STREET CLASSIFICATION.

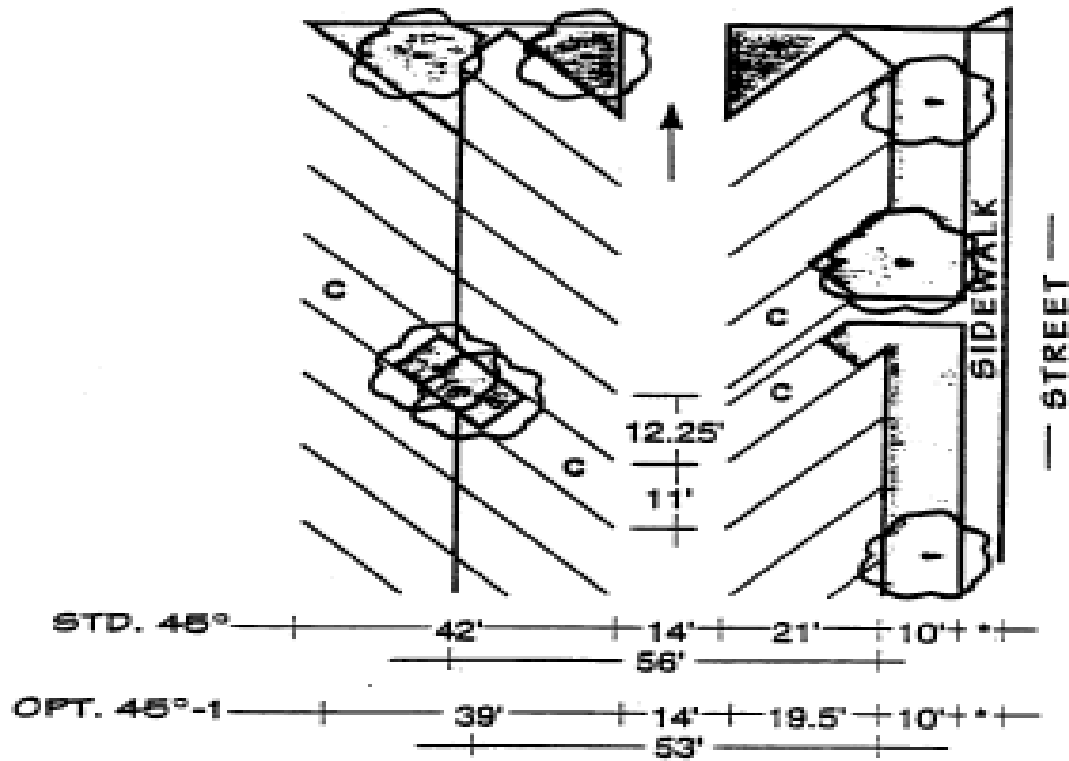
Lot Diagram.



## PARKING LOT DESIGN OPTIONS, cont.

**45°**

STANDARD 45° - MINIMUM PARKING SPACE 9' x 20'  
 OPTION 45°-1 - MINIMUM PARKING SPACE 9' x 18'  
 C- ALL COMPACT PARKING SPACES ARE 8' x 16'



\* SIDEWALK WIDTH IN ACCORDANCE WITH CITY STANDARDS FOR THE STREET CLASSIFICATION.

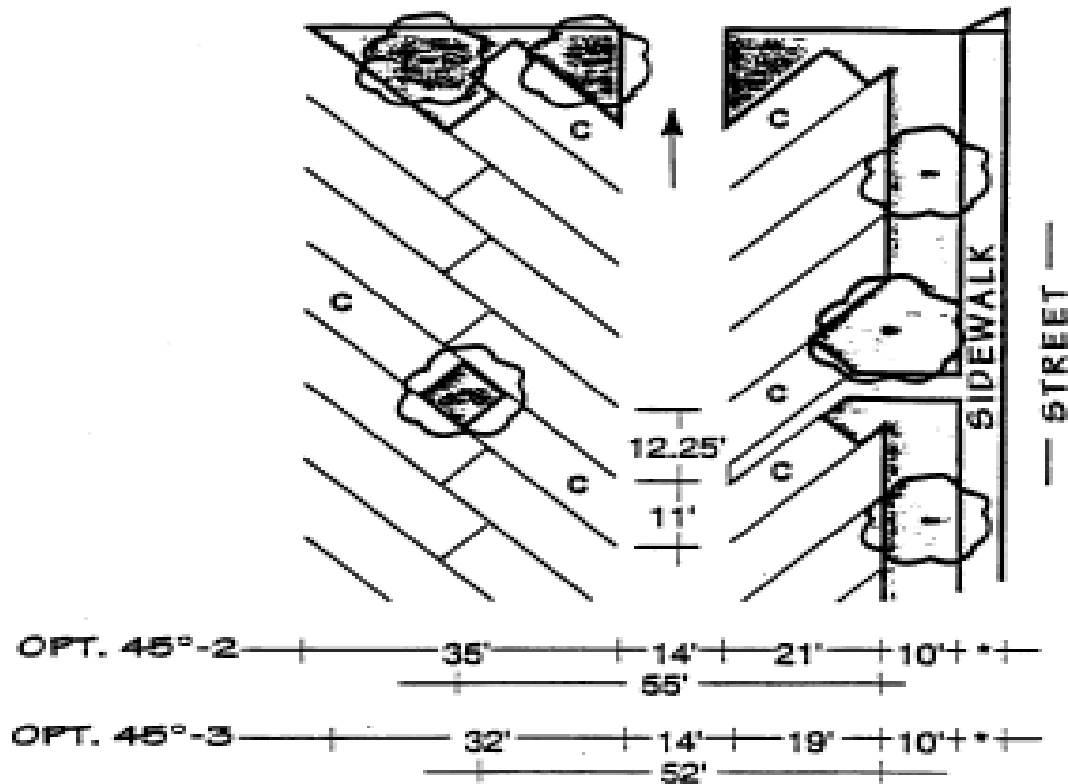
## PARKING LOT DESIGN OPTIONS, cont.

**45°**

OPTION 45°-2 - MINIMUM PARKING SPACE 9' X 20'

OPTION 45°-3 - MINIMUM PARKING SPACE 9' X 18'

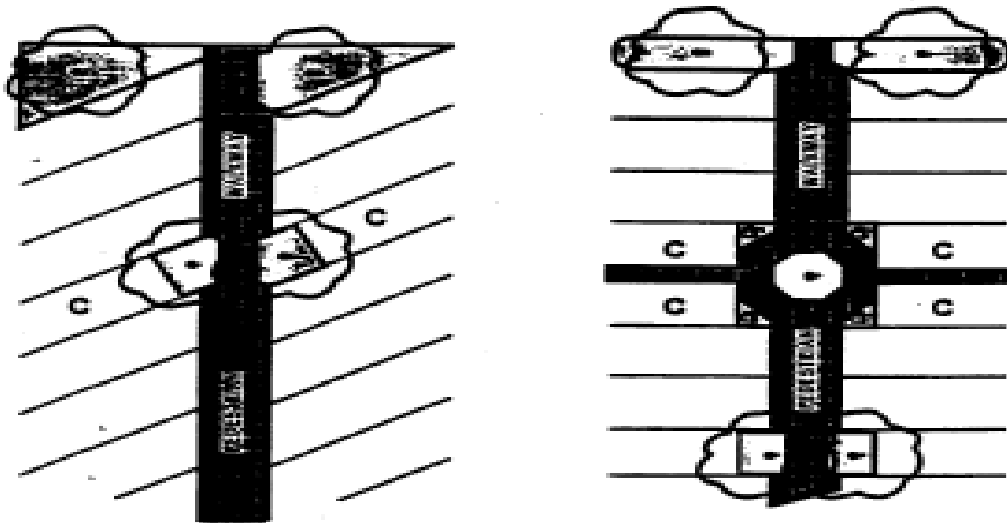
C- ALL COMPACT PARKING SPACES ARE 8' X 16'



\* SIDEWALK WIDTH IN ACCORDANCE WITH CITY STANDARDS FOR THE STREET CLASSIFICATION.

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## PEDESTRIAN WALKWAY OPTIONS



**DESIGNS ALLOW PEDESTRIANS TO WALK TO OR FROM THEIR CARS OR TO SIDEWALKS ON ADJOINING STREETS WITH MINIMAL CONFLICT WITH PARKING LOT TRAFFIC.**

8. Buffering. A masonry wall of not less than 5 nor greater than 6 feet in height shall be provided at the property line where the activities of a commercial use are anticipated to be incompatible with existing commercial or industrial uses or to protect an area from adverse climatic conditions (wind, blowing sand, etc.). It shall be the burden of the applicant to prove to the satisfaction of the director or a designated representative that the project will not create or be subject to conditions necessitating a wall at the time of site plan review if a wall is not desired.
9. Building Design.
  - a. Shopping centers shall be designed with a common architectural theme for all buildings in the center, including freestanding uses. The center shall utilize building style, form, size, color and materials that are compatible with adjoining development, planned or existing.
  - b. Building placement shall complement the design of adjoining sites to facilitate the convenient and logical functioning of neighboring uses. Where more than one building is to be developed on the site, the buildings shall be laid out in clusters or as necessary to create outdoor patios, courts



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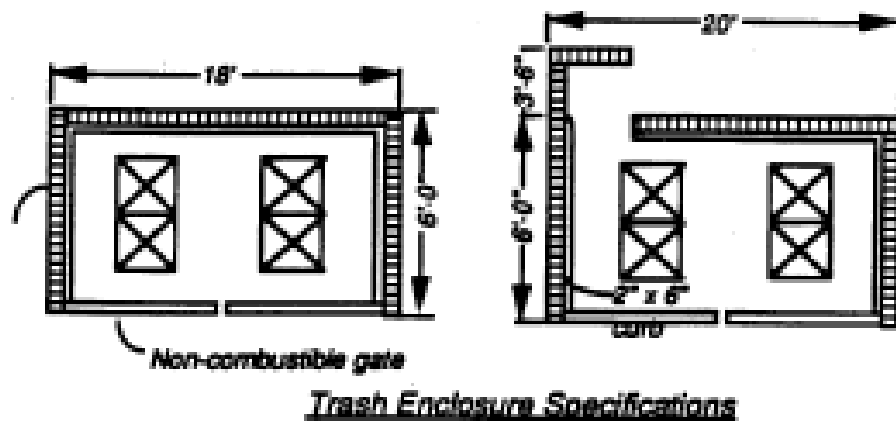
and walkways in a landscaped setting. Building and parking layout shall be varied to avoid a "strip commercial appearance."

- c. Roof treatment shall be the same on the entire periphery of the building, except where a different treatment is required by the city building code. Where screening of rooftop equipment is necessary such screening shall be designed to complement the architecture of the building.
  - d. Building components such as windows, doors, eaves and parapets shall have good proportions and relationships to one another and shall utilize canopies and/or overhangs to shade windows during summer months. Buildings should be designed to utilize natural light for internal illumination through the use of courts, skylights, and other design options.
  - e. Building articulations should be utilized to minimize the visual effects of large expanses of blank wall.
  - f. Utility doors, access panels, fire doors, loading docks, and other openings shall be treated as part of the architectural composition of buildings.
  - g. An exterior color scheme for all buildings or additions thereto shall be submitted with the building elevations for approval. The color scheme for existing neighboring buildings shall be indicated and considered.
  - h. Solar access and prevailing winds should be considered in building design and orientation.
  - i. Additions to existing buildings shall generally conform to the design of the existing building. New building size, materials and color shall be consistent with the scale and design of the building to which it is attached.
  - j. The use of corrugated metal buildings is prohibited in this zone.
  - k. Shower facilities shall be provided for employees as follows:
    - 1) Freestanding buildings not within a shopping center or other commercial center which have a gross floor area of 50,000 square feet to 100,000 square feet shall provide one shower for each gender and 0.5 clothing lockers for each required bicycle parking space. An additional shower for each gender shall be provided for each additional 100,000 square feet of gross floor area or portion thereof.
    - 2) Shopping centers or other commercial centers shall provide showers and lockers at the same rate as subsection A.9.k.1) of this section for the total gross square footage of the center. The center may consolidate the showers in a common facility within the center rather than providing them by individual use.
    - 3) The floor area for showers shall not be included in the calculations for parking requirements for a freestanding building or shopping center or other commercial center.
10. Landscaping.
- a. Landscape designs shall be consistent throughout a project site. Unrelated and random choice or placement of plant materials shall be avoided; however, variety may be employed to intensify distinction between spaces or to strengthen a sense of entry, place or movement, or to promote energy conservation.
  - b. The type, scale and proportion of landscape materials shall be appropriate to the site and/or structures to which they relate.
  - c. Landscaping should be placed in a manner which will minimize the provision of hiding places for criminals near doors, windows, or other possible points of building entry as well as allow patrol officers a clear view of such points of entry.

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- d. Plant material shall be selected for interest in its structure, texture, color, ultimate growth and water efficiency. Plants that are native or climate adaptive to the high desert area of Lancaster and/or others that will be hardy, harmonious with project design, and of good appearance shall be used. Drought-resistant varieties of plants shall be used wherever feasible. Turf shall not be permitted except for recreational areas. Drought-resistant varieties of plants shall be used in accordance with Title 8, Chapter 8.50 Landscaping Installation and Maintenance of the Lancaster Municipal Code.
  - e. Landscaped areas shall be irrigated by an automatic system with separate stations for each hydrozone. The irrigation system shall be designed and equipped to incorporate water conservation techniques such as drip systems, moisture sensors and anti-drain valves. Sprinkler systems shall be designed to prevent water from falling onto impervious surfaces. The system shall comply with Title 8, Chapter 8.50, Landscaping Installation and Maintenance of the Lancaster Municipal Code.
  - f. All areas within a site which has been approved by the city for development as a site plan or approved phase thereof, which are not needed for buildings, sidewalks, vehicle access or parking shall be landscaped.
  - g. All landscaped planter areas shall be completely bordered by a 6-inch P.C.C. curbing to prevent irrigation runoff and act as a wheel stop where necessary. Where used as a wheel stop the 6-inch curb may be counted toward the required length of the parking space.
  - h. All parking lots shall be landscaped with shade trees to achieve 50% coverage at maturity.
  - i. For all lots, not less than 15% of the lot area remaining after the area to be covered by building has been subtracted from the total lot area, shall be landscaped.
  - j. Where off-street parking areas abut local or collector streets, such areas shall be separated from an abutting street by a continuous landscaped planter which extends parallel to the street frontage of the parking area. Said planter shall be a minimum of 10 feet in width exclusive of perimeter curbs. Up to ½ of the perimeter landscape area may be counted toward fulfilling the requirements of subsection A.10.i. of this section.
  - k. Trees and landscaping shall be utilized wherever possible to shade buildings as a means of enhancing energy conservation and provide protection against strong winds. Deciduous trees and/or vines should be used where passive solar heat gain is desired in buildings during the winter months.
  - l. At least 10% of all trees installed shall be from a 24-inch box or larger and shall be placed to ameliorate the effect of large, windowless building walls and to emphasize focal points within the development. No other tree shall be less than 15-gallon size. At least 75% of all shrubs shall be of 5-gallon size, and no shrub shall be less than one-gallon size. Ground covers shall be planted no further apart than 6 inches on center.
  - m. All landscaped areas shall be continuously and properly maintained in good condition.
11. Lighting. The intent of this requirement is to properly illuminate the site without producing an adverse impact on neighboring property. Exterior lighting of the building and site shall be provided, maintained and utilized during the hours of darkness in accordance with the following requirements:
- a. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be compatible with building design.
  - b. Placement of lighting shall be in accordance with recognized crime prevention, and safety principles.

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12. Outside Storage. Outside storage is permitted on the rear of a lot or parcel of land in the C zone when the storage area is paved and such storage is strictly incidental to the permitted use existing in a building on the front portion of the same lot or parcel of land and provided no storage is higher than the enclosure surrounding it nor nearer than 50 feet to the front property line. Any outdoor area used for storage shall be completely enclosed by a solid masonry wall and sight-obscuring gate (chain link with slats is not acceptable), not less than 5 feet nor more than 6 feet in height, except that the director may approve the substitution of a fence or decorative wall where in his opinion, such wall or fence will adequately comply with the provisions of this section. All such requests for substitution shall be subject to the provisions of Article VI of Chapter 17.32, Director's Review.
13. Screening.
- All rooftop mechanical equipment, ducts, tanks, satellite antennae, etc., shall be enclosed or otherwise screened from view from all sides of the building. (This requirement does not include wind powered turbines used for ventilation.)
  - Where mechanical equipment, junction boxes, satellite antennae, meters, and similar utility equipment is ground mounted it shall be enclosed or, screened from view where necessary to preclude visibility from streets and adjacent properties.
  - Valves and other ground mounted equipment serving building sprinkler systems and irrigation backflow prevention devices shall be enclosed, screened or placed underground to preclude visibility from streets and adjacent properties.
  - Loading areas shall be screened from view only where necessary to preclude visibility from streets and adjacent properties.
  - Parking areas adjacent to streets shall be screened with landscaping in the required yards and with low decorative walls, berms or combinations thereof. Where walls are used they shall be placed so as not to obscure landscaped areas from the street.
14. Service for Utilities. All on-site utility services shall be underground.
15. Signs.
- The colors, materials and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
  - The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.
  - Use of individual letters for all signing is preferred and encouraged over "cabinet" signs. Where cabinet signs are utilized, such cabinet must be integrated into the design of the building or structure.
  - The light source of externally illuminated signs shall not be visible.
  - No sign shall be placed in a manner which would obstruct a driver's or pedestrian's vision and thus create a hazard to public safety, and shall not be placed in or over any public right-of-way.
  - Street numbers of all buildings shall be prominently located and of sufficient size to be easily read from the street by public safety personnel (i.e., police, fire, ambulance).
16. Refuse/Recycling Storage. Commercial, industrial and institutional uses shall have on the same lot or parcel a refuse/recycling storage area at a ratio of 20 square feet of refuse/recycling storage area for each 1,000 square feet or portion thereof of net floor area of the facility, but not less

than 6 feet in width nor less than 18 feet in length (exterior dimension). Such storage areas shall include separate containers for waste and for materials to be recycled. Each container shall be clearly marked or color coded for its intended use. Such storage areas shall be enclosed on 3 sides by a minimum 5-foot-high reinforced masonry or concrete wall with a sight-obscuring gate of noncombustible materials (chain link with slats is not acceptable) which is the same height as the enclosing walls. The floor of the enclosure shall be of concrete construction and the walls shall be protected by a concrete curb not less than 2 inches high by 6 inches wide or conventional concrete wheel stops to preclude damage by dumpsters. Such storage areas shall not be placed in a location which is openly exposed to a fronting street or a neighboring residential area.



17. Hazardous Materials. Applicants must obtain the approval of the Los Angeles County fire department prior to obtaining any city permits for any use which includes the use of hazardous materials or the storage of hazardous materials or wastes.
18. Radioactive Materials. The use of radioactive materials shall be limited to measuring, gauging or calibration equipment.
19. Noise. Uses which generate noise by the nature of their function and/or processes shall be required to demonstrate that the noise levels emitted from the use shall not exceed 65 dBA at any property line which abuts a residential zone, residential use, or other noise-sensitive use. A detailed noise attenuation study by a qualified acoustical engineer may be required by the director or his designated representative to determine appropriate mitigation and methods to incorporate same into project design. Site design methods which may be utilized to reduce noise include:
  - a. The use of building setbacks and dedication of noise easements to increase the distance between the noise source and receiver;
  - b. The location of uses and orientation of buildings which are compatible with higher noise levels adjacent to noise generators or in clusters to shield more noise-sensitive areas and uses;
  - c. The placement of noise-tolerant land uses, such as parking areas, between the noise source and receiver;

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- d. The placement of noise-tolerant structures, such as garages or carports, to shield noise sensitive areas;
  - e. Clustering of office or commercial structures to reduce interior open space noise levels.
20. Electric Vehicle Charging Stations (EVCS). New commercial development shall provide for electric vehicle charging stations in the manner prescribed as follows:
- a. New residential uses shall provide EVCSs in accordance with Section 17.08.150T.
  - b. New commercial, industrial, and other uses with the building or land area, capacity, or numbers of employees listed herein shall provide the electrical service capacity necessary and all conduits and related equipment necessary to ultimately serve 2% of the total parking spaces with EVCSs in a manner approved by the building and safety official. Of these parking spaces, 1/2 shall initially be provided with the electric vehicle supply equipment necessary to function as on-line EVCSs upon completion of the project. The remainder shall be installed at such time as they are needed for use by customers, employees or other users. EVCSs shall be provided in disabled person parking spaces in accordance with state requirements.
    - 1) Construction of a hospital of 500 or more beds, or expansion of a hospital of that size by 20% or more.
    - 2) Construction of a post-secondary school (college), public or private, for 3,000 or more students, or expansion of an existing facility having a capacity of 3,000 or more students by an addition of at least 20%.
    - 3) Hotels or motels with 500 or more rooms.
    - 4) Industrial, manufacturing, or processing plants or industrial parks that employ more than 1,000 persons, occupy more than 40 acres of land, or contain more than 650,000 square feet of gross floor area.
    - 5) Office buildings or office parks that employ more than 1,000 persons or contain more than 250,000 square feet of gross floor area.
    - 6) Shopping centers or trade centers that employ 1,000 or more persons or contain 500,000 square feet of gross floor area.
    - 7) Sports, entertainment, or recreation facilities that accommodate at least 4,000 persons per performance or that contain 1,500 or more fixed seats.
    - 8) Transit projects (including but not limited to transit stations and park and ride lots).
- B. When adjacent to residentially zoned property, the following requirements shall also be applied:
- 1. Artificial lighting used to illuminate the premises shall be directed away from adjacent residentially zoned properties.
  - 2. Where multi-story buildings are to be utilized on lots abutting residentially zoned properties, such buildings shall be located or oriented in a manner which will minimize visual intrusion into neighboring residentially zoned property. (This may be accomplished by setting the building back from the abutting property line beyond the distance required for the yard, selective placement of windows, orienting the building in a manner which will not give occupants a direct view into the yards or windows of neighboring residents.)
  - 3. No signs shall be placed in a manner which visually intrudes into adjoining residentially zoned property.

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4. Trees shall be utilized as a means of improving the interface between commercial and residential uses where appropriate.
  5. Buffering. When abutting residentially zoned property, a masonry wall of not less than 5 nor greater than 6 feet in height and with a 10 foot landscaped setback shall be provided at the property line in accordance with the provisions for walls specified in Section 17.28.030C to minimize conflicts between commercial and residential uses. Trees shall be utilized to screen areas visible above the wall. This requirement shall be modified, where necessary to preclude interference with line-of-sight of a driver within 10 feet of any street or alley, down to a maximum height of 42 inches. The design of the wall shall be considered as part of the site plan review. The site and any buildings thereon shall be designed to locate noise- and odor-generating equipment and activity in a manner which will have a minimal impact on abutting residentially zoned property. Such techniques may include, but are not limited to, no windows on the building wall(s) facing residentially zoned property, insulating structures housing equipment against noise, limitation of the hours of equipment operation, and other controls designed for specific problems. It shall be the burden of the applicant to prove that his project will not have a detrimental effect on neighboring residential property at the time of site plan review.
- C. Air Quality. Uses located within 500 feet of any residential use or residential zone shall not emit smoke, dust or fumes of any kind in conjunction with any process. All uses shall comply with the air quality standards of the Air Quality Management District (AQMD) or the city of Lancaster, whichever is more restrictive.
- (Ord. 713 § 5 (part), 1995; Ord. 711 § 15 (part), 1995: prior zoning ord. § 221.080)
- (Ord. No. 907, § 5, 10-28-2008; Ord. No. 1016, §§ 4—7, 12-13-2016)

### ***Article III. Reserved<sup>2</sup>***

#### **17.12.240—17.12.460 Reserved.**

### ***Article IV. Commercial Planned Development (CPD) Zone***

#### **17.12.470 Purpose and intent.**

The purpose and intent of the CPD zone is to provide the means necessary to implement the city general plan, specifically the "regional," "subregional" and "general commercial" categories as set forth in the text of the general plan and as delineated on the general plan map. This zone is also intended to be applied to lands so designated which are subject to, or the development of which involves special consideration such as proximity to residential neighbors which merit the attention of the planning commission and applications of special conditions to deal with such concerns. This zone is intended to be in accordance with applicable goals, objectives, policies and programs, and standards of development set forth by the general plan. This zone is intended to provide for the

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<sup>2</sup>Editor's note(s)—Ord. No. 945, § 3, adopted July 13, 2010, repealed Art. III, §§ 17.12.240—17.12.460, which pertained to the Central Business District (CBD) Zone, and derived from the prior zoning ord., §§ 220.010, 220.020—222.026, 222.030, 222.031, 222.040, 222.050, 222.060—222.068, 222.070—222.075 and 222.080; Ords. 711 and 713 of 1995; Ord. 753 of 1999; Ord. 827 of 2004; Ord. 896 of 2008; Ord. No. 907, adopted October 28, 2008; and Ord. No. 924, adopted August 25, 2009.

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daily commercial needs of residents of the city and adjoining areas, visitors and business in an urban environment with full urban services.

(Prior zoning ord. § 223.010)

#### **17.12.480 Prohibition.**

A person shall not use any premises in the CPD zone except as hereafter permitted in the title and subject to all regulations and conditions enumerated in this title.

(Prior zoning ord. § 223.020)

#### **17.12.490 Permitted uses.**

Premises in the CPD zone may be used for:

- A. Existing single-family residential uses which may continue to be used as a permitted use provided that such uses may not be expanded in any manner. This limit on expansion does not apply accessory dwelling units and junior accessory dwelling units subject to Chapter 17.41, Article I.
- B. Any use which is permitted in the C zone, subject to the director's approval of a site plan\* which demonstrates conformity with the provisions of the C zone and this title, and provided that all of the following conditions exist:
  - 1. The area of the lot or parcel of land to be used is 2 acres or less.
  - 2. The proposed use is found by the director\* to be compatible with surrounding development.
- C. Existing premises may be used for any use which is permitted in the C zone provided that the proposed use is found by the director\* to be compatible with surrounding development.
- D. Water reservoirs, dams, treatment plants, gauging stations, pumping stations, tanks, wells, and any use normal and appurtenant to the storage and distribution of water.
- E. Low barrier navigation centers subject to Chapter 17.41, Article V.

\* The director's determinations on these items may be appealed to the planning commission.

(Ord. 711 §§ 28, 30 (part), 1995; prior zoning ord. § 223.021)

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

#### **17.12.500 Accessory uses.**

Shall be the same as allowed in the C zone (Section 17.12.050).

(Prior zoning ord. § 223.022)

#### **17.12.510 Temporary uses.**

Shall be the same as allowed in the C zone (Section 17.12.060).

(Prior zoning ord. § 223.023)

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### **17.12.520 Uses subject to director's review and approval.**

Shall be the same as allowed in the C zone (Section 17.12.040).

(Prior zoning ord. § 223.024)

### **17.12.530 Uses subject to permit.**

If a conditional use permit has first been obtained, as provided in Article I of Chapter 17.32, property in the CPD zone may be used for a planned commercial development in which the commission may approve any use permitted, or subject to permit, in the C zone provided that the commission finds such uses are in character with surrounding commercial uses. In the conditional use permit the commission may modify any of the prescribed standards of development pertaining thereto. Such uses shall be subject to all of the following provisions:

- A. Access and Parking. Adequate provision shall be made for vehicular access, parking and loading so as to prevent undue traffic congestion on adjacent streets and highways, particularly on local streets. The requirements of Section 17.12.220 shall be considered in the review of any proposed project.
- B. Reserved.
- C. Design. The arrangement of buildings, architectural design, and types of commercial uses shall be such as to minimize adverse influences on adjacent properties. (The requirements of Sections 17.12.130 and 17.12.230 shall be considered in the review of any proposed projects.)
- D. Development Features. The development plan shall include yards, walls, walks, landscaping, and such other features as may be needed to make the commercial development attractive, adequately buffered from adjacent more restrictive uses, and in keeping with the character of the surrounding area.
- E. Development Schedule. The commission shall approve a progress schedule including all phases of development and indicating that the improvements described in the development plan will be made prior to occupancy of any buildings. The commission may modify without a hearing this condition pertaining to the development schedule based upon an affirmative showing, in writing, of hardship.
- F. Need. The commission shall not grant a conditional use permit for a planned commercial development in the CPD zone unless it finds that the proposed commercial development is needed to serve the immediately adjacent area, and development has occurred, or is proposed, which will warrant such commercial development.
- G. Signs. The commission in granting the conditional use permit may allow advertising signs permitted in Zone C (Sections 17.12.140— 17.12.210) which it finds will be in keeping with the concept of planned development. No outdoor advertising signs are permitted or allowed to be relocated into this zone. In addition, the commission may approve one sign for a shopping center, other commercial center, or auto mall, which identifies the major tenants thereof for each frontage on a street or highway which has a right-of-way of 100 feet or more.
- H. Utilities. The applicant shall submit to the commission and it shall be made a condition of approval, satisfactory evidence that the applicant has made arrangements with the serving utilities to install underground all new facilities necessary to furnish service in the development. This requirement may be waived where it would cause undue hardship or constitute an unreasonable requirement.

(Prior zoning ord. § 223.025)

(Ord. No. 1016, § 8, 12-13-2016)



## ***Article V. Hospital (H) Zone***

### **17.12.540 Purpose and intent.**

The purpose of the H zone is to provide the means necessary to implement the city general plan, specifically the "health care facilities" land use designation as set forth in the text of the general plan and delineated as "hospitals" on the general plan map. This zone is also intended to allow the development of those uses which are typically located near hospitals. This zone is intended to be in accordance with applicable goals, objectives, policies, programs and standards of development set forth by the plan. This zone is intended to provide for the daily medical needs of the residents of the city and adjoining areas and visitors in an urban environment with full urban services.

It shall also be the intent of this zone to apply the provisions of the zone including but not limited to the property development regulations required herein to all new building lots created after the effective date of the ordinance codified in this title and including but not limited to the design requirements, to all new construction, including new additions, permitted after the effective date of the ordinance codified in this title.

It shall not be the intent of this title to render previously legally created building lots or legally constructed buildings which do not comply with the new property development regulations or other requirements of the title to be nonconforming where these lots or buildings complied with the ordinances in effect at the time of their creation or construction. However, proof of compliance with ordinances in effect at the time of creation or construction shall be the sole burden of the applicant or property owner. Such proof may include permits, minutes of council or commission action, case files or other documentation.

(Prior zoning ord. § 224.010)

### **17.12.550 Prohibition.**

A person shall not use any premises in the H zone except as hereafter specifically permitted in this title and subject to all regulations and conditions enumerated in this title.

(Prior zoning ord. § 224.020)

### **17.12.560 Permitted uses.**

The following uses are permitted in the H zone:

- A. Hospital, privately or publicly owned;
- B. Long-term health care facility;
- C. Medical clinic;
- D. Medical laboratory;
- E. Medical offices;
- F. Pharmacy;

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- G. Water reservoirs, dams, treatment plants, gauging stations, pumping stations, tanks, wells, and any use normal and appurtenant to the storage and distribution of water. Exception: This use is not subject to site plan review (Section 17.12.630).

(Ord. 711 §§ 20 (part), 30 (part), 1995; prior zoning ord. § 224.021)

### **17.12.570 Accessory uses.**

The following uses are considered as accessory uses to the permitted uses in the H zone:

- A. Accessory buildings customarily used in conjunction with permitted uses;
- B. Awnings, fences, walls or windbreaks;
- C. Parking lot guard house;
- D. Solar energy systems, whether mounted on or attached to a building or mounted on the ground;
- E. Electric Vehicle Charging Station. An electric vehicle charging station (EVCS) shall be permitted as an accessory use within any existing legal single-family or multiple-family residential garage or carport, or within any existing legal commercial parking space in a parking lot or in a parking garage, subject to all applicable city code requirements and the following:
  - 1. Electric vehicle charging stations (EVCS) for public use shall be subject to the following requirements:
    - a. The EVCSs shall be located in a manner which will be easily seen by the public for informational and security purposes and shall be illuminated during evening business hours; and
    - b. Be located in desirable and convenient parking locations which will serve as an incentive for the use of electric vehicles; and
    - c. The EVCS pedestals shall be protected as necessary to prevent damage by automobiles; and
    - d. The EVCS pedestals shall be designed to minimize potential damage by vandalism and to be safe for use in inclement weather; and
    - e. Complete instructions and appropriate warnings concerning the use of the EVCS shall be posted on a sign in a prominent location on each station for use by the operator; and
    - f. One standard nonilluminated sign, not to exceed 4 square feet in area and 10 feet in height, may be posted for the purpose of identifying the location of each cluster of EVCSs; and
    - g. The EVCS may be on a timer that limits the use of the station to the normal business hours of the use(s) which it serves to preclude unauthorized use after business hours.
  - 2. Electric vehicle charging stations for private use shall:
    - a. Be located in a manner which will not allow public access to the charging station; and
    - b. Comply with subsections E.1.c., d. and e. of this section.
- F. Mini Wireless Telecommunication Facilities. This category includes all mini wireless telecommunication facilities subject to the requirements of Section 17.40.640.

(Ord. 753 § 1 (Exh. A § 2 (part)), 1999; Ord. 713 § 3 (part), 1995; prior zoning ord. § 224.022)

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### **17.12.580 Temporary uses.**

The following uses are considered as temporary uses in the H zone:

- A. Building materials, storage of, used in the construction of a building or building project, during the construction and 30 days thereafter including the contractor's temporary office provided that any lot or parcel of land so used shall be part of the building project, or on property adjoining the construction site;
- B. Commercial coaches used as temporary offices subject to the provisions of Article X of Chapter 17.40 and this zone.

(Prior zoning ord. § 224.023)

### **17.12.590 Uses subject to director's review and approval.**

If site plans or other pertinent information for the proposed use are first submitted to and approved by the director in accordance with Article VI of Chapter 17.32, premises in the H zone may be used for the following uses:

- A. Access to property lawfully used for a purpose not permitted in the H zone provided no other practical access to such property is available and such access will not alter the character of the premises in respect to permitted uses in the H zone;
- B. Parking. Joint usage or leased. (See Section 17.12.690B.)
- C. Minor co-located and stealth wireless telecommunicatoin facilities subject to the requirements of Section 17.40.640.
- D. Cargo containers utilized exclusively for the storage of emergency supplies to be used for the benefit of the public by a recognized governmental agency, such as the Los Angeles County Fire Department, in the event of a disaster or emergency situation. Placement of a cargo container for the storage of private supplies is not allowed.

(Ord. 753 § 1 (Exh. A § 6 (part)), 1999; prior zoning ord. § 224.024)

(Ord. No. 964, § 1, 5-24-2011)

### **17.12.600 Uses subject to permit.**

The following uses may be permitted in the H zone provided a conditional use permit has first been obtained as provided in Article I of Chapter 17.32, and while such permit is in full force and effect in conformity with conditions of such permit for:

- A. Ambulance service;
- B. Buildings or structures more than 5 stories in height;
- C. Heliport for medical purposes;
- D. Medical/sick room supplies, sales or rental;
- E. Mobilehome or other residence for use by caretaker and his immediate family in accordance with Article VIII of Chapter 17.40.

(Ord. 711 § 30 (part), 1995; prior zoning ord. § 224.025)

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### **17.12.610 Height regulations.**

No building or structure for a permitted use in the H zone shall exceed a height of 5 stories. This section does not apply to uses subject to permit which shall be subject to Article I of Chapter 17.32. (See Article XII of Chapter 17.40 for general exceptions.)

(Prior zoning ord. § 224.030)

### **17.12.620 Exception for solar systems.**

Solar collectors may exceed the height limit when mounted on the roof of a legal, conforming building. The right to exceed the height limit shall be exercised only in the event that: there is no other practical means or location for achieving an efficient placement on the building or site in question: such collectors may exceed the height limit only to the extent necessary to achieve efficient placement: in no case shall such solar collectors (or related equipment) encroach more than 5 feet beyond the limit. Also the placement of a solar collector shall not shade or otherwise diminish the efficiency of existing solar collectors on neighboring property, or preclude such property from sufficient solar access to successfully operate a solar energy system sufficient to serve the needs of the business or occupants.

(Prior zoning ord. § 224.031)

### **17.12.630 Site plan review required.**

A site plan (with vicinity map) and building elevations, drawn to scale and reflecting the accurate dimensions of the buildings and property, shall be required of any person seeking to erect new buildings or structures, make additions to any existing buildings or structures, site temporary commercial coaches, or otherwise grade, improve or develop any lot or portion thereof for a permitted use prior to the issuance of any grading or building permit. The site plan shall be accompanied by an appropriate development application and both shall be filed with the planning department. The director or his designated representative shall review the site plan for conformance with the provisions of this title. The site plan shall demonstrate conformance with height regulations, property development regulations, sign regulations or a sign program required by the city for multiple-tenant projects, off-street parking requirements, the adopted City of Lancaster Design Guidelines, any other requirements established for the adopted zoning designation in which the property(ies) is (are) located, and any other applicable city ordinances, standards, guidelines or policies. In addition to the conditions and requirements imposed by the ordinance codified in this title and other city ordinances, standards, guidelines and policies, the director may place conditions on the approval of the site plan where the director finds that such action is necessary to protect the public health, safety and welfare. At such time as the site plan complies with the requirements of the ordinance codified in this title and other city ordinances, standards, guidelines or policies, the site plan shall be approved by the director or his designated representative. The site plan approval shall be valid for two (2) years from the date of approval. A site plan shall be considered "used" when the slab of a major building in the project is poured and inspected, although circumstances in each case may vary and the final determination as to "use" of a site plan review shall be made by the director. Three (3) one-year extensions of the approval may be granted by the director provided such written request for an extension is received not less than sixty (60) days prior to expiration, and any significant environmental changes which have occurred since the original approval have been addressed. Any extension granted shall be conditioned to comply with the city's current design guidelines as adopted by the city council, unless the applicant can demonstrate to the director's satisfaction that such compliance will impose an undue hardship on the project. In the event the site plan or an extension thereof is denied, the applicant may appeal the decision in accordance with Section 17.36.030. All projects constructed in accordance with an approved site plan shall be permanently maintained as approved. Any desired subsequent changes shall be submitted for

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approval as an amendment to the site plan. Prior to occupancy the site shall be inspected for compliance with the site plan. All improvements shall be installed and functioning before occupancy will be allowed.

Where the director determines that the requirements of this section surpass the city's need for project review of a particular development proposal, the director may exercise discretion and apply the provisions of Article VI of Chapter 17.32, Director's Review, in its place.

(Ord. 711 § 22 (part), 1995; prior zoning ord. § 224.040)

(Ord. No. 924, § 1, 8-25-09; Ord. No. 956, § 3, 1-11-2011)

### **17.12.640 Property development regulations.**

#### **A. General.**

1. No new building or commercial coach shall be erected, constructed, moved onto, or established on an existing legal lot or parcel of land unless said building or commercial coach shall comply with all of the regulations set forth in city ordinances, standards, guidelines or policies and subsection B of this section or Article X of Chapter 17.40 which are pertinent to its placement of said lot or parcel.
2. No existing building or commercial coach located on an existing legal lot or parcel of land shall be converted, enlarged or moved unless said building or commercial coach, or addition thereto, shall comply with all of the regulations set forth in city ordinances, standards, guidelines or policies and subsection B of this section or Article X of Chapter 17.40 which are pertinent to its placement on said lot or parcel.
3. No new lot shall be created, or any building, or portion thereof, existing on such new lot be used unless said lot and said building location shall comply with all of the regulations set forth in city ordinances, standards, guidelines or policies and subsection B of this section which are pertinent to the area and dimensions for new lots and those regulations pertinent to the placement or location of buildings on said lot.

#### **B. H Zone.**

1. Lot Dimensions. The following minimum lot dimensions shall apply to all lots created after the adoption of this section. (Those lots which were legally created, prior to the adoption of this section, in compliance with ordinances in effect at the time of their creation need not comply unless involved in a new subdivision or change in lot configuration other than a lot line adjustment as provided in Title 16 of this code.)
  - a. Minimum lot area: 40,000 square feet (see Sections 17.40.070 and 17.40.080 in the event public use or required street dedication would reduce the net area of an existing lot to less than 40,000 square feet);
  - b. Minimum lot width: 100 feet (see Section 17.40.090A in the event the width of an existing lot is reduced by public use);
  - c. Minimum lot depth: 100 feet (see Section 17.40.090B in the event the depth of an existing lot is reduced by public use).
2. Yard Requirements.
  - a. [Fences and walls shall comply with the standards outlined in 17.28.030.C.](#)

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~~a.~~ **b.** Additions or modifications to buildings or uses, either constructed or having received building permit approval, or having been legally established prior to June 15, 1983, may be allowed with yards of lesser dimension than required in this subsection where, in the opinion of the Director, allowing less than full compliance with the yard requirements would impose no substantial detriment to abutting property or improvements thereon. The Director shall then also consider if:

- 1) There are special circumstances or exceptional characteristics applicable to the property involved which are not generally applicable to other properties in the same vicinity with the same zoning,
- 2) An adjustment (if authorized) will constitute a grant of special privilege inconsistent with the limitations on other properties in the same vicinity with the same zoning, and
- 3) The strict application of the yard requirements would result in practical difficulties and unnecessary hardship which is inconsistent with the purpose of the yard requirements, in rendering a decision on whether to allow a reduction of the required yard. In no case shall the Director's approval of the reduction of a required yard relieve the applicant/property owner from complying with minimum landscape requirements established by this title unless such relief is specifically approved by the Director. (See Sections 17.40.093, 17.40.095 and 17.40.097 in the event yard requirements must be reduced for street widening or transit stops.)

~~b.~~ **c.** Yards shall be provided as follows:

- 1) Front yard, street side yard and interior side yard: 20 feet plus 5 feet for each story over one. No parking shall take place within 20 feet of a property line within a required front or street side yard, such area shall be fully landscaped except where crossed by approved driveways. Parking on lawns or other landscaped areas is prohibited.
  - a) The front yard, street side yard and interior side yard of all uses shall be landscaped with living plant materials such as trees, shrubs and lawn prior to occupancy by any use, shall be served by a permanent automatic irrigation system and shall be maintained as required in this title.
- 2) Rear yard: \* 50 feet.
  - a) Where the rear yard abuts a public street, said yard shall be landscaped in the same manner as required for the front yard for a distance of not less than 20 feet, measured from the street right-of-way line to a line parallel to the right-of-way on the lot or parcel of land.

3. Maximum lot coverage: 50% of the lot area.

4. Landscaping: No landscaping shall be placed in a manner which shades or would ultimately shade any existing solar energy system from the sun on a contiguous lot.

\* EXCEPTION: Solar energy systems are permitted in rear yards and are not counted against lot coverage.

5. Trash enclosure location(s) and access shall be designed to the satisfaction of the Director. The trash enclosures shall meet the following requirements:

1. Locate trash enclosures away from view, from primary entrances drive or streets;
2. Design the trash enclosure to be a minimum of 165 square feet;
3. Accommodate source separation of recyclable materials in accordance with State requirements;
4. Design trash enclosures with a non-combustible, overhanging, trellis or roof cover; and

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5. Separate trash enclosure from adjacent parking with a 6-foot wide minimum planter.  
(Ord. 711 § 44 (part), 1995; Ord. 651 § 4 (part), 1993; prior zoning ord. § 224.050)

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

### **17.12.650 Signs.**

A person shall not use, install or construct any sign in the H zone except as specifically permitted in this chapter and subject to all regulations and conditions set forth in the ordinance codified in this title and any other ordinance now existing or hereafter adopted by the city regulating the installation, use and/or construction of signs. If fully dimensioned sign plans, including the proposed sign location, are first submitted to and approved by the director or his designated representative, and required permits and inspection approval obtained, the signs set out in the following sections shall be permitted in the H zone.

(Prior zoning ord. § 224.060)

### **17.12.660 Signs—General provisions.**

- A. The provisions of this section regulating signs shall not apply to the following signs except as otherwise indicated herein:
1. Official notices issued by any court, public body or public officer;
  2. Notices posted by any public officer in performance of a public duty, or for any person in giving legal notice;
  3. Traffic, directional, warning or informational signs required or authorized by the public authority having jurisdiction over such signs;
  4. Official signs used for emergency purposes only;
  5. Signs designating access to hospital emergency facilities;
  6. Signs designating fire zones, loading and unloading zones, handicap parking, and safety devices including but not limited to utility shutoff valves;
  7. Permanent memorial or historical signs, plaques or markers;
  8. Public utility signs, provided such signs do not exceed 3 square feet in area.
- B. Prohibited Signs. The following signs shall be prohibited in the H zone.
1. Signs which contain or utilize:
    - a. Any exposed incandescent lamp,
    - b. Any revolving beacon light,
    - c. Any continuous or sequential flashing operation, including signs displaying time of day, atmospheric temperature or having programmable electronic messages;
  2. Awning or entrance canopy signs;
  3. Roof signs (see definition in Section 17.04.240);
  4. Revolving signs of any kind;
  5. Signs advertising or displaying any unlawful act, business or purpose;

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6. Devices dispensing bubbles and free-flowing particles of matter;
  7. Any notice, placard, bill, card, poster, sticker, banner, sign, advertising or other device calculated to attract the attention of the public which any person posts, prints, sticks, stamps, tacks or otherwise affixes, or causes the same to be done to or upon any street, right-of-way, public sidewalk, crosswalk, curb, lamppost, hydrant, tree, telephone pole or lighting system, or upon any fixture of the police or fire alarm system of the city of Lancaster or county of Los Angeles;
  8. Any strings of pennants, banners or streamers, clusters of flags, strings of twirlers or propellers, flares, balloons, and similar attention-getting devices, including noise-emitting devices, with the exception of the following:
    - a. National, state, local governmental, institutional or corporate flags properly displayed,
    - b. Holiday decorations in season used for an aggregate period of 60 days in any one calendar year;
  9. Devices projecting, or otherwise reproducing the image of a sign or message on any surface or object;
  10. Signs emitting or amplifying sounds for the purpose of attracting attention;
  11. Portable signs;
  12. Sidewalk signs;
  13. Temporary signs, except as otherwise specifically permitted by this title;
  14. Outdoor advertising signs;
  15. Pole signs.
- C. General Sign Regulations. The following regulations apply to all signs in the H zone:
1. In no case shall a lighted sign or lighting device thereof be so placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
  2. Signs may be single-, double- or multi-faced, provided that:
    - a. The distance between the faces of any double-faced sign, other than a "V"-shaped projecting sign, shall not exceed 36 inches; and
    - b. The separation between the intersecting faces of any multi-faced sign shall not exceed 12 inches.
  3. Any sign located on vacant and unoccupied property, and which was erected for an occupant or business unrelated to the present occupant or business, or any sign which pertains to a time, event or purpose which no longer exists shall be removed within 30 days after the purpose for, or use utilizing such sign has been removed from such property.
  4. Any permitted sign may be a changeable copy sign.
  5. All signs shall be designed in the simplest form and be free of any exposed bracing, angle iron, guy wires, cables or similar devices.
  6. The exposed backs of all signs visible to the public shall be suitably covered, finished, and properly maintained.
  7. All signs shall be maintained in good repair, including display surfaces which shall be kept neatly painted or posted.
  8. Any sign which does not conform to the provisions of this title shall be made to conform or shall be removed as provided in subsection B.4. of Section 17.32.850 except as provided in Section 17.32.850B.4.c.



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9. Except where otherwise specifically provided by this title, sign regulations established pursuant to this title shall not apply to signs within a building, arcade, court or other similarly enclosed area where such signs are not visible to the public without entering such facilities.
  10. The height of all signs shall be measured from the highest point of the sign.
- D. Computation of Sign Area. The surface area of any sign face shall be computed from the smallest rectangles, circles and/or triangles which will enclose all words, letters, figures, symbols, designs and pictures, together with all framing, background material, colored or illuminated areas, and attention attracting devices forming an integral part of the overall display, but excluding all support structures, except that:
1. Superficial ornamentation of a non-message- bearing character which does not exceed 5% of the surface area shall be exempted from computation; and
  2. Wall signs painted on or affixed directly to a building wall, façade or roof, and having no discernible boundary, shall have the areas between letters, words intended to be read together, and any device intended to draw attention to the sign message included in any computation of surface area; and
  3. Signs placed in such a manner, or bearing a text, as to require dependence upon each other in order to convey meaning shall be considered one sign and the intervening areas between signs included in any computation of surface area, and
  4. Spherical, cylindrical or other 3-dimensional signs not having conventional sign faces shall be considered to have 2 faces and the area of each sign face shall be computed from the smallest 3-dimensional geometrical shape or shapes which will best approximate the actual surface area of said faces.

(Prior zoning ord. § 224.061)

#### **17.12.670 Permitted sign area formula.**

The maximum sign area which shall be permitted in the H zone shall be as follows:

- A. Hospitals, convalescent home: The total sign area of all signs shall not exceed 50 square feet plus  $\frac{1}{4}$  square foot per linear foot of street frontage over 100 feet up to a total sign area of 300 square feet.
- B. Medical offices, medical laboratory, medical clinic, pharmacy, medical/sickroom supplies, ambulance service: the total signs area of all signs shall not exceed 2 square feet per linear foot up to a total sign area of 200 square feet.
- C. Signs for uses subject to permits shall meet the requirements specified in the permit or if not so specified in the permit, as specified in subsection B of this section as appropriate.

(Prior zoning ord. § 224.062)

#### **17.12.680 Business signs.**

Business signs may be permitted in the H zone subject to Sections 17.12.590, 17.12.670 and 17.12.700, and the following restrictions of this section. For more information concerning specific types of signs see Section 17.04.240, Definitions:

- A. Wall Business Signs.
  1. Area Permitted.
    - a. Maximum of 80% of the permitted total sign area under Section 17.12.670.

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- b. No wall signs shall cover more than 10% of the wall on which it is placed.
  - 2. Number Permitted. Maximum of one sign per wall surface per tenant.
  - 3. Height Permitted.
    - a. Maximum of 4 feet.
    - b. The sign shall not extend above a line 18 inches below the top of the wall.
  - 4. Lighting. Wall business signs may be internally or externally lighted, but any continuous or sequential flashing operation is prohibited.
- B. Monument Signs.
- 1. Area Permitted. Maximum of 70% of the permitted total sign area under Section 17.12.670.
  - 2. Number Permitted. One sign per street frontage in excess of 50 feet. Tenants on the premises may share space on the sign.
  - 3. Height Permitted. Maximum height is limited to 8 feet above grade.
  - 4. Setback. Monument signs shall be set back 5 feet from the public right-of-way.
  - 5. Other Requirements.
    - a. Sign copy shall be displayed within one sign structure. No other signage shall be attached to or placed on the monument sign.
    - b. All electrical service to the sign shall be underground and hidden from view.
    - c. Monument signs may be internally or externally lighted but any continuous or sequential flashing operation is prohibited.

(Prior zoning ord. § 224.063)

### **17.12.690 Off-street parking.**

The automobile parking facilities required by this section shall be provided and permanently maintained as such unless and until a substitute has been provided which is in full compliance with the provisions of this title. The following parking requirements shall be complied with in the H zone:

- A. General Condition. The provisions of this section shall apply at the time that:
  - 1. A building or structure is erected; or
  - 2. An existing building or structure is altered, to increase the numbers of beds (i.e., convalescent home), bowling alleys, dwelling units, exercise area (i.e., fitness centers), guest rooms, seating capacity (fixed or not fixed), or service bays; or
  - 3. An existing building or structure is enlarged. **EXCEPTION:** An existing building or structure which has insufficient lot area upon which to provide the required parking or landscaping may be enlarged by an area not to exceed 20% of the gross floor area including the original building or structure and all legal additions thereto for which required parking and associated landscaping have been provided. This exception shall apply only when there will be no reduction of existing parking or landscaping; or
  - 4. The use of a building or structure is changed. **EXCEPTION:** Buildings or structures legally constructed in accordance with the parking requirements in effect at the time of building permit

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issuance will not require full compliance with the parking space requirements of this section provided that:

- a. Said change in use creates no greater demand for parking spaces, as defined by this section, than the use which most recently preceded it.
- b. All available space not used for parking shall be improved for purposes of parking and landscaping in accordance with this section and Section 17.12.700 (not to exceed the parking requirement for said use) prior to occupying said premises.

B. Ownership, Lease and Joint Usage. Space required by this section for automobile parking shall either:

1. Be owned by the owner of the premises because of the use of which the automobile parking space is required; or
2. Subject to director's review and approval, the owner of such premises shall have the right to use such space for automobile parking, solely to serve existing buildings or structures, by virtue of a recorded lease for a term of not less than 20 years, which lease requires that if canceled the party canceling the lease, not less than 60 days prior to the effective date of such cancellation, shall notify the director of community development of such cancellation. Such lease shall be approved by the city attorney as to form and content, and once executed shall be recorded in the office of the county recorder and copies thereof filed with the director; or
3. Subject to director's review and approval, the owner or owner-authorized lessee of any property, may authorize joint use of parking facilities solely to serve existing buildings or structures occupied by the following uses or activities, provided that all the requirements of this zone can be satisfied:
  - a. The parking facilities required for any non-residential use, which is primarily a daytime use may be fulfilled by the parking facilities of a use which is primarily a nighttime and/or Sunday use, and vice versa provided such parking facilities meet the requirements of subsection B.3.b. of this section.
  - b. All of the following conditions shall be met in order for the director to approve joint usage of parking:
    - 1) The lots or parcels upon which the uses referred to in subsection B.3.a. of this section are proposed shall be adjoining as defined in this title; and
    - 2) There shall be no substantial conflict in the principal operating hours of the uses for which joint usage of parking is proposed; and
    - 3) That the joint usage of the off-street parking facilities shall be contingent upon the execution of an agreement, which requires that if canceled the party canceling such agreement, not less than 60 days prior to the effective date of such cancellation, shall notify the director of such cancellation. Such agreement shall meet the approval of the city attorney as to form and content. Once approved, the executed agreement shall be recorded in the office of the county recorder and copies thereof filed with the director.

C. Development of Parking Facilities. All land used for automobile storage or automobile parking shall be developed and used as follows:

1. Paving. Required parking areas, as well as the maneuvering areas and driveways used for access thereto shall be paved with: (NOTE: Road permits are required for any work done in the public right-of-way.)

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- a. Concrete surfacing to a minimum thickness of 3½ inches with expansion joints as necessary; or
  - b. Asphalt surfacing, rolled to a smooth, hard surface having a minimum thickness of 2 inches after compaction, and laid over a base of crushed rock, gravel or other similar material compacted to a minimum thickness of 4 inches.
  - c. Other alternative material that will provide at least the equivalent in service, life and appearance of the materials and standards which would be employed for development pursuant to C.1.a. or b. of this section.
  - d. The director of public works at the request of the director shall review and report on the adequacy of paving where modification of base is proposed under subsection C.1.b. of this section or where alternative materials are proposed under subsection C.1.c. of this section. The director of public works may approve such modification or such alternative materials if, in his opinion, the evidence indicates compliance with subsection C.1.b. or c. as the case may be.

2. Size and Marking of Spaces.

- a. No fewer than 75% of the parking spaces shall exhibit minimum dimensions of 9 feet in width by 20 feet in length. (See Section 17.12.700A.4.f.)
- b. Compact Spaces. No greater than 25% of the parking spaces may exhibit minimum dimensions of 8 feet in width by 18 feet in length. Such spaces shall be labelled "compact car only" in a manner acceptable to the director. (See Section 17.12.700A.4.)
- c. No parking shall occur in the first 10 feet of a required front or street side yard.
- d. Where parking abuts an alley, the improved alley may be used as an aisle subject to approval of the parking lot design.
- e. For parallel parking, minimum aisles are 12 feet and minimum parking space dimensions are 8 feet by 24 feet.

See the following diagrams for parking design options.

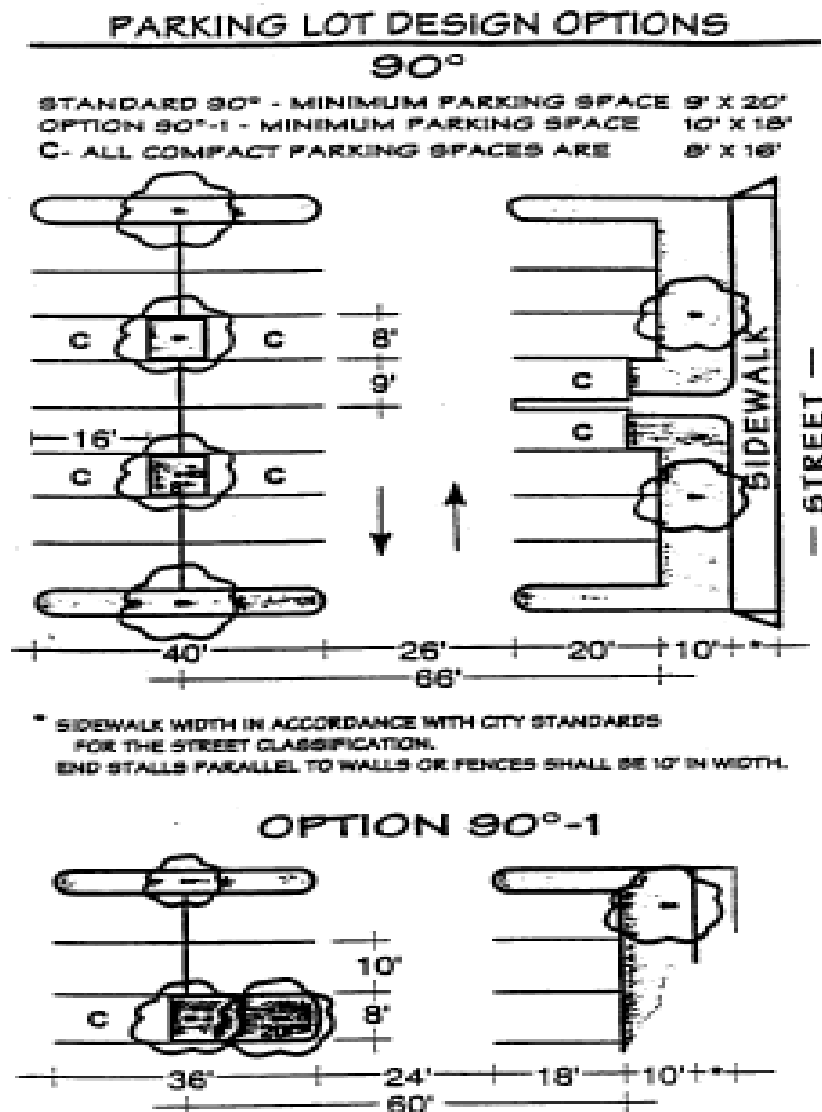
3. Circulation. Mark entrances and exits clearly. Vehicular circulation should be "one-way" in each aisle or "two-way" if the aisle width is a minimum of 20 feet. No aisle shall be less than 12 feet in width.

See Section 17.12.700, Design Requirements, for parking design requirements.

- D. Fractions. When the application of this section requires a fractional part of an automobile parking space or parking place sufficient to accommodate a fractional number of automobiles, any such fraction shall be construed as a whole. This section does not apply to the specification of an area by square feet, or of an area equal to another area.
- E. Parking Requirements by Use.
  1. General Commercial Uses. Except as otherwise provided in this section every lot or parcel of land which is used for a use permitted in the H zone (except an electrical substation or similar public utility in which there are no offices or other places visited by the public) shall have on the same lot or parcel of land an area equal to the area so used, which area shall be developed and used for the parking of motor vehicles in conjunction with such other use. Such area also shall be of sufficient size so that it contains one automobile parking space plus adequate access thereto of each 250 square feet of gross floor area of any building or structure so used.
  2. Hospital. Two and ½ automobile parking spaces per bed.

3. Long-Term Health Care Facility. Every long-term health care facility shall have on the same lot or parcel of land not less than one automobile parking space for each 3 beds in the home. If employee residence facilities are on the premises there shall be in addition to the automobile parking spaces required for the principal use, the number of automobile parking spaces required for apartments in Section 17.12.220E for such residence facilities.
4. Medical Clinic and Medical Offices. One automobile parking space for each 150 square feet of gross floor area.
5. Medical Laboratory and Pharmacy. One automobile parking space for each 250 square feet of gross floor area.
6. Handicapped Spaces. Handicapped spaces shall be provided in accordance with state requirements.

(Ord. 711 §§ 17 (part), 18 (part), 19(B) (part), 20 (part), 1995; prior zoning ord. §§ 224.070— 224.075)



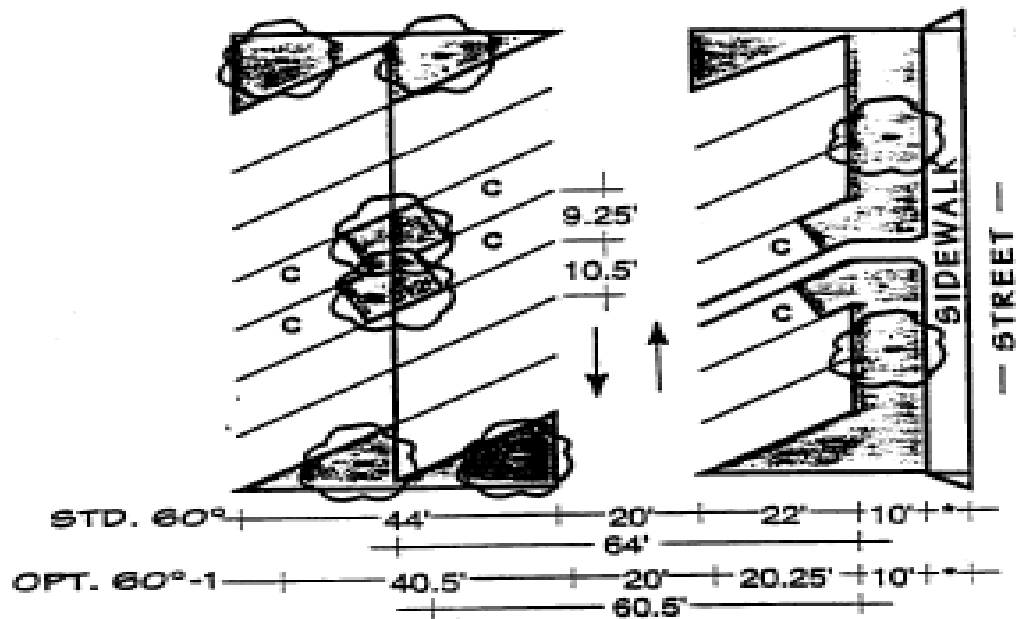
## PARKING LOT DESIGN OPTIONS, cont.

**60°**

STANDARD 60° - MINIMUM PARKING SPACE 9' x 20'

OPTION 60°-1 - MINIMUM PARKING SPACE 9' x 18'

C- ALL COMPACT PARKING SPACES ARE 6' x 16'



\* SIDEWALK WIDTH IN ACCORDANCE WITH CITY STANDARDS FOR THE STREET CLASSIFICATION.



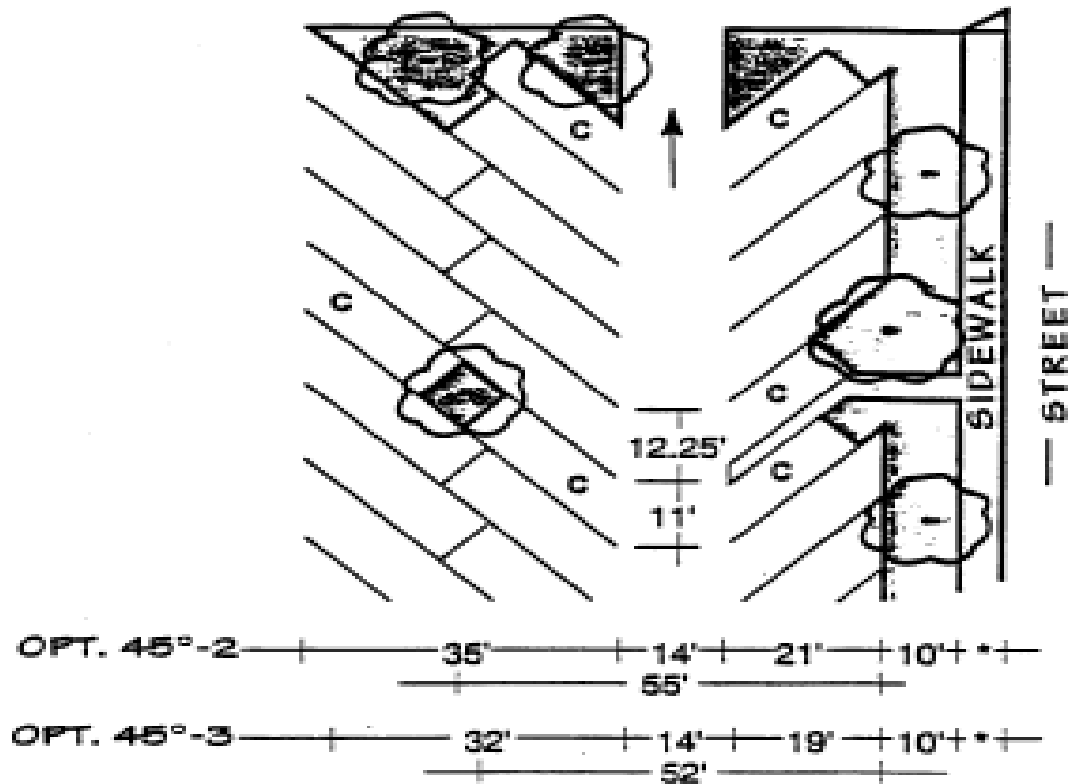
## PARKING LOT DESIGN OPTIONS, cont.

**45°**

OPTION 45°-2 - MINIMUM PARKING SPACE 9' X 20'

OPTION 45°-3 - MINIMUM PARKING SPACE 9' X 18'

C- ALL COMPACT PARKING SPACES ARE 8' X 16'



\* SIDEWALK WIDTH IN ACCORDANCE WITH CITY STANDARDS FOR THE STREET CLASSIFICATION.



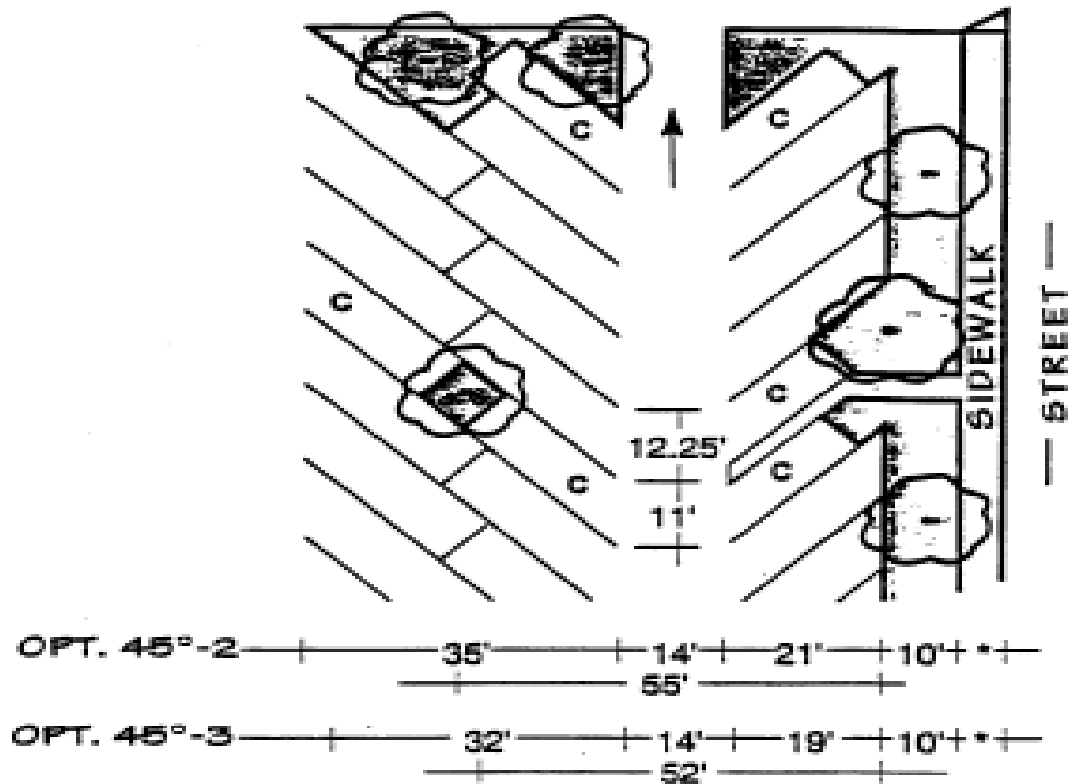
## PARKING LOT DESIGN OPTIONS, cont.

**45°**

OPTION 45°-2 - MINIMUM PARKING SPACE 9' X 20'

OPTION 45°-3 - MINIMUM PARKING SPACE 9' X 18'

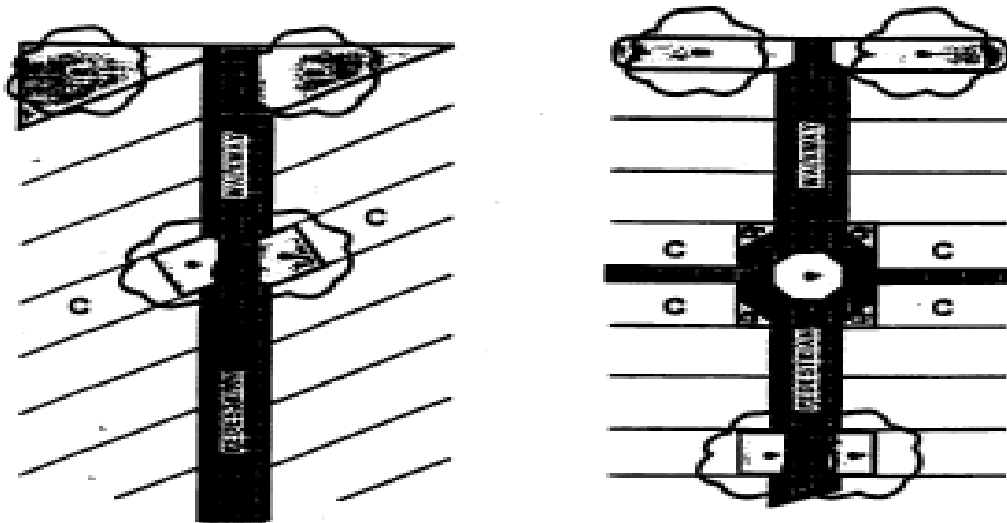
C- ALL COMPACT PARKING SPACES ARE 8' X 16'



\* SIDEWALK WIDTH IN ACCORDANCE WITH CITY STANDARDS FOR THE STREET CLASSIFICATION.

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## PEDESTRIAN WALKWAY OPTIONS



DESIGNS ALLOW PEDESTRIANS TO WALK TO OR FROM THEIR CARS OR TO SIDEWALKS ON ADJOINING STREETS WITH MINIMAL CONFLICT WITH PARKING LOT TRAFFIC.

### **17.12.700 Design requirements.**

The following design requirements shall be met for development in the H zone:

A. General requirements applicable to all development:

1. Access.

- a. Driveways providing access to the site may be combined, relocated, or otherwise limited in order to minimize traffic conflicts. All driveways shall be constructed to comply with current city standards. All driveway locations are subject to the approval of the director of public works.
- b. Entry drives into parking areas shall be of sufficient depth to provide for vehicle stacking appropriate to the size and intensity of the project served.

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2. Buffering. A masonry wall of not less than 5 nor greater than 6 feet in height shall be provided at the property line where the activities of a commercial use are anticipated to be incompatible with existing commercial or industrial uses or to protect an area from adverse climatic conditions (wind, blowing sand, etc.). It shall be the burden of the applicant to prove to the satisfaction of the director or his designated representative that the project will not create or be subject to conditions necessitating a wall at the time of site plan review if a wall is not desired.
  3. Building Design.
    - a. Roof treatment shall be the same on the periphery of the building, except where a different treatment is required by the city building code.
    - b. Building components such as windows, doors, eaves and parapets shall have good proportions and relationships to one another.
    - c. Utility doors, access panels, fire doors, loading docks, and other openings shall be treated as part of the architectural composition of buildings.
    - d. An exterior color scheme for all buildings shall be submitted with the building elevations for approval.
    - e. Solar access and prevailing winds should be considered in building design and orientation.
  4. Landscaping.
    - a. Landscape designs shall be consistent throughout a project site. Unrelated and random choice or placement of plant materials shall be avoided; however, variety may be employed to intensify distinction between spaces or to strengthen a sense of place or movement or to promote energy conservation.
    - b. The type, scale, and proportion of landscape materials shall be appropriate to the site and/or structures to which they relate.
    - c. Plant material shall be selected for interest in its structure, texture, color and ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious with project design, and of good appearance shall be used. Drought-resistant varieties of plants shall be used in accordance with city specifications for landscape development as established by Ordinance No. 629.
    - d. Landscaped areas shall be irrigated by an automatic system with separate stations for turf, ground cover/shrubs, and trees.
    - e. All areas which are not needed for buildings, sidewalks or parking shall be landscaped.
    - f. All landscaped planter areas shall be completely bordered by a 6-inch P.C.C. curbing to prevent irrigation runoff and act as a wheel stop where necessary. Where used as a wheel stop, the 6-inch curb may be counted toward the required length of the parking space.
    - g. All interior parking lots shall be landscaped with a minimum of one tree plus one tree for each 10 parking spaces along with the other plant materials.
    - h. For lots of 5,000 square feet or less in area, not less than 3% of the total area(s) used for vehicle ingress, egress, circulation and parking shall be landscaped. Only landscaped areas exclusive of curbs shall qualify toward meeting this requirement and no landscaped area with a dimension of less than 2 feet shall be credited toward meeting the landscape requirement.
    - i. For lots between 5,000 and 19,999 square feet in area, not less than 5% of the total area(s) used for vehicle ingress, egress, circulation and parking shall be landscaped. Only

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- landscaped areas exclusive of curbs shall qualify toward meeting this requirement and no landscaped area with a dimension of less than 2 feet shall be credited toward meeting the landscape requirement.
- j. For lots of 20,000 square feet or more, not less than 7% of the total area(s) used for vehicle ingress, egress, circulation and parking shall be landscaped. Only landscaped areas exclusive of curbs shall qualify toward meeting this requirement and no landscaped area with a dimension of less than 2 feet shall be credited toward meeting the landscape requirement.
  - k. Utilize trees and landscaping wherever possible to shade buildings as a means of enhancing energy conservation.
  - l. At least 25% of all trees installed shall be from a 24-inch box, and no tree shall be less than 15-gallon size. At least 50% of all shrubs shall be of 5-gallon size, and no shrub shall be less than one-gallon size. Ground covers shall be planted at no further apart than 6 inches on center.
  - m. All landscaped areas shall be continuously and properly maintained in good condition.
5. Lighting. The intent of this requirement is to properly illuminate the site without producing an adverse impact on neighboring property. Exterior lighting of the building and site shall be provided, maintained and utilized during the hours of darkness in accordance with the following requirements:
- a. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be compatible with building design.
  - b. Placement of lighting shall be in accordance with recognized crime prevention and safety principles.
6. Outside Storage. Outside storage is permitted on the rear of a lot or parcel of land in the H zone when such storage is strictly incidental to the permitted use existing in a building on the front portion of the same lot or parcel of land and provided no storage is higher than the enclosure surrounding it nor nearer than 50 feet to the front property line. Any outdoor area used for storage shall be completely enclosed by a solid masonry wall and solid gate, not less than 5 feet nor more than 6 feet in height, except that the director may approve the substitution of a fence or decorative wall where in his opinion, such wall or fence will adequately comply with the provisions of this section. All such requests for substitution shall be subject to the provisions of Article VI of Chapter 17.32, Director's Review.
7. Screening.
- a. All rooftop mechanical equipment, ducts, tanks, satellite antennae, etc., shall be enclosed or otherwise screened from view from all sides of the building. (This requirement does not include wind powered turbines used for ventilation.)
  - b. Where mechanical equipment, junction boxes, satellite antennae, meters and similar utility equipment is ground mounted it shall be enclosed or screened from view where necessary to preclude visibility from public streets and highways and adjacent properties.
  - c. Loading areas shall be screened from view only where necessary to preclude visibility from public streets and highways and adjacent properties.
  - d. Parking areas adjacent to streets shall be screened with landscaping in the required yards and with low decorative walls, berms or combinations thereof. Where walls are used they shall be placed so as not to obscure landscaped areas from the street.

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8. Service for Utilities. All on-site utility services shall be underground.
  9. Signs.
    - a. The colors, materials and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
    - b. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.
    - c. Use of individual letters for all signing is preferred and encouraged over "cabinet" signs. Where cabinet signs are utilized, such cabinet must be integrated into the design of the building or structure.
    - d. The light source of externally illuminated signs shall not be visible.
    - e. No sign shall be placed in a manner which would obstruct a driver or pedestrian's vision and thus create a hazard to public safety, and shall not be placed in or over any public right-of-way.
    - f. Street numbers of all buildings shall be prominently located and of sufficient size to be easily read from the street by public safety personnel (i.e., police, fire, ambulance).
  10. Refuse/Recycling Storage. Commercial, industrial and institutional uses shall have on the same lot or parcel a refuse/recycling storage area at a ratio of 20 square feet of refuse/recycling storage area for each 1,000 square feet or portion thereof of net floor area of the facility but not less than 6 feet in width nor less than 18 feet in length (exterior dimension). Such storage areas shall include separate containers for waste and for materials to be recycled. Each container shall be clearly marked or color coded for its intended use. Such storage areas shall be enclosed on 3 sides by a minimum 5-foot-high reinforced masonry or concrete wall with a sign-obscuring gate of noncombustible materials which is the same height as the enclosing walls. The floor of the enclosure shall be of concrete construction and the walls shall be protected by a concrete curb not less than 2 inches high by 6 inches wide or conventional concrete wheel stops to preclude damage by dumpsters. Such storage areas shall not be placed in a location which is openly exposed to a fronting street or a neighboring residential area.
  11. Electric Vehicle Charging Stations (EVCS). New commercial development shall provide for electric vehicle charging stations in the manner prescribed as follows:
    - a. New residential uses shall provide EVCSs in accordance with Section 17.08.150T.
    - b. New commercial, industrial and other uses with the building or land area, capacity, or numbers of employees listed herein shall provide the electrical service capacity necessary and all conduits and related equipment necessary to ultimately serve 2% of the total parking spaces with EVCSs in a manner approved by the building and safety official. Of these parking spaces, ½ shall initially be provided with the electric vehicle supply equipment necessary to function as on-line EVCSs upon completion of the project. The remainder shall be installed at such time as they are needed for use by customers, employees or other users. EVCSs shall be provided in disabled person parking spaces in accordance with state requirements.
      - 1) Construction of a hospital of 500 or more beds, or expansion of a hospital of that size by 20% or more.
      - 2) Construction of a post-secondary school (college), public or private, for 3,000 or more students, or expansion of an existing facility having a capacity of 3,000 or more students by an addition of at least 20%.

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- 3) Hotels or motels with 500 or more rooms.
  - 4) Industrial, manufacturing, or processing plants or industrial parks that employ more than 1,000 persons, occupy more than 40 acres of land, or contain more than 650,000 square feet of gross floor area.
  - 5) Office buildings or office parks that employ more than 1,000 persons or contain more than 250,000 square feet of gross floor area.
  - 6) Shopping centers or trade centers that employ 1,000 or more persons or contain 500,000 square feet of gross floor area.
  - 7) Sports, entertainment, or recreation facilities that accommodate at least 4,000 persons per performance or that contain 1,500 or more fixed seats.
  - 8) Transit projects (including but not limited to transit stations and park and ride lots).

B. When adjacent to residentially zoned property the following requirements shall also be applied:

1. Artificial lighting used to illuminate the premises shall be directed away from adjacent residentially zoned properties.
2. Where multistory buildings are to be utilized on lots abutting residentially zoned properties, such buildings shall be located or oriented in a manner which will minimize visual intrusion into neighboring residentially zoned property. (This may be accomplished by setting the building back from the abutting property line beyond the distance required for the yard, selective placement of windows, orienting the building in a manner which will not give occupants a direct view into the yards or windows of neighboring residents.)
3. No signs shall be placed in a manner which visually intrudes into adjoining residentially zoned property.
4. Trees shall be utilized as a means of improving the interface between commercial and residential uses where appropriate.
5. Buffering. When abutting residentially zoned property a masonry wall of not less than 5 nor greater than 6 feet in height shall be provided at the property line in accordance with the provisions for walls specified in Section 17.28.030C. to minimize conflicts between commercial and residential uses. This requirement shall be modified, where necessary to preclude interference with line-of-sight of a driver within 10 feet of any street, highway or alley, down to a maximum height of 42 inches. The design of the wall shall be considered as part of the site plan review. The site and any buildings thereon shall be designed to locate noise- and odor-generating equipment and activity in a manner which will have a minimal impact on abutting residentially zoned property. Such techniques may include, but are not limited to, no windows on the building wall(s) facing residentially zoned property, insulating structures housing equipment against noise, limitation of the hours of equipment operation, and other controls designed for specific problems. It shall be the burden of the applicant to prove that his project will not have a detrimental effect on neighboring residential property at the time of site plan review.

(Ord. 713 § 5 (part), 1995; Ord. 711 §§ 29 (part), 34 (part), 1995; prior zoning ord. § 224.080)

## ***Article VI. Office Professional (OP) Zone***

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### **17.12.710 Purpose and intent.**

The purpose and intent of the OP zone is to provide the means necessary to implement the city general plan, specifically the "office professional" category, as set forth in the text of the general plan and as delineated on the general plan map. This zone is intended to be in accordance with applicable goals, objectives, policies and actions set forth by the plan. This zone is intended to allow the development of office and professional uses with supporting retail and commercial services thereby providing for the business and employment needs of the city and adjoining areas in an urban environment with full urban services.

It shall also be the intent of this zone to apply the provisions of this zone including, but not limited to, the property development regulations required herein to all new building lots created after the effective date of the ordinance codified in this title.

It shall not be the intent of this title to render previously legally created building lots or legally constructed buildings which do not comply with the new property development regulations or other requirements of this title to be nonconforming where these lots or buildings complied with the ordinances in effect at the time of their creation or construction. However, proof of compliance with ordinances in effect at the time of creation or construction shall be the sole burden of the applicant or property owner. Such proof may include building permits, minutes of council or commission action, case files, or other documentation.

(Ord. 651 § 11 (part), 1993: prior zoning ord. § 225.010)

### **17.12.720 Prohibition.**

A person shall not use any premises in the OP zone except as hereafter permitted in this title and subject to all regulations and conditions enumerated in this title.

(Ord. 651 § 11 (part), 1993: prior zoning ord. § 225.020)

### **17.12.730 Permitted uses.**

The permitted uses of the OP zone are grouped in categories of similar uses rather than lists of single uses. Examples are given for purposes of clarifying the types of uses allowed by each category. In addition, certain exceptions have been applied to those types of uses where concerns may arise as to their impact on neighboring properties and the visual attractiveness of the city as a whole. The following categories of uses are permitted in the OP zone subject to any stated exceptions, development regulations, and approval of the site plan as follows:

- A. Existing Residential Uses. Such uses may continue to be used as a permitted use provided that such uses may not be expanded by a cumulative total of more than 500 square feet of floor area. This size limit does not apply accessory dwelling units and junior accessory dwelling units subject to Chapter 17.41, Article I.
- B. Within an enclosed building, the following use categories are permitted in the OP zone:
  - 1. Communication Facilities and Services, Public and Private. This category is limited to: duplicating, faxing services, lithographers, photocopying, photo engravers, telecommunication/telecommuting offices, and telegraph offices.

This category does not include radio and television transmission towers or wireless telecommunication facilities. (See Section 17.40.640.)

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2. Eating and Drinking Establishments. This category is limited to: cafes, delicatessens, ice cream shops, and restaurants that are developed in conjunction with and located in the same building as office professional uses.

This category does not include fast food operations, bona fide restaurants, bars, cocktail lounges, nightclubs, or other uses that meet the definition of an on-site alcohol establishment.

Freestanding eating and drinking establishments of any kind shall be subject to a conditional use permit.

3. Financial Institutions and Services. This category includes but is not limited to banks, credit unions, finance companies, savings and loans, and similar uses.

This category does not include any use which does not loan money as part of its business.

4. Offices—Business, Government or Professional. This category includes but is not limited to general business offices; federal, state, county, city or special district offices, libraries and court facilities; accounting, dental offices or laboratories, engineering, insurance, legal, medical offices or laboratories, real estate, stock broker, utilities, and similar office uses.

5. Retail Sales Establishments. This category is limited to bookstores, stationery stores, computer stores, office supplies and pharmacies. (See Section 17.12.760.)

6. Schools—Business and Professional. This category includes but is not limited to art, barber, beauty, dance, music, real estate, and similar schools.

This category does not include any school specializing in gymnastics, manual training, martial arts, shop work, or in the repair and maintenance of machinery or mechanical equipment.

7. Services—Business or Personal. This category is limited to answering service, barber or beauty shops, blueprinting, day care for adults, day care for children, dry cleaning, and laundry.

8. Low barrier navigation centers subject to Chapter 17.41, Article V.

9. Other Uses. This category includes those uses which do not fall into any other category, and are not temporary uses, uses subject to director's review and approval, or uses subject to permit in this zone, which in the opinion of the director are consistent with the purpose and intent of this zone and similar to other uses permitted herein.

- C. Water reservoirs, dams, treatment plants, gauging stations, pumping stations, tanks, wells, and any use normal and appurtenant to the storage and distribution of water. Exception: This use is not subject to site plan review (Section 17.12.790).

(Ord. 896 § 1 (Exh. A § 15), 2008; Ord. 753 § 1 (Exh. A § 3 (part)), 1999; Ord. 711 § 30 (part), 1995; Ord. 651 § 11 (part), 1993; prior zoning ord. § 225.021)

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

### **17.12.740 Accessory and temporary uses.**

- A. The following uses are considered as accessory uses to the permitted uses in the OP zone:

1. Accessory buildings and structures customarily used in conjunction therewith.

Cargo containers shall not be used as accessory buildings or structures, and shall not be placed on private real property at any time except as permitted in conjunction with temporary uses allowed in Section 17.12.740.B.

- a. This subsection does not apply to the following real property:



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- 1) Real property owned, leased, rented, occupied or used by a public agency or entity;
  - 2) Real property owned, leased, rented, occupied or used by a nonpublic or private school. For purposes of this subsection, "nonpublic school" means a private, nonsectarian school that enrolls individuals with exceptional needs pursuant to an individualized education program and is certified by the California Department of Education. For purposes of this subsection, "private school" means a full-time day school that provides instruction in the several branches of study required to be taught in the public schools of the state, by persons capable of teaching, and that files an annual private school affidavit as required by the California Department of Education. For purposes of this subsection, "private school" does not include a school that provides instruction in a building used for residential purposes. A nonpublic or private school is not exempt unless it is operating in conformity with all pertinent land use and technical code regulations.
  - 3) Real property utilized for the placement of cargo containers that are used exclusively for the storage of emergency supplies to be used for the benefit of the public by a recognized governmental agency, such as the Los Angeles County Fire Department, in the event of a disaster or emergency situation. Placement of a cargo container for the storage of private supplies is not included in this exemption. Placement of cargo containers for this purpose shall be approved through a director's review.

B. The following uses are considered as temporary uses in the OP zone:

1. The placement and use of a temporary office in conjunction with a construction or development project undertaken pursuant to an active building permit. A temporary office shall be placed on the lot or parcel which is part of the project, or on property adjoining the construction or development site with the written consent of the property owner. The placement of a temporary office shall not occur until the building permit is obtained. The temporary office shall be removed within thirty (30) days after the permit is expired, revoked, or finalized.
2. Storage of building materials, machinery and equipment used in conjunction with a construction or development project undertaken pursuant to an active building permit. Storage shall be on the lot or parcel which is part of the project, or on property adjoining the construction or development site with the written consent of the property owner. Storage shall not occur until the building permit is obtained. Storage shall be removed within thirty (30) days after the permit is expired, revoked, or finalized. ;m11; 3.a.
  - b. The time period for which a cargo container may be used for temporary construction storage is limited to the time when the building permit is active. An active building permit means one that has not expired, been revoked, or been finalized. Cargo containers used for temporary construction storage shall be removed from the property within thirty (30) calendar days of the expiration, revocation or finalization of a building permit.
  - c. Cargo containers used for temporary construction storage shall not exceed eight feet in width, eight feet six inches in height, and forty (40) feet in length.
  - d. Cargo containers used for temporary construction storage shall conform to the following standards:
    - 1) Cargo containers shall be set back a minimum of five feet from any property line and a minimum of ten (10) feet from any structure.
    - 2) Cargo containers shall not be stacked on top of each other or on any other structure.

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- 3) Cargo containers shall not encroach upon, block, obstruct, or reduce in any manner any required exits, windows or vent shafts of structures, or any parking spaces, driveways, private streets, or public rights of way.
  - 4) Cargo containers shall not be used for human habitation or occupied by individuals for any reason.
  - 5) Cargo containers shall not have any electrical, plumbing, heating or air conditioning installations or systems, and shall not be connected to a power source.
  - 6) Refuse, garbage, trash and debris, as well as hazardous substances, as defined by state or federal law, shall not be placed or stored in, against, on, or under a cargo container at any time. ;ml1; 4.a.
- b. The number and location of cargo containers used for temporary commercial storage shall be subject to the review and prior written approval of the Building Official and Directors of Planning and Housing and Neighborhood Revitalization or their duly authorized representatives. A cargo container approved under this subsection shall not require a separate permit. Application for approval of cargo containers for temporary commercial storage shall be made on a city-approved form and shall indicate the number of the building permit obtained for the repair, remodeling, alteration or other work for which the temporary commercial storage is requested, the size of each cargo container, the proposed location of each container on the property, and the date on which each container shall be placed on the property.
  - c. The time period for which a cargo container may be used for temporary commercial storage is limited to the time when the building permit is active. An active building permit means one that has not expired, been revoked, or been finalized. Cargo containers used for temporary commercial storage shall be removed from the property within thirty (30) calendar days of the expiration, revocation or finalization of a building permit.
  - d. Cargo containers used for temporary commercial storage shall not exceed eight feet in width, eight feet six inches in height, and forty (40) feet in length.
  - e. Cargo containers used for temporary commercial storage shall conform to the standards set forth in Section 17.12.740.B.3.d. ;ml1; 5.a.
- b. Cargo containers used for emergency storage shall require a container permit. The number and location of cargo containers used for emergency commercial storage shall be subject to the review and prior written approval of the directors of planning and housing and neighborhood revitalization or their duly authorized representatives. Upon such approval, and payment of a container permit fee in an amount established by city council, a container permit shall be issued.
  - c. Cargo containers may be used for emergency commercial storage for a period not to exceed fifteen (15) calendar days. This use may be extended for an additional ten (10) calendar days upon the prior written approval of the directors of planning and housing and neighborhood revitalization.
  - d. Cargo containers used for emergency commercial storage shall not exceed eight feet in width, eight feet six inches in height, and forty (40) feet in length.
  - e. Cargo containers used for emergency commercial storage shall conform to the standards set forth in Section 17.12.740.B.3.d. ;ml1; 6.a.
- b. Cargo containers used for relocation storage shall require a container permit. The number and location of cargo containers used for relocation storage shall be subject to the review and prior written approval of the directors of planning and housing and neighborhood revitalization or

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their duly authorized representatives. Upon such approval, and payment of a container permit fee in an amount established by city council, a container permit shall be issued.

- c. Cargo containers may be used for relocation storage for a period not to exceed fifteen (15) calendar days. This use may be extended for an additional ten (10) calendar days upon the prior written approval of the directors of planning and housing and neighborhood revitalization.
  - d. Cargo containers used for relocation storage shall not exceed eight feet in width, eight feet six inches in height, and forty (40) feet in length.
  - e. Cargo containers used for relocation storage shall conform to the standards set forth in Section 17.12.740.B.3.d., except as provided in f. of this subsection.
  - f. Cargo containers used for relocation storage may be placed in parking lots so long as no more than 10% of the provided parking spaces are used for this purpose.
- C. Electric Vehicle Charging Station. An electric vehicle charging station (EVCS) shall be permitted as an accessory use within any existing legal single-family or multiple-family residential garage or carport, or within any existing legal commercial parking space in a parking lot or in a parking garage, subject to all applicable city code requirements and the following:
- 1. Electric vehicle charging stations (EVCS) for public use shall be subject to the following requirements:
    - a. The EVCSs shall be located in a manner which will be easily seen by the public for informational and security purposes and shall be illuminated during evening business hours; and
    - b. Be located in desirable and convenient parking locations which will serve as an incentive for the use of electric vehicles; and
    - c. The EVCS pedestals shall be protected as necessary to prevent damage by automobiles; and
    - d. The EVCS pedestals shall be designed to minimize potential damage by vandalism and to be safe for use in inclement weather; and
    - e. Complete instructions and appropriate warnings concerning the use of the EVCS shall be posted on a sign in a prominent location on each station for use by the operator; and
    - f. One standard nonilluminated sign, not to exceed 4 square feet in area and 10 feet in height, may be posted for the purpose of identifying the location of each cluster of EVCSs; and
    - g. The EVCS may be on a timer that limits the use of the station to the normal business hours of the use(s) which it serves to preclude unauthorized use after business hours.
  - 2. Electric vehicle charging stations for private use shall:
    - a. Be located in a manner which will not allow public access to the charging station; and
    - b. Comply with subsections C.1.c., d. and e. of this section.
- D. Mini Wireless Telecommunication Facilities. This category includes all mini wireless telecommunication facilities subject to the requirements of Section 17.40.640.
- E. Cargo containers that are present on private real property, for any use or purpose, on the effective date of this section shall be removed within six months from the effective date, unless the property owner obtains the requisite approvals and permits in conjunction with temporary uses allowed in this section and otherwise complies with all regulations pertaining to cargo containers.

This subsection does not apply to real property owned, leased, rented, occupied or used by a public agency or entity, or by a nonpublic or private school, as defined in Section 17.12.740.A. of this code.

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(Ord. 753 § 1 (Exh. A § 2 (part)), 1999; Ord. 713 § 3 (part), 1995; Ord. 651 § 11 (part), 1993: prior zoning ord. § 225.023)

(Ord. No. 921, §§ 8—10, 6-9-09; Ord. No. 964, § 1, 5-24-2011)

### **17.12.750 Uses subject to director's review and approval.**

If site plans and/or other pertinent information required by the director for the proposed use are first submitted to and approved by the director in accordance with Article VI of Chapter 17.32, premises in the OP zone may be used for the following uses:

- A. Access to property lawfully used for a purpose not permitted in the OP zone provided no other practical access to such property is available and such access will not alter the character of the premises in respect to permitted uses in the OP zone;
- B. Christmas trees and wreaths, the sale of, between November 1st and December 25th, both dates inclusive, to the extent permitted by other statutory and ordinance provisions. Any structures, facilities and materials used for the sale of trees and wreaths shall be removed from the premises by December 31st of the same calendar year, and the property restored to a clean condition;
- C. Parking. Joint usage. (See Section 17.12.880.)
- D. Minor co-located and stealth wireless telecommunication facilities subject to the requirements of Section 17.60.640);
- E. Temporary alcohol sales, subject to the requirements of Section 17.42.140.

(Ord. 896 § 1 (Exh. A § 16), 2008; Ord. 753 § 1 (Exh. A § 6 (part)), 1999; Ord. 651 § 11 (part), 1993: prior zoning ord. § 225.024)

### **17.12.760 Uses subject to conditional use permits.**

The following uses and categories of uses may be permitted in the OP zone provided a conditional use permit has first been obtained as provided in Article I of Chapter 17.32, and while such permit is in full force and effect in conformity with conditions of such permit for:

- A. Freestanding eating and drinking establishments of any kind (excluding fast food operations), and bona fide restaurants and other similar uses that meet the definition of an onsite alcoholic beverage establishment, as defined by and subject to the requirements of Chapter 17.42, whether freestanding or combined with another use. Nightclubs are specifically prohibited;
- B. Long-term health care or congregate care facility only where such uses share a site with health-related offices and special services, including but not limited to adult or senior day care, chiropractic, dental, hospice care, medical (including nursing), pharmacy and therapy;
- C. Multiple-family residential (apartments, condominiums) in conjunction with a permitted use in which not less than 50% of such residential units shall be above the ground floor. (Subject to the provisions of the HDR-2 zone except where specifically modified by the conditional use permit.);
- D. Public Services and Utilities. This category includes only the following uses:
  - 1. Electric transmission substations including microwave facilities used in conjunction therewith,
  - 2. Gas distribution facilities,

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- 3. Publicly owned uses which are necessary to the maintenance of the public health, safety and welfare,
  - 4. Telephone facilities;
  - E. Structures over 50 feet in height;
  - F. Transient Residential. This category includes only hotels and motels.

(Ord. 896 § 1 (Exh. A § 17), 2008; Ord. 651 § 11 (part), 1993: prior zoning ord. § 225.025)

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

### **17.12.770 Interpretation.**

Where a conflict in interpretation occurs regarding application of Sections 17.12.730, 17.12.740, 17.12.750 or 17.12.760 to any specific case the director shall determine the interpretation.

(Ord. 651 § 11 (part), 1993: prior zoning ord. § 225.026)

### **17.12.780 Adjustments.**

Refer to Article III Adjustment Permits. (Ord. 651 § 11 (part), 1993: prior zoning ord. § 225.027)

### **17.12.790 Site plan review required—Fee.**

- A. A site plan (with vicinity map) and building elevations, drawn to scale and reflecting the accurate dimensions of the buildings and property, shall be required of any person seeking to erect new buildings or structures, make additions to any existing buildings or structures, site temporary commercial coaches, or otherwise grade, improve or develop any lot or portion thereof for a permitted use prior to the issuance of any grading or building permit. The site plan shall be accompanied by an appropriate development application and both shall be filed with the planning department. The director or his designated representative shall review the site plan for conformance with the provisions of this title. The site plan shall demonstrate conformance with height regulations, property development regulations, sign regulations or a sign program required by the city for multiple-tenant projects, off-street parking requirements, the adopted City of Lancaster Design Guidelines, any other requirements established for the adopted zoning designation in which the property(ies) is (are) located, and any other applicable city ordinances, standards, guidelines or policies. In addition to the conditions and requirements imposed by the ordinance codified in this title and other city ordinances, standards, guidelines and policies, the director may place conditions on the approval of the site plan where the director finds that such action is necessary to protect the public health, safety and welfare. At such time as the site plan complies with the requirements of the ordinance codified in this title and other city ordinances, standards, guidelines or policies, the site plan shall be approved by the director or his designated representative. The site plan approval shall be valid for two (2) years from the date of approval. A site plan shall be considered "used" when the slab of a major building in the project is poured and inspected, although circumstances in each case may vary and the final determination as to "use" of a site plan review shall be made by the director. Three (3) one-year extensions of the approval may be granted by the director provided such written request for an extension is received not less than sixty (60) days prior to expiration, and any significant environmental changes which have occurred since the original approval have been addressed. Any extension granted shall be conditioned to comply with the city's current design guidelines as adopted by the city council, unless the applicant can demonstrate to the director's satisfaction that such compliance will impose an undue hardship on the project. In the event the site plan or an extension thereof is denied, the

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applicant may appeal the decision in accordance with Section 17.36.030. All projects constructed in accordance with an approved site plan shall be permanently maintained as approved. Any desired subsequent changes shall be submitted for approval as an amendment to the site plan. Prior to occupancy the site shall be inspected for compliance with the site plan. All improvements shall be installed and functioning before occupancy will be allowed.

Where the director determines that the requirements of this section surpass the city's need for project review of a particular development proposal, the director may exercise discretion and apply the provisions of Article VI of Chapter 17.32, Director's Review, in its place.

- B. When the appropriate development application is filed per subsection A of this section, it shall be accompanied by the filing fee established by resolution of the city council.

(Ord. 711 § 22 (part), 1995; prior zoning ord. §§ 225.040, 225.041)

(Ord. No. 924, § 1, 8-25-09; Ord. No. 956, § 3, 1-11-2011)

### **17.12.800 Property development regulations.**

A. General.

1. No new building shall be erected, constructed, moved onto, or established on an existing legal lot or parcel of land unless said building or temporary commercial coach shall comply with all of the regulations set forth in city ordinances, standards, guidelines or policies and subsection B of this section, or Article X of Chapter 17.40 which are pertinent to its placement on said lot or parcel.
2. No existing building or temporary commercial coach located on an existing legal lot or parcel of land shall be converted, enlarged, or moved unless said building, or addition thereto, shall comply with all of the regulations set forth in city ordinances, standards, guidelines or policies and subsection B of this section, or Article X of Chapter 17.40 which are pertinent to its placement on said lot or parcel.
3. No new lot shall be created or any building, or portion thereof, existing on such new lot be used, unless said lot and said building location shall comply with all of the regulations set forth in city ordinances, standards, guidelines or policies and subsection B of this section, which are pertinent to the area and dimensions for new lots and those regulations pertinent to the placement or location of buildings on said lot.

- B. OP Zone. Wherever property is designated as an OP zone on the zoning map the following regulations shall apply:

1. Lot Dimensions. The following minimum lot dimensions shall apply to all lots created after the adoption of this section. (Those lots which were legally created, prior to the adoption of this section, in compliance with ordinances in effect at the time of their creation need not comply unless involved in a new subdivision or change in lot configuration other than a lot line adjustment as provided in Title 16 of this code.)

	Minimum	Minimum	Minimum
Zone	Lot Area	Lot Width*	Lot Depth
OP	10,000 sq. ft.	80 ft.	100 ft.

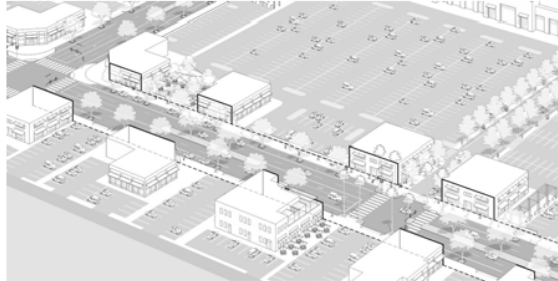
\* Also denotes minimum street frontage.

See Section 17.40.070, 17.40.080, 17.40.090 A or 17.40.090B in the event public use or required street dedication would reduce the net lot area, lot width, or lot depth of an existing lot to less than the required minimum.

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2. Setbacks, building placement, and building design shall be provided as follows. Guidance in the application of these requirements is provided by adopted city design guidelines and various diagrams contained within this code:

a. Street Frontages.

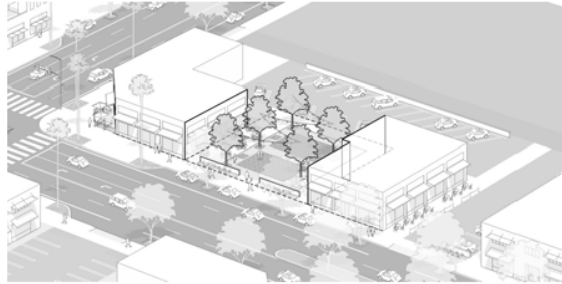
- 1) Street Frontage-Build-To Line. A "build-to" line for street frontages is established as follows. This "build-to" line shall apply to all street frontages adjacent to a property where pedestrian or vehicular access is available from that frontage:
  - a) Arterial Street: Zero (0) to twelve (12) feet.
  - b) All Other Streets: Zero (0) to six (6) feet.
- 2) Building Placement. Except as provided in Section 17.12.800.B.2.a.3), building placement on a property shall comply with the following requirements:
  - a) New buildings, or additions to existing buildings, shall be designed and located so that a minimum of fifty (50) percent of the street frontage(s) has buildings located at the established "build-to" line for the parcel.
  - b) Vehicular driveways and parking areas shall not be located between the façade of a building located at the "build-to" line and the back of the public sidewalk.
  - c) In areas of the site where buildings are not located at the established "build-to" line, a minimum landscaped area of ten (10) feet in width shall be provided from the back of the sidewalk to any parking area. Such width may be reduced by the approving authority where a parkway design is used to separate the sidewalk from the street curb. Landscaping installation and maintenance shall be in accordance with the requirements of Chapter 8.50.



Example of Building Placement at Build-To Line for 50% of Street Frontage  
Diagram Courtesy of Sargent Town Planning

- 3) Exceptions to Building Placement Requirements. Exceptions to the requirement for building placement established in subsection may be granted by the approval authority in the following circumstances:
  - a) In the case of a commercial center, an exception may be granted where a major tenant requires a specific dimension for a "view corridor" from the adjacent street
  - b) On a corner lot situation, an exception may be granted to reduce the minimum fifty (50) percent requirement on one of the frontages where another frontage exceeds the minimum requirement and the overall intent of the build to line requirement is met.

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- c) Where people-oriented activity areas, such as outdoor dining locations, are provided at the build-to line and designed in such a way as to meet the intent of the "build-to" line, an exception may be granted.
  - d) Where a drive-through lane is provided between the building and the "build-to line", an exception may be granted if the building provides, as required in Section 17.12.800.B.2.b, sufficient design features facing the street frontage(s).



Example of Placement of Outdoor Activity Areas Along Street Frontage at Build-To Line  
Diagram Courtesy of Sargent Town Planning

- b. Building Design Requirements. All buildings located entirely or partially at the "build-to" line shall meet the requirements as stated below. Determination of the appropriate building design elements shall be guided by Section 17.12.230 and the adopted city design guidelines.
  - 1) Building Façades facing Street Frontage(s).
    - a) Buildings shall generally be oriented so that the rear of the building does not directly face the adjacent street frontage(s). The approving authority may approve an exception to this where sufficient design elements, including but not limited to building fenestration, building materials, pedestrian access points into and through the building, and other techniques are provided to meet the design intent of the code.
    - b) Design of building façades facing a street shall provide the appearance of a storefront. Design elements may include arcades, patios, awnings, and overhangs as appropriate to enhance appearance and use of the space.
  - 2) Public Entrances.
    - a) Except as provided under subsection ii below, all buildings located entirely or partially at the "build-to" line shall have a public entrance directly facing the street frontage, and provide direct pedestrian access to the entrance from the adjacent street frontage.
    - b) A public entrance may be located on the side of a building not directly facing a street frontage provided that the entrance is clearly visible to people from the adjacent street, direct public access is provided, and the building façade directly facing the street has sufficient fenestration and other design elements and treatment to create a visible connection with that street frontage.





Building Entrance and Treatment for Side-On Design  
Diagram Courtesy of Sargent Town Planning

- c. Interior side yard and rear yard: Ten (10) feet whereabutting a residential zone.
3. Height. The height of buildings and structures shall comply with the following:
  - a. No building or structure in the OP zone shall exceed a height of 50 feet. This section does not apply to conditional use permit uses which shall be subject to Article I of Chapter 17.32. (See Article XII of Chapter 17.40 for general exceptions.)
  - b. No building in the OP zone which is within 100 feet of any RR, SRR or R zone shall exceed a height of 2 stories or 35 feet, whichever is less.
  - c. No building may be constructed which would shade any existing active solar energy system on adjoining property without the consent of the affected property owner. (See subsection one in the definition of solar energy system in Section 17.04.240.)
  - d. Exceptions for Solar Systems. Solar collectors may exceed the height limit when mounted on the roof of a legal, conforming building. The right to exceed the height limit shall be exercised only in the event that: there is no other practical means or location for achieving an efficient placement on the building or site in question; such collectors may exceed the height limit only to the extent necessary to achieve efficient placement; in no case shall such solar collectors (or related equipment) encroach more than 5 feet beyond the limit. Also the placement of a solar collector shall not shade or otherwise diminish the efficiency of existing solar collectors on neighboring property, or preclude such property from sufficient solar access to successfully operate a solar energy system sufficient to serve the needs of the business or occupants.
4. Maximum floor area ratio (FAR): 0.75. (See definition in Section 17.04.240.)
5. Landscaping. Plant materials used in landscaping shall include drought-tolerant species and the landscaping shall be designed to minimize water usage and prevent runoff. No landscaping shall be placed in a manner which shades or would ultimately shade any existing solar energy system from the sun on a contiguous lot. All landscaped areas shall conform to Title 8, Chapter 8.50, Landscaping Installation and Maintenance of the Lancaster Municipal Code. All landscaping shall be completed prior to occupancy by any use and shall be maintained as defined in this title.
6. Outside Storage and Display. All outside storage and display is prohibited with the exception of the following:
  - a. Parking lots;
  - b. Signs, existing outdoor advertising.
7. Trash enclosure location(s) and access shall be designed to the satisfaction of the Director. The trash enclosures shall meet the following requirements:
  1. Locate trash enclosures away from view, from primary entrances drive or streets;

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2. Design the trash enclosure to be a minimum of 165 square feet;
  3. Accommodate source separation of recyclable materials in accordance with State requirements;
  4. Design trash enclosures with a non-combustible, overhanging, trellis or roof cover; and
  5. Separate trash enclosure from adjacent parking with a 6-foot wide minimum planter.

[8. Fences and walls shall comply with the standards outlined in 17.28.030.C](#)

(Ord. 711 § 43 (part), 1995; prior zoning ord. § 225.050)

(Ord. No. 907, § 5, 10-28-2008; Ord. No. 1028, § 2, 7-11-2017; Ord. No. 1070, § 4(Exh. A), 1-14-2020)

### **17.12.810 Signs.**

A person shall not use, install or construct any sign in the OP zone except as specifically permitted in this chapter and subject to all regulations and conditions, including without limitation submittal of a sign plan, set forth in the ordinance codified in this title and any other ordinance now existing or hereafter adopted by the city regulating the installation, use and/or construction of signs. A comprehensive sign plan for multiple-tenant projects and/or individual sign plan for single-tenant projects, must be submitted to and approved by the director or his designated representative. Sign plans must be fully dimensioned, including the proposed sign location(s), elevations, colors and materials. A person who has first obtained approval of the sign plan and all required permits and inspection approval shall be permitted to use, install or construct signs as specified in the OP zone.

(Ord. 651 § 11 (part), 1993; prior zoning ord. § 225.060)

### **17.12.820 Signs—General provisions.**

- A. The provisions of this chapter regulating signs shall not apply to the following signs except as otherwise indicated herein:
  1. Official notices issued by any court, public body or public officer;
  2. Notices posted by any public officer in performance of a public duty, or for any person in giving legal notice;
  3. Traffic, directional, warning or informational signs required or authorized by the public authority having jurisdiction over such signs;
  4. Official signs used for emergency purposes only;
  5. Permanent memorial or historical signs, plaques or markers;
  6. Public utility signs, provided such signs do not exceed 3 square feet in area.
- B. Prohibited Signs. The following signs shall be prohibited in the OP zone:
  1. Signs which contain or utilize:
    - a. Any exposed incandescent lamp,
    - b. Any revolving beacon light,
    - c. Any continuous or sequential flashing operation, except signs displaying time of day, atmospheric temperature or having programmable electronic public service messages only,

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- d. Any system for display of time of day, atmospheric temperature or programmable electronic public service messages in which:
    - 1) The messages are not public service in nature, or
    - 2) The proposed display has any illumination which is in continuous motion or which appears to be in continuous motion, or
    - 3) The message is changed at a rate faster than one message every 4 seconds, or
    - 4) The interval between messages is less than one second, or
    - 5) The display is located less than 100 feet on the same side of the street or highway or 200 feet across the street from residentially zoned property;
  - 2. Roof signs (see definition in Section 17.04.240);
  - 3. Revolving signs of any kind;
  - 4. Signs advertising or displaying any unlawful act, business or purpose;
  - 5. Devices dispensing bubbles and free-flowing particles of matter;
  - 6. Any notice, placard, bill, card, poster, sticker, banner, sign, advertising or other device calculated to attract the attention of the public which any person posts, prints, sticks, stamps, tacks or otherwise affixes, or causes the same to be done to or upon any street, right-of-way, public sidewalk, crosswalk, curb, lamppost, hydrant, tree, telephone pole or lighting system, or upon any fixture of the police or fire alarm system of the city of Lancaster or county of Los Angeles;
  - 7. Any strings of pennants, banners or streamers, clusters of flags, strings of twirlers or propellers, flares, balloons, and similar attention-getting devices, including noise-emitting devices, with the exception of the following:
    - a. National, state, local governmental, institutional or corporate flags properly displayed,
    - b. Holiday decorations in season used for an aggregate period of not more than 90 days in any one calendar year;
  - 8. Devices projecting, or otherwise reproducing the image of a sign or message on any surface or object;
  - 9. Signs emitting or amplifying sounds for the purpose of attracting attention;
  - 10. Portable signs;
  - 11. Sidewalk signs;
  - 12. Temporary signs, except as otherwise specifically permitted by this title;
  - 13. New outdoor advertising signs. No new outdoor advertising signs are permitted or allowed to be relocated into the OP zone;
  - 14. Pole signs;
  - 15. Any sign which is placed in a manner which would obstruct a driver's or pedestrian's vision and thus create a hazard, or potential hazard, to the public health, safety or welfare.
  - C. General Sign Regulations. The following regulations shall apply to all signs in the OP zone.
    - 1. In no case shall a lighted sign or lighting device thereof be so placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
    - 2. Existing outdoor advertising signs are subject to Section 17.40.210.

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3. Signs, except outdoor advertising signs, may be single- or double-faced, provided that:
    - a. The distance between the faces of any double-faced sign, other than a "V"-shaped projecting sign, shall not exceed 36 inches; and
    - b. The separation between the intersecting faces of any multi-faced sign shall not exceed 12 inches.
  4. Any sign located on vacant and unoccupied property, and which was erected for an occupant or business unrelated to the present occupant or business, or any sign which pertains to a time, event or purpose which no longer exists shall be removed within 30 days after the purpose for, or use utilizing such sign has been removed from such property.
  5. Any permitted sign may be a changeable copy sign.
  6. All signs shall be designed in the simplest form and be free of any exposed bracing, angle iron, guy wires, cables or similar devices.
  7. The exposed backs of all signs visible to the public shall be suitably covered, finished and properly maintained.
  8. All signs shall be maintained in good repair, including display surfaces which shall be kept neatly painted or posted.
  9. Any sign which does not conform to the provisions of this title shall be made to conform or shall be removed as provided in subsection B.4. of Section 17.32.850 except as provided in Section 17.32.850B.4.c.
  10. Except where otherwise specifically provided by this title, sign regulations established pursuant to Section 17.12.810 et seq. shall not apply to signs within a building, arcade, court or other similarly enclosed area where such signs are not visible to the public without entering such facilities.
  11. The height of all signs shall be measured from the highest point of the sign.
- D. Computation of Sign Area. The surface area of any sign face shall be computed from the smallest rectangles, circles and/or triangles which will enclose all words, letters, figures, symbols, designs and pictures, together with all framing, background material, colored or illuminated areas, and attention-attracting devices forming an integral part of the overall display, but excluding all support structures, except that:
1. Wall signs which are painted on or affixed directly to a building wall or façade, and which have no discernible boundary, shall have the areas between letters or words intended to be read together, and any device intended to draw attention to the sign message included in any computation of surface area; and
  2. Signs which are placed in a manner, or bearing copy, which require dependence upon each other in order to convey the meaning shall be considered one sign and the intervening areas between signs included in any computation of surface area; and
  3. Spherical, cylindrical, or other 3-dimensional signs not having conventional sign faces shall be considered to have 2 faces and the area of each sign face shall be computed from the smallest 3-dimensional geometrical shape or shapes which will best approximate the actual surface area of said faces.

(Ord. 651 § 11 (part), 1993: prior zoning ord. § 225.061)

### **17.12.830 Business signs.**

Business signs may be permitted in the OP zone subject to Sections 17.12.790, 17.12.890 and the restrictions of this section. For more information concerning specific types of signs see Section 17.04.240, Definitions.

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- A. Wall and Freestanding Business Signs. Monument signs are the only freestanding signs allowed in the OP zone.
1. Area and Number Permitted.
    - a. A maximum of one square foot of wall or freestanding sign area for each one linear foot of continuous lot frontage up to a maximum of 150 square feet of total sign area.
    - b. No more than one freestanding sign per street frontage shall be permitted. Such signs shall be separated by a distance of not less than 200 feet.
    - c. No more than one wall sign per tenant, except on corner sites where not more than 2 wall signs per tenant is permitted.
    - d. The minimum sign area per tenant shall be 20 square feet.
  2. Height Permitted.
    - a. Wall business signs shall not extend above:
      - 1) Eighteen inches below the top of the wall of a single-story building; or
      - 2) The lowest point of a sloping roof of a single-story building.
    - b. Freestanding business signs shall not exceed a maximum height of 10 feet measured vertically from ground level at the base of the sign, or 3 feet below the roof line, whichever is least.
  3. Projection Permitted. Wall business signs shall not project more than 18 inches from the building wall to which they are attached. Freestanding signs may not project over the public right-of-way.
  4. Lighting. Wall and freestanding business signs may be internally or externally lighted, but any continuous or sequential flashing operation is prohibited.
- B. Window Signs. Each business establishment may be permitted display window signs subject to the following restrictions:
1. Area permitted: maximum of 20% of the window area.
  2. Lighting. Window signs may be internally or externally lighted, but any continuous or sequential flashing operation is prohibited.
- C. Incidental Business Signs. Each business establishment may be permitted incidental business signs provided:
1. That such signs are wall signs or window signs; and
  2. That such signs do not exceed 3 square feet in sign area or 6 square feet in total sign area; and
  3. That the sum of the sign areas of all such signs does not exceed 10 square feet.
  4. Incidental business signs may be internally or externally lighted but any continuous or sequential flashing operation is prohibited.

(Ord. 711 § 25 (part), 1995; prior zoning ord. § 225.063)

#### **17.12.840 Building identification signs.**

Building identification signs may be permitted subject to the following restrictions:

- A. Area Permitted. In the OP zone one wall sign may be permitted provided:

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1. Such sign does not exceed 6 square feet in sign area where located less than 30 feet above ground level measured at the base of the building below said sign; or
  2. Such sign does not exceed 2% of the exterior wall area of the building wall on which it is mounted, excluding penthouse walls, where located more than 30 feet above ground level measured at the base of the building below said sign.
  3. The area of the building identification sign shall be subtracted from the area allowed for wall signs.
- B. Height Permitted. Such signs shall not extend above a line 18 inches below the highest point of a parapet wall or the lowest point of a sloping roof.
- C. Lighting. Building identification signs may be internally or externally lighted but any continuous or sequential flashing operation is prohibited.

(Ord. 651 § 11 (part), 1993: prior zoning ord. § 225.064)

### **17.12.850 Temporary signs.**

Temporary signs may be permitted in the OP zone subject to the following restrictions:

- A. Area Permitted. Temporary signs which are posted or erected for 90 days or less shall not exceed 16 square feet in sign area or 32 square feet in total sign area as defined in Section 17.04.240. Temporary signs which have obtained a permit pursuant to subsection G of this section and which are posted or erected for more than 90 days shall not exceed 32 square feet in sign area or 64 square feet in total sign area.
- B. Height Permitted.
1. Freestanding temporary signs shall not exceed 6 feet in height.
  2. Temporary signs which are posted, attached or affixed to buildings of more than one story shall not be higher than the finished floor line of the second floor of such building.
  3. Temporary signs which are posted, attached or affixed to a single-story building shall not extend above:
    - a. Eighteen inches below the top of the wall of the building;
    - b. The lowest point of a sloping roof of the building.
- C. Projection Permitted. Where temporary signs are attached to a wall such signs shall not project more than 18 inches from the building wall to which they are attached.
- D. Lighting. Temporary signs shall not be lighted.
- E. Placement. Temporary signs shall not be placed on public property (see Section 17.12.820B.6.), or in any manner that would endanger the public (see Section 17.12.850B.15.).
- F. Duration. No temporary sign shall be posted for more than 90 days without obtaining a sign permit pursuant to subsection G of this section. No sign permit for a temporary sign shall be valid for more than one year. Upon written request for an extension the director may grant an extension for up to one additional year upon finding that the sign is otherwise in compliance with the requirements of Section 17.12.810 et seq. and that the extension is necessary to accomplish the purposes for which the sign has been posted. No additional extensions may be granted. All temporary signs shall be removed within 14 calendar days after occurrence of the event, if any, which is the subject of the temporary

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sign. The date of the posting shall be permanently and legibly marked on the lower right-hand corner of the sign face.

- G. Permit Required. Any person who proposes to post or erect a temporary sign for more than 90 days shall file an application for a sign permit with the Department of Community Development. The applicant shall also file a statement of responsibility as required in subsection I of this section.
- H. Standards for Approval.
  - 1. Within 7 working days the director or his designated representative shall act upon the application for a temporary sign permit.
  - 2. The action on the application shall be based on character, location and design, including design elements such as material, letter style, colors, sign type or shape, and the provisions of Section 17.12.810 et seq.
  - 3. If the action is to disapprove the notice of disapproval shall specify the reasons therefor.
- I. Statement of Responsibility. Each person desiring to post or erect a temporary sign(s), regardless of duration, shall submit to the Department of Community Development a statement of responsibility in a form approved by the director with a description sufficient to identify the temporary sign(s), the locations of the sign(s) to be posted, and certifying a named individual who is responsible for removing each temporary sign. In the event the responsible individual fails to remove the temporary sign(s) as required by subsection F of this section, the temporary sign(s) shall be deemed abandoned and may be removed by the city, the cost of which removal shall be payable by the responsible individual.
- J. Removal of Unauthorized, Unmaintained or Dangerous Signs.
  - 1. Temporary signs posted for which a statement of responsibility has not been submitted and, if required, a permit has not been obtained, are subject to immediate removal by the city without compensation. The city may, at its option, also pursue legal action under Section 17.04.220.
  - 2. Temporary signs which are deemed by the city to constitute a threat to the public health and safety are subject to immediate removal by the city without compensation. (Some examples might include such signs which are not secured against the wind or were placed in a manner which would interfere with the vision of drivers or pedestrians.) The city's cost of removal shall be payable by the responsible individual.
  - 3. Temporary signs for which a statement of responsibility has been submitted and, if required, a permit has been obtained, and which do not pose a threat to public health and safety but are otherwise posted in violation of Section 17.12.810 et seq. shall be subject to removal in accordance with the following procedures. The city shall provide written notice to the responsible individual for each temporary sign established pursuant to subsection I of this section, that the sign is in violation of Section 17.12.810 et seq., shall specify the nature of the violation and shall direct the responsible individual therefor to remove or alter such temporary sign. If the responsible individual fails to comply with the notice within 3 working days after such notice is mailed, the sign(s) shall be deemed abandoned, and may be removed by the city, the cost of which shall be payable by the responsible individual to the city.

(Ord. 651 § 11 (part), 1993: prior zoning ord. § 225.065)

### **17.12.860 Directional and/or information signs.**

Freestanding or wall-mounted directional and/or information signs may be permitted in the OP zone subject to the following restrictions:

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- A. Area Permitted. Directional and/or informational signs shall not exceed 12 square feet in sign area or 24 square feet in total sign area.
  - B. Height Permitted.
    - 1. Wall-mounted directional and/or information signs shall not extend above a line 18 inches below the highest point of a parapet wall or the lowest point of a sloping roof.
    - 2. Freestanding directional and/or informational signs shall not exceed 10 feet measured from the base of the sign.
  - C. Location of Signs. All such signs shall be located on site.
  - D. Lighting. Directional and/or information signs may be internally or externally lighted but any continuous or sequential flashing operation is prohibited.

(Ord. 651 § 11 (part), 1993: prior zoning ord. § 225.067)

### **17.12.870 Special purpose signs.**

The following special purpose signs may be permitted as provided herein:

- A. Bulletin or Special Event Signs. One freestanding or wall-mounted bulletin or special event sign may be erected and maintained on each lot or parcel of land in the OP zone developed for a publicly owned, charitable, religious or educational institution subject to the following restrictions:
  - 1. Area Permitted. Such sign shall not exceed 50 square feet in sign area or 100 square feet in total sign area.
  - 2. Height Permitted.
    - a. A wall-mounted sign shall not extend above a line 18 inches below the highest point of a parapet wall or the lowest point of a sloping roof.
    - b. A freestanding sign shall not exceed a maximum height of 12 feet measured vertically from the base of the sign.
  - 3. Location of Sign. A freestanding sign shall not be located nearer than 10 feet to a front lot line or 25 feet to any other lot line.
  - 4. Lighting. Bulletin or special event signs may be internally or externally lighted, but any continuous or sequential flashing operation is prohibited.
  - 5. Design. Such sign shall be architecturally related to the structure to which it is appurtenant.
- B. Time, Temperature, and Public Service Message Signs. Signs using any system for the display of time of day, atmospheric temperature, or programmable electronic messages may be permitted subject to the prohibitions in Section 17.12.820B and the following restrictions:
  - 1. Type of Signs. All time, temperature, and public service message signs shall be monument signs.
  - 2. Area Permitted. One sign not to exceed 24 square feet in total sign area may be permitted for each street frontage up to a maximum of 2 for each business.
  - 3. Height Permitted. No such sign shall exceed a height of:
    - a. For monument or post signs — 12 feet;
    - b. For wall signs — not less than 18 inches below the top of the wall of a single-story building.



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4. Location of Sign. Such signs shall be placed not closer than 500 feet to any business already using this type of sign.
  5. Other. Such signs must not violate the restrictions imposed by Section 17.12.820 B.1.d.

(Ord. 651 § 11 (part), 1993: prior zoning ord. § 225.068)

### **17.12.880 Off-street parking.**

The automobile parking facilities required by this section shall be provided and permanently maintained as such unless and until a substitute has been provided which is in full compliance with the provisions of this title. The following parking requirements shall be complied with in the OP zone:

- A. General Conditions. The provisions of this section shall apply at the time that:
  1. A building or structure is erected; or
  2. An existing building or structure is altered to increase the exercise area (i.e., dance schools or fitness centers) or seating capacity (fixed or not fixed); or
  3. An existing building or structure is enlarged. **EXCEPTION:** An existing building or structure which has insufficient lot area upon which to provide the required parking or landscaping may be enlarged by an area not to exceed 20% of the gross floor area including the original building or structure and all legal additions thereto for which required parking and associated landscaping have been provided. This exception applies only when there will be no reduction of existing parking or landscaping on the site; or
  4. The use of a building or structure is changed. **EXCEPTION:** Buildings or structures legally constructed in accordance with the parking requirements in effect at the time of building permit issuance will not require full compliance with the parking space requirements of this section provided that:
    - a. Said change in use creates no greater demand for parking spaces (as defined by this section) than the use which most recently preceded it; and
    - b. All available space not used for parking shall be improved for purposes of parking and landscaping in accordance with this section and Section 17.12.890 (not to exceed the parking requirement for said use) prior to the new use occupying said premises.
- B. Ownership and Joint Usage. Space required by this section for automobile parking shall either:
  1. Be owned as a part of the premises where the use for which the automobile parking space is required is located; or
  2. Subject to director's review and approval the owner or owner-authorized lessee of any property, may authorize joint use of parking facilities solely to serve existing buildings or structures occupied by the following uses or activities, provided that all the requirements of this zone can be complied with:
    - a. The parking facilities required for any nonresidential use, which is primarily a daytime use may be fulfilled by the parking facilities of a use which is primarily a nighttime and/or Sunday use, and vice versa, provided such parking facilities meet the requirements of subsection B.2.b. of this section.
    - b. All of the following conditions shall be met in order for the director to approve joint usage of parking:

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- 1) The lots or parcels upon which the uses referred to in subsection B.2.a. of this section are proposed shall be adjoining as defined in this title; and
  - 2) There shall be no substantial conflict in the principal operating hours of the uses for which joint usage of parking is proposed; and
  - 3) That the joint usage of the off-street parking facilities shall be contingent upon the execution of an agreement, which requires that if canceled the party canceling such agreement, not less than 60 days prior to the effective date of such cancellation, shall notify the director of such cancellation. Such agreement shall meet the approval of the city attorney as to form and content. Once approved, the executed agreement shall be recorded in the office of the county recorder and copies thereof filed with the director.

See Section 17.12.890 for parking design requirements.

- C. Fractions. When the application of this section requires a fractional part of an automobile parking space or parking place sufficient to accommodate a fractional number of automobiles, any such fraction shall be construed as a whole.
- D. Parking Requirements by Use.
  1. Eating, and Drinking Establishments. Every structure used for eating or drinking shall provide on the same lot or parcel one automobile parking space for each 100 square feet of gross floor area.
  2. Financial Institutions and Services. Every bank, savings and loan institution, or similar use shall have on the same lot or parcel of land, one automobile parking space for each 250 square feet of gross floor area.
  3. General Commercial Uses. Except as otherwise provided in this section every lot or parcel of land which is used for a retail commercial use existing or permitted in the OP zone, shall have on the same lot or parcel of land one automobile parking space for each 250 square feet of gross floor area of any building or structure so used.
  4. Offices.
    - a. Government, Public Facilities and Professional Office. One automobile parking space for each 250 square feet of gross floor area.
    - b. Medical and Dental. Every medical or dental office, clinic, or similar building shall have on the same lot or parcel of land, one automobile parking space for each 150 square feet of gross floor area.
  5. Uses Not Specified. Where parking requirements for any use are not specified, parking shall be provided in an amount which the director finds adequate to prevent traffic congestion and excessive on-street parking. Whenever practical, such determination shall be based upon the requirements for the most comparable use specified in this section or other document as approved by the director.
  6. Disabled Person Spaces. Disabled person spaces shall be provided in accordance with federal or state requirements as appropriate.
  7. Bicycle and Motorcycle Spaces. Spaces for bicycles/motorcycles, with the means necessary to secure them against theft, shall be provided as follows:
    - a. Bicycles. Minimum of one space per 10 employees;
    - b. Motorcycles. Minimum of one space per 20 employees.

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8. Carpool and Vanpool Spaces. Spaces for carpool and vanpool vehicles shall be provided as necessary to accommodate any such vehicle in a number necessary to serve the pool program at the establishment. These spaces may be counted toward the parking requirements for the use.

(Ord. 651 § 11 (part), 1993: prior zoning ord. §§ 225.070—225.072, 225.074, 225.075)

### **17.12.890 Design and performance standards.**

The following design and performance standards shall be met for development in the OP zone:

A. General requirements applicable to all development:

1. Access.

- a. Driveways providing access to the site may be combined, relocated, or otherwise limited in order to minimize traffic conflicts and improve public safety. All driveways shall be constructed to comply with current city standards. All driveway locations are subject to the approval of the director of public works.
- b. Entry drives into parking areas shall be of sufficient depth to provide for vehicle stacking appropriate to the size, location and intensity of the project served.
- c. Access to drive-through facilities shall have a sufficient depth to provide vehicle stacking for not less than 7 automobiles at a depth of 24 feet per automobile per drive-through facility. (One bank teller station equals one such facility.) Such stacking space shall be designed in a manner which will not restrict access to or from parking spaces, aisles or driveways.
- d. Internal roadways shall be constructed at the minimum widths necessary for safe circulation in order to minimize solar reflection and radiation.
- e. Public transit opportunities for turnouts, shelters and pedestrian access shall be considered for all sites abutting expressways or arterial streets.
- f. Access and bicycle parking facilities shall be considered for all sites abutting or adjacent to a planned bicycle and/or trail facility.

2. Paving. Required parking areas, as well as the maneuvering areas and driveways used for access thereto shall be paved with: (NOTE: Permits are required for any work done in the public right-of-way.)

- a. Concrete surfacing to a minimum thickness of 3½ inches with expansion joints as necessary; or
- b. Asphalt surfacing, rolled to a smooth, hard surface having a minimum thickness of 2 inches after compaction, and laid over a base of crushed rock, gravel or other similar material compacted to a minimum thickness of 4 inches. This requirement may be modified as necessary to meet the soil conditions of the site as determined by a jobsite soil analysis by a qualified engineer.
- c. For commercial truck parking and drive aisles, asphalt surfacing rolled to a smooth hard surface having a minimum thickness of 3 inches after compaction and, at a minimum, designed to accommodate a traffic index (TI) of 6.5 as calculated in accordance with the latest edition of the CalTrans Highway Design Manual. Large commercial projects may need a greater TI based upon their use.

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- d. Other alternative material that will provide at least the equivalent in dust free service, life and appearance of the materials and standards which would be employed for development pursuant to subsection A.2.a. or b. of this section.
  - e. The director of public works at the request of the director shall review and report on the adequacy of paving where modification of base is proposed under subsection A.2.b. of this section, or where alternative materials are proposed under subsection A.2.d. of this section. The director of public works may approve such modification or such alternative materials if, in his opinion, the evidence indicates compliance with subsection A.2.b. or d. of this section, as the case may be.
3. Size and Marking of Spaces.
- a. No less than 75% of the parking spaces shall exhibit minimum dimensions of 9 feet in width by 20 feet in length, with required disabled person spaces at the dimensions as provided by law. (See subsection A.8.f. of this section.)
  - b. Compact Spaces. No more than 25% of the parking spaces may exhibit minimum dimensions of 8 feet in width by 17 feet in length. Such spaces shall be labelled "compact car only" in a manner acceptable to the director. (See subsection A.8.f. of this section.)
  - c. No parking shall occur in the first 10 feet of a required front or street side yard.
  - d. Where parking abuts an alley, the improved alley may be used as an aisle subject to approval of the parking lot design.
  - e. For parallel parking, minimum aisles are 12 feet and minimum parking space dimensions are 8 feet by 24 feet.

See the following diagrams for parking design options.

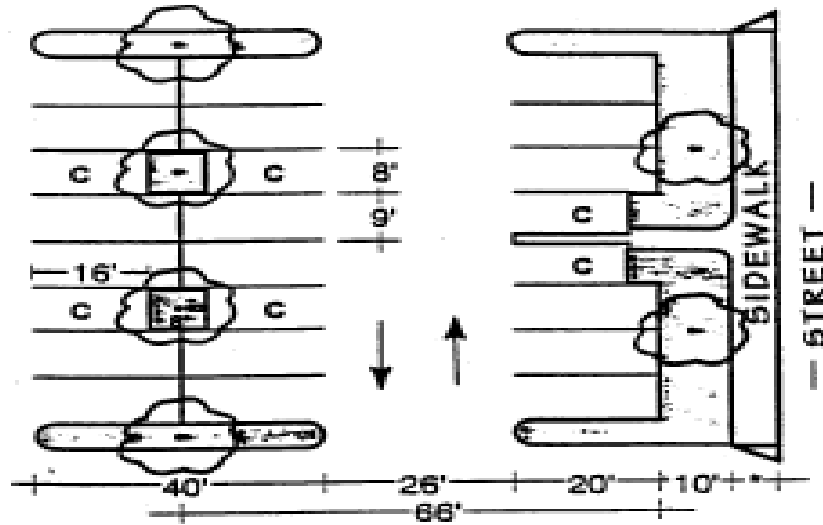
- 4. Circulation. Mark entrances and exits clearly. Vehicular circulation should be "one-way" in each aisle or "two-way" if the aisle width is a minimum of 20 feet. No aisle shall be less than 12 feet in width.
- 5. Loading Spaces. Such spaces shall be required as specified by the director.
- 6. Buffering. A masonry wall of not less than 6 feet in height shall be provided at the property line where the activities of a commercial use are anticipated to be incompatible with existing uses or to protect an area from adverse climatic conditions (wind, blowing sand, etc.). It shall be the burden of the applicant to prove to the satisfaction of the director or his designated representative that the project will not create or be subject to conditions necessitating a wall at the time of site plan review if a wall is not desired.
- 7. Building Design.
  - a. Building placement shall complement the design of adjoining sites to facilitate the convenient and logical functioning of neighboring uses. Where more than one building is to be developed on the site, the buildings shall be laid out in clusters or as necessary to create outdoor patios, courts and walkways in a landscaped setting.
  - b. Roof treatment shall be the same on the periphery of the building, except where a different treatment is required by the city building code. Where screening of rooftop equipment is necessary such screening shall be designed to complement the architecture of the building.
  - c. Building components such as windows, doors, eaves and parapets shall have good proportions and relationships to one another and shall utilize canopies and/or overhangs to shade windows during summer months. Buildings should be designed to utilize natural light for internal illumination through the use of courts, skylights, and other design options.

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- d. Utility doors, access panels, fire doors, loading docks, and other openings shall be treated as part of the architectural composition of buildings.
  - e. An exterior color scheme for all buildings or additions thereto shall be submitted with the building elevations for approval. The color scheme for existing neighboring buildings shall be indicated and considered.
  - f. Maximum feasible solar access and the direction of prevailing winds shall be considered in building design and orientation.
  - g. Additions to existing buildings shall conform to the design of the existing building. New building size, materials and color shall be consistent with the scale and design of the building to which it is attached.
8. Landscaping.
- a. Landscape designs shall be directed toward the concept of an office park and shall be consistent throughout a project site. A combination of landscape materials should be arranged in a harmonious manner as an integral part of project design to enhance building design, public view, and interior spaces and provide buffers and transitions as needed. Unrelated and random choice or placement of plant materials shall be avoided; however, variety may be employed to intensify distinction between spaces or to strengthen a sense of place or movement, or to promote energy and water conservation and mitigate erosion.
  - b. The type, scale and proportion of landscape materials shall be appropriate to the site and/or structures to which they relate.
  - c. Plant material shall be selected for interest in its structure, texture, color, ultimate growth and water efficiency. Plants that are native or climate adaptive to the high desert area of Lancaster and/or others that will be hardy, harmonious with project design, and of good appearance, shall be used. Turf shall not be permitted except for recreational areas. Drought-resistant varieties of plants shall be used in accordance with Title 8, Chapter 8.50, Landscaping Installation and Maintenance of the Lancaster Municipal Code.
  - d. Landscaped areas shall be irrigated by an automatic system with separate stations for each hydrozone. The irrigation system shall be designed and equipped to incorporate water conservation techniques such as drip systems, moisture sensors and anti-drain valves. Sprinkler systems shall be designed to prevent water from falling onto impervious surfaces. The system shall comply with Title 8, Chapter 8.50, Landscaping Installation and Maintenance of the Lancaster Municipal Code.
  - e. All areas within a site which has been approved by the city for development as a site plan or approved phase thereof, which are not needed for buildings, sidewalks, vehicle access or parking, shall be landscaped.
  - f. All landscaped planter areas shall be completely bordered by a 6-inch P.C.C. curbing to prevent irrigation runoff and act as a wheel stop where necessary. Where used as a wheel stop, the 6-inch curb may be counted toward the required length of the parking space.

## PARKING LOT DESIGN OPTIONS

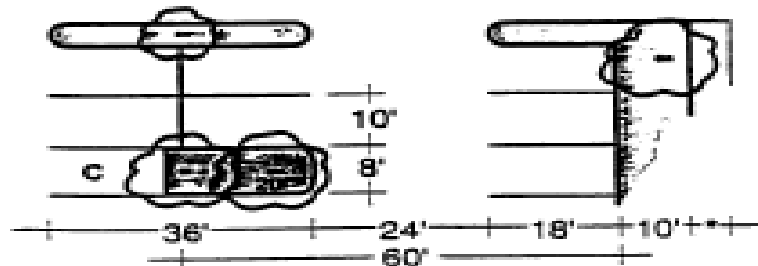
### 90°

STANDARD 90° - MINIMUM PARKING SPACE 9' X 20'  
 OPTION 90°-1 - MINIMUM PARKING SPACE 10' X 18'  
 C- ALL COMPACT PARKING SPACES ARE 8' X 16'



\* SIDEWALK WIDTH IN ACCORDANCE WITH CITY STANDARDS  
 FOR THE STREET CLASSIFICATION.  
 END STALLS PARALLEL TO WALLS OR FENCES SHALL BE 10' IN WIDTH.

### OPTION 90°-1



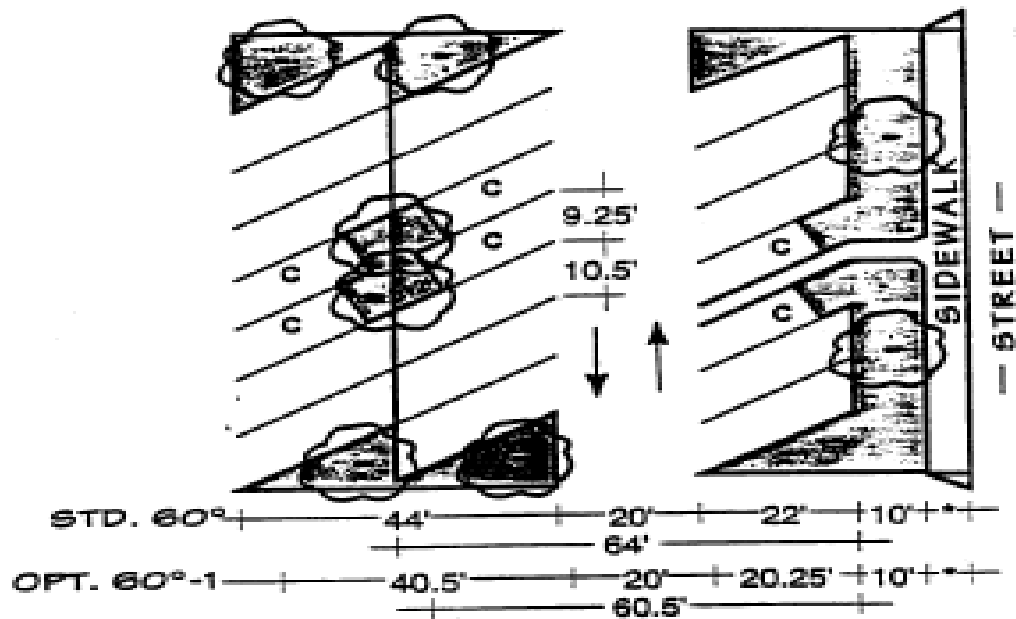
## PARKING LOT DESIGN OPTIONS, cont.

**60°**

STANDARD 60° - MINIMUM PARKING SPACE 9' x 20'

OPTION 60°-1 - MINIMUM PARKING SPACE 9' x 18'

C- ALL COMPACT PARKING SPACES ARE 6' x 16'

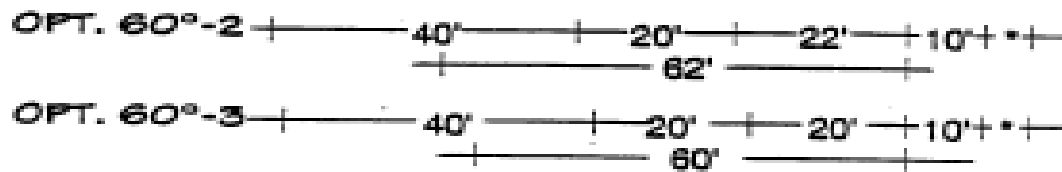
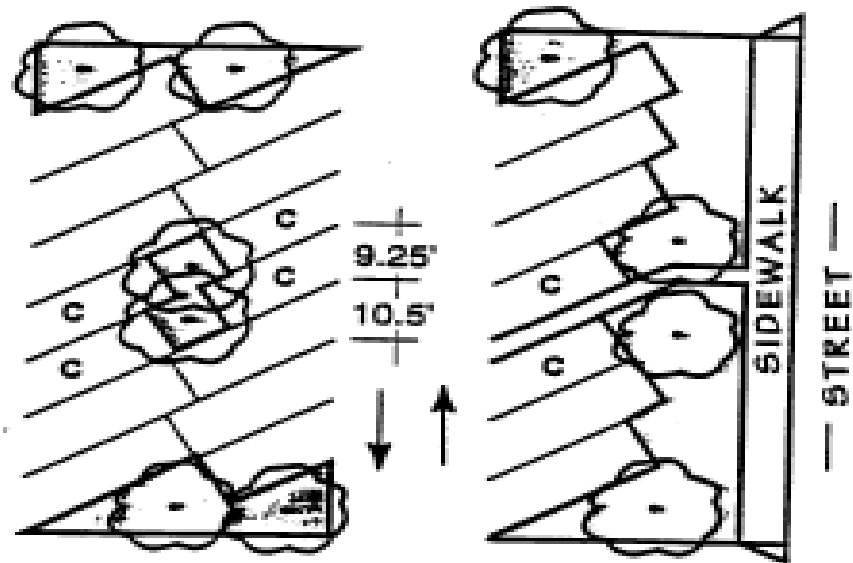


\* SIDEWALK WIDTH IN ACCORDANCE WITH CITY STANDARDS FOR THE STREET CLASSIFICATION.

## PARKING LOT DESIGN OPTIONS, cont.

**60°**

OPTION 60°-2 - MINIMUM PARKING SPACE 9' X 20'  
 OPTION 60°-3 - MINIMUM PARKING SPACE 9' X 18'  
 C- ALL COMPACT PARKING SPACES ARE 8' X 18'



\* SIDEWALK WIDTH IN ACCORDANCE WITH CITY STANDARDS  
 FOR THE STREET CLASSIFICATION.

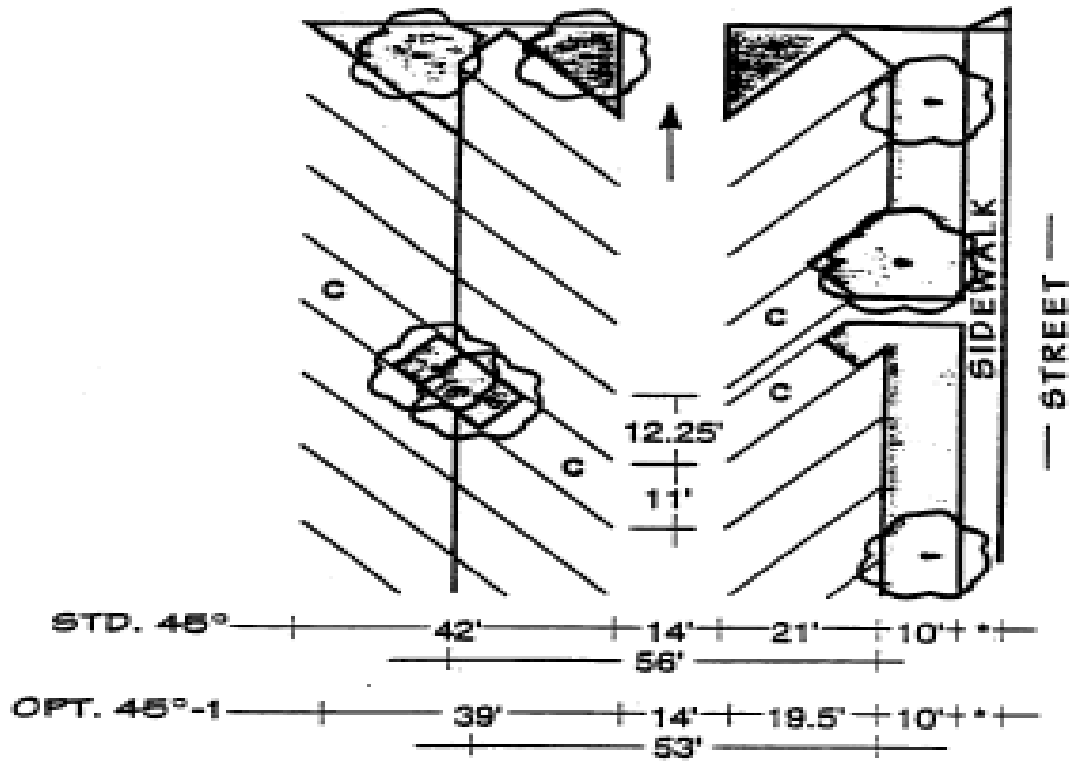


## 45°

STANDARD 45'- MINIMUM PARKING SPACE 9' x 30'

**OPTION 4B-1 - MINIMUM PARKING SPACE 9' X 18'**

**C- ALL COMPACT PARKING SPACES ARE 8' X 16'**



\* SIDEWALK WIDTH IN ACCORDANCE WITH CITY STANDARDS FOR THE STREET CLASSIFICATION.

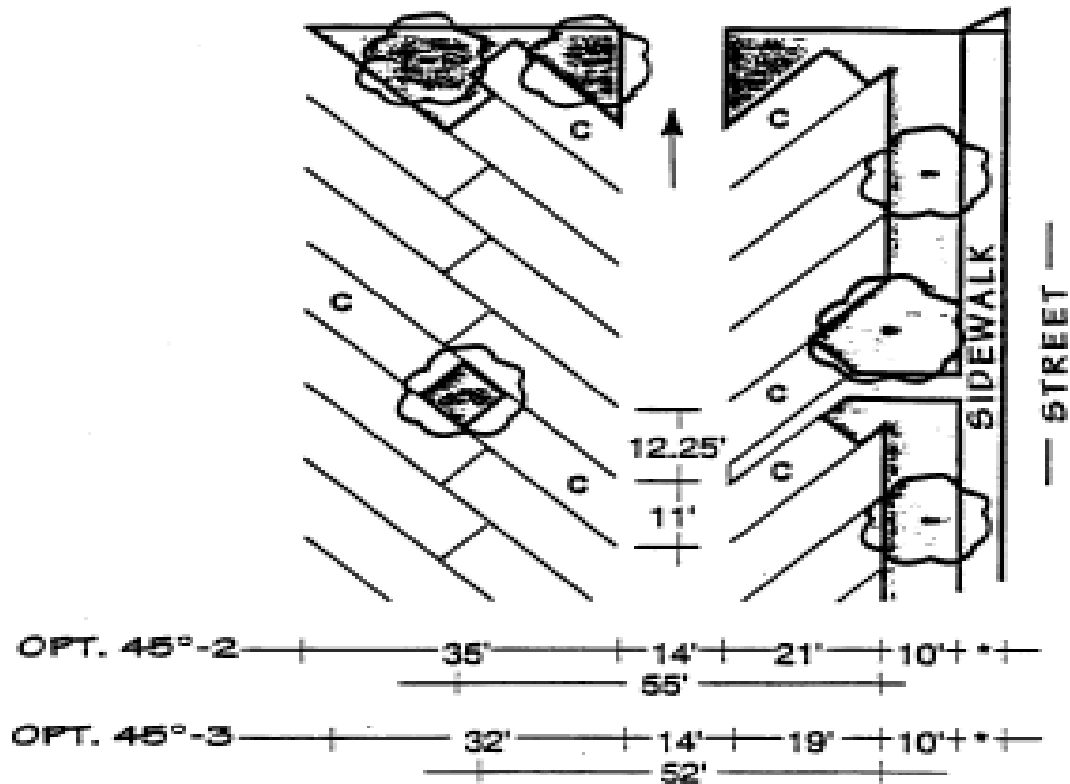
## PARKING LOT DESIGN OPTIONS, cont.

**45°**

OPTION 45°-2 - MINIMUM PARKING SPACE 9' X 20'

OPTION 45°-3 - MINIMUM PARKING SPACE 9' X 18'

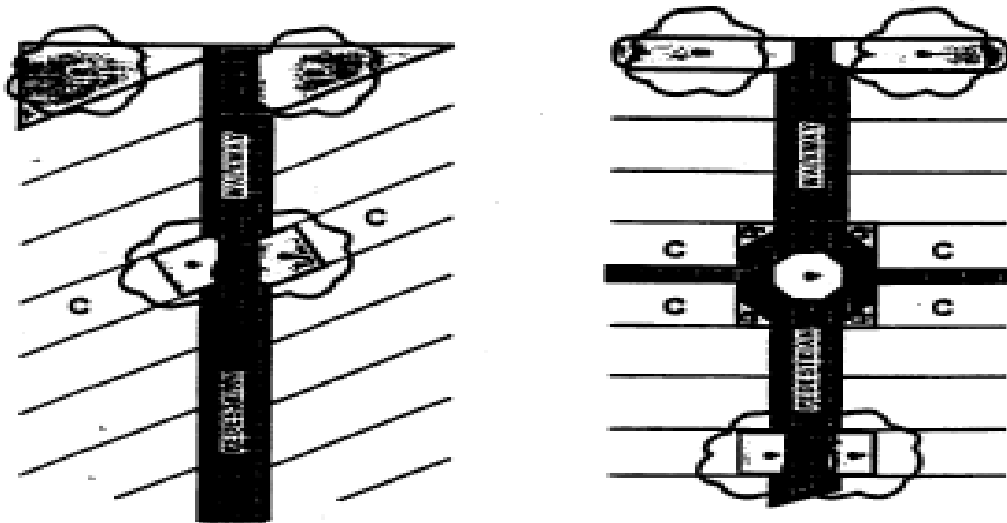
C- ALL COMPACT PARKING SPACES ARE 8' X 16'



\* SIDEWALK WIDTH IN ACCORDANCE WITH CITY STANDARDS FOR THE STREET CLASSIFICATION.

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## PEDESTRIAN WALKWAY OPTIONS



**DESIGNS ALLOW PEDESTRIANS TO WALK TO OR FROM THEIR CARS OR TO SIDEWALKS ON ADJOINING STREETS WITH MINIMAL CONFLICT WITH PARKING LOT TRAFFIC.**

- g. All interior areas of parking lots shall be landscaped with a minimum of one shade tree plus one shade tree for each 10 parking spaces plus one tree for each 2,000 square feet of paved area within the parking lot.
- h. For lots of 5,000 square feet or less in area, not less than 5% of the total area(s) used for vehicle ingress, egress, circulation and parking shall be landscaped. Only landscaped areas exclusive of curbs shall qualify toward meeting this requirement and no landscaped area with a dimension of less than 3 feet shall be credited toward meeting the landscape requirement.
- i. For lots of more than 5,000 square feet in area, not less than 7% of the total area(s) used for vehicle ingress, egress, circulation and parking shall be landscaped. Only landscaped areas exclusive of curbs shall qualify toward meeting this requirement and no landscaped area with a dimension of less than 3 feet shall be credited toward meeting the landscape requirement.

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- j. Where off-street parking areas abut local or collector public streets, such areas shall be separated from an abutting street by a continuous landscaped planter which extends parallel to the street frontage of the parking area. Said planter shall be a minimum of 10 feet in width exclusive of perimeter curbs. Up to ½ of the area of this required landscaped planter may be counted toward fulfilling the requirements of subsection A.8.h. or i. (See Section 17.12.800B.2., 5. regarding landscaping in yards.)
  - k. Trees and landscaping shall be utilized wherever possible to shade buildings as a means of enhancing energy conservation and provide protection against strong winds. Deciduous trees and/or vines should be used where passive solar heat gain is desired in buildings during the winter months.
  - l. No tree shall be less than 15-gallon size and at least 25% of the trees shall be 24-inch box size. At least 50% of all shrubs shall be of 5-gallon size, and no shrub shall be less than one-gallon size. Ground covers shall be planted no further apart than 6 inches on center.
  - m. All landscaped areas shall be continuously and properly maintained in good condition. (See definition in Section 17.04.240.)
9. Lighting. The intent of this requirement is to properly illuminate the site without producing an adverse impact on neighboring property. Exterior lighting of the building and site shall be provided, maintained and utilized during the hours of darkness in accordance with the following requirements:
- a. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be compatible with building design.
  - b. Placement of lighting shall be in accordance with recognized crime prevention and safety principles.
10. Outside Uses, Storage or Display. All outside uses, storage and display are prohibited in the OP zone. (See subsection A.14. of this section regarding refuse/recycling storage enclosures.)
11. Screening.
- a. All rooftop mechanical equipment, ducts, tanks, satellite antennae, etc., shall be enclosed or otherwise screened from view from all sides of the building. (This requirement does not include wind powered turbines used for ventilation.)
  - b. Where mechanical equipment, junction boxes, backflow prevention devices, satellite antennae, meters and similar equipment is ground mounted it shall be enclosed or screened from view where necessary to preclude visibility from freeways, expressways and arterial streets and adjacent properties.
  - c. Loading areas shall be screened from view only where necessary to preclude visibility from public streets and highways and adjacent properties.
  - d. Parking areas adjacent to streets shall be screened with landscaping in the required yards and with low decorative walls, berms or combinations thereof. Where walls are used they shall be placed so as not to obscure landscaped areas from the street.
12. Service for Utilities. All on-site utility services shall be underground.
13. Signs.
- a. The colors, materials and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.

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- b. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.
  - c. Use of individual letters for all signing is preferred and encouraged over "cabinet" signs. Where cabinet signs are utilized, such cabinet must be integrated into the design of the building or structure.
  - d. The light source of externally illuminated signs shall not be visible.
  - e. Street numbers of all buildings shall be prominently located and of sufficient size to be easily read from the street by public safety personnel (i.e., police, fire, ambulance).
14. Refuse/Recycling Storage Enclosures. All commercial and other nonresidential uses shall have on the same lot or parcel a refuse/recycling storage area at a ratio of 20 square feet of refuse/recycling storage area for each 1,000 square feet or portion thereof of net floor area of the facility. The enclosure shall be a minimum size of 6 feet in width by 18 feet in length (exterior dimension). Such storage areas shall be enclosed on 3 sides by a minimum 5-foot-high reinforced masonry or concrete wall with a sight-obscuring gate (chain link with slats is not acceptable) of noncombustible materials which is substantially the same height as the enclosing walls. The floor of the enclosure shall be of concrete construction. Such storage areas shall not be placed in a location which is openly exposed to a fronting street or a neighboring residential area. (See Refuse/Recycling Storage Enclosure Diagram in Section 17.12.230.)
15. Hazardous Materials. Applicants must obtain the approval of the Los Angeles County fire department prior to obtaining any city permits for any use which includes the use of hazardous materials or the storage of hazardous materials or wastes.
16. Radioactive Materials. The use of radioactive materials shall be limited to measuring, gauging or calibration equipment.
17. Noise. Uses which generate noise by the nature of their function and/or processes shall be required to demonstrate that the noise levels emitted from the use shall not exceed 65 dBA at any property line which abuts a commercial or residential zone or use. A detailed noise attenuation study by a qualified acoustical engineer may be required by the director or his designated representative to determine appropriate mitigation and methods to incorporate same into project design. Site design methods which may be utilized to reduce noise include:
- a. The use of building setbacks and dedication of noise easements to increase the distance between the noise source and receiver;
  - b. The location of uses and orientation of buildings which are compatible with higher noise levels adjacent to noise generators or in clusters to shield more noise-sensitive areas and uses;
  - c. The placement of noise-tolerant land uses, such as parking areas, between the noise source and receiver;
  - d. The placement of noise-tolerant structures to shield noise-sensitive areas;
  - e. Clustering of office or commercial structures to reduce interior open space noise levels.
18. Electric Vehicle Charging Stations (EVCS). New commercial development shall provide for electric vehicle charging stations in the manner prescribed as follows:
- a. New residential uses shall provide EVCSs in accordance with Section 17.08.150T.
  - b. New commercial, industrial and other uses with the building or land area, capacity, or numbers of employees listed herein shall provide the electrical service capacity necessary and all conduits and related equipment necessary to ultimately serve 2% of the total parking spaces with EVCSs in

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a manner approved by the building and safety official. Of these parking spaces, ½ shall initially be provided with the electric vehicle supply equipment necessary to function as on-line EVCSs upon completion of the project. The remainder shall be installed at such time as they are needed for use by customers, employees or other users. EVCSs shall be provided in disabled person parking spaces in accordance with state requirements.

- 1) Construction of a hospital of 500 or more beds, or expansion of a hospital of that size by 20% or more.
- 2) Construction of a post-secondary school (college), public or private, for 3,000 or more students, or expansion of an existing facility having a capacity of 3,000 or more students by an addition of at least 20%.
- 3) Hotels or motels with 500 or more rooms.
- 4) Industrial, manufacturing, or processing plants or industrial parks that employ more than 1,000 persons, occupy more than 40 acres of land, or contain more than 650,000 square feet of gross floor area.
- 5) Office buildings or office parks that employ more than 1,000 persons or contain more than 250,000 square feet of gross floor area.
- 6) Shopping centers or trade centers that employ 1,000 or more persons or contain 500,000 square feet of gross floor area.
- 7) Sports, entertainment, or recreation facilities that accommodate at least 4,000 persons per performance or that contain 1,500 or more fixed seats.
- 8) Transit projects (including but not limited to transit stations and park and ride lots).

B. When adjacent to a residential zone or use the following requirements shall also be applied:

1. Artificial lighting used to illuminate the premises shall be directed away from adjacent residential zone or use.
2. Where multistory buildings are to be utilized on lots abutting residentially zoned or used properties, such buildings shall be located or oriented in a manner which will minimize visual intrusion into neighboring property which is residentially zoned or used. (This may be accomplished by setting the building back from the abutting property line beyond the distance required for the yard, selective placement of windows, orienting the building in a manner which will not give occupants a direct view into the yards or windows of neighboring residents.)
3. No signs shall be placed in a manner which visually intrudes into adjoining property which is residentially zoned or used.
4. Trees shall be utilized as a means of improving the interface between commercial and residential uses where appropriate.
5. Buffering. When abutting property which is residentially zoned or used a masonry wall of not less than 6 feet in height shall be provided at the property line in accordance with the provisions for walls specified in Section 17.28.030C to minimize conflicts between commercial and/or residential uses. A 10-foot landscaped setback shall be placed next to the wall. This requirement shall be modified, where necessary to preclude interference with line-of-sight of a driver within 10 feet of any street, highway or alley, down to a maximum height of 42 inches. The design of the wall shall be considered as part of the site plan review. The site and any buildings thereon shall be designed to locate noise- and odor-generating equipment and activity in a manner which will have a minimal impact on abutting property which is residentially zoned or used. Such techniques may include, but are not limited to, no windows on the building wall(s) facing residentially zoned property, insulating structures housing equipment

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against noise, limitation of the hours of equipment operation, and other controls designed for specific problems. It shall be the burden of the applicant to prove that his project will not have a detrimental effect on neighboring residential property at the time of site plan review.

- C. Air Quality. Uses located within 500 feet of any residential use or zone shall not emit smoke, dust, fumes or odors of any kind in conjunction with any process. All uses shall comply with the air quality standards of the Air Quality Management District (AQMD) or the city of Lancaster, whichever is more restrictive.

(Ord. 713 § 5 (part), 1995; Ord. 711 §§ 18 (part), 19(C) (part), 1995; Ord. 651 § 11 (part), 1993; prior zoning ord. § 225.080)

(Ord. No. 907, § 5, 10-28-08)

## ***Article VII. Reserved<sup>3</sup>***

**17.12.900—17.12.1030 Reserved.**

## **Chapter 17.16 INDUSTRIAL ZONES**

### ***Article I. In General***

#### **17.16.010 In general.**

As used in this title, "industrial zones" means the LI, HI and BP zones.

(Prior zoning ord. § 240.000)

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

### ***Article II. Industrial (I) Zones***

#### **17.16.020 Purpose and intent.**

The purpose and intent of the I zones is to provide the means necessary to implement the city of Lancaster general plan, specifically:

- A. The LI zone implements the "light industry" category;

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<sup>3</sup>Editor's note(s)—Ord. No. 945, § 4, adopted July 13, 2010, amended the Code by repealing former Art. VII, §§ 17.12.900—17.12.1030, in its entirety. Former Art. VII pertained to the Regional Commercial (RC) Zone, and derived from the prior zoning ord., §§ 226.010, 226.020—226.022, 226.024, 226.026, 226.027, 226.040, 226.041, 226.050, 226.060, 226.061, 226.063, 226.070, 226.071, 226.074, 226.075, 226.080; Ord. 647 of 1993; Ords. 711 and 713 of 1995; Ord. 753 of 1999; Ord. 896 of 2008; Ord. No. 907, adopted October 28, 2008; Ord. No. 921, adopted June 9, 2009; and Ord. No. 924, adopted August 25, 2009.

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- B. The HI zone implements the "heavy industry" category; as set forth in the text of the general plan and as delineated on the general plan map. These zones are intended to be in accordance with applicable goals, objectives, policies and actions set forth by the plan. These zones are intended to allow the development of industrial uses thereby providing for the industrial and employment needs of the city and adjoining areas and business in an urban environment with full urban services.

It shall also be the intent of this zone to apply the provisions of this zone including but not limited to the property development regulations required herein to all new building lots created after the effective date of the ordinance codified in this title.

It shall not be the intent of this title to render previously legally created building lots or legally constructed buildings which do not comply with the new property development regulations or other requirements of this title to be nonconforming where these lots or buildings complied with the ordinances in effect at the time of their creation or construction. However, proof of compliance with ordinances in effect at the time of creation or construction shall be the sole burden of the applicant or property owner. Such proof may include building permits, minutes of council or commission action, case files, or other documentation.

(Prior zoning ord. § 241.010)

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

#### **17.16.030 Prohibition.**

A person shall not use any premises in the LI or HI zones except as hereafter permitted in this title and subject to all regulations and conditions enumerated in this title.

(Prior zoning ord. § 241.020)

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

#### **17.16.040 Permitted uses—I zones.**

Uses and permit requirements. The uses and permit requirements applicable to the industrial zones are identified in the Uses Matrix below. Extensive examples are given for the purpose of clarifying the types of uses allowed by each category. In addition, specific exceptions and development requirements have been applied to certain categories of uses where concerns may arise as to their impact on neighboring properties and the visual attractiveness of the city as a whole. Uses which do not fall into any other category, and are not temporary uses, uses subject to director's review, or uses subject to permit in these zones, shall be subject to interpretation of the director. All uses are subject to any stated exceptions, development requirements, and approval of a site plan as follows:

Industrial Zones — Uses Matrix		
USES P = permitted use / DR = director's review / MUP = minor use C = conditional use / N/A = not allowed	ZONES	
	LI	HI



<b>A. Uses.</b>		
<b>Access for a Purpose Not Permitted in the Subject Zone*</b> Access to property lawfully used for a purpose not permitted in the subject zone provided no other practical access to such property is available and such access will not alter the character of the premises in respect to permitted uses in the subject zone.	DR	DR
<b>Agriculture – Crops, Fields</b> This category includes tree, bush, berry and row, nursery stock, flowers and vines, provided that no sludge or biosolid material shall be applied to any land as a soil amendment, roadside stands, retail sale of crops grown on the premises, and signs advertising products produced on the premises.	DR	DR
<b>Agriculture – Ranching</b> This category includes but is not limited to cattle sales yards, dairies, hog ranches and livestock feed yards; provided that, no sludge or biosolid material shall be applied to any land as a soil amendment.	N/A	CUP
<b>Aircraft-Related Uses</b> This category includes but is not limited to the manufacture, storage, maintenance, repair or overhaul of aircraft or missile components, parts, accessories, equipment and power plants.	N/A	P
<b>Alcohol Beverage Establishments - Major</b> This category is limited to the following uses below and shall be subject to the provisions in Chapter 17.42: a. Bar; b. Convenience Market/Neighborhood Market (Beer, Wine, and Spirits); c. Liquor store; d. Nightclub with alcohol sales.	CUP	CUP
<b>Alcohol Beverage Establishments - Minor</b> Alcohol Beverage Establishments. This category is limited to the following uses below and shall be subject to the provisions in Chapter 17.42: a. Alcohol production; b. Bona fide restaurant; c. Convenience market/neighborhood market (beer and wine only) with a <b>minor use permit</b> subject to Section 17.42.060; and d. Grocery store/supermarket/drugstore.	P*	P*
<b>Animal Shelter – Public Agency Operated</b>	P	P
<b>Auctions and Swap Meets</b>	DR	DR
<b>Automobile, Motorcycle, Truck, Tractor and Boat Sales, Service, Repair, Accessories and Parts</b> This category includes but is not limited to motor vehicle dealerships including recreational vehicles, auto parts stores: tires, batteries and accessory stores; body and frame shops, auto upholstery shops, brake shops, car wash, muffler shops, radiator shops, repair shops, service stations, and similar uses. Auto service and repair uses, body and frame shops, heavy equipment repair and tire sales on lots within 300 feet of residentially zoned property shall be required to mitigate any conditions which are detrimental, or potentially detrimental, to the reasonable use of the residentially zoned property to the satisfaction of the director. This category does not include automobile impound yards, automobile wrecking yards, or salvage operations. *Note: All repair activities within the <b>LI zone</b> shall be conducted within an enclosed building.	P*	P

<b>Automobile Dismantling Yards, Scrap Metal Processing Yards, and Similar Metal Salvage Operations</b> This category includes but is not limited to automobile impound yards, automobile wrecking, metal salvage operations, and junk and salvage operations. Any such use in this category on lots within 300 feet of residentially zoned property shall be conducted within an enclosed building and required to mitigate any conditions which are detrimental, or potentially detrimental, to the reasonable use of the residentially zoned property to the satisfaction of the director.	N/A	P
<b>Batch Plants and Concrete Transit Mix Uses</b> Batch plants and concrete transit mix uses shall be permitted only in the HI zone provided that batch plants and concrete transit mix uses within 300 feet of residentially zoned property shall be required to mitigate any conditions which are detrimental, or potentially detrimental, to the reasonable use of the residentially zoned property to the satisfaction of the director.	N/A	P
<b>Boarding Kennels</b>	DR	DR
<b>Building Trades and Related Uses</b> This category includes, but is not limited to appliance sales, blueprint services, building supplies, cabinet making, carpenter shop, contractor equipment yard, electricians and electrical supply, engineers and surveyors, fence contractors, glass stores, janitorial service and supply, landscape materials (including nurseries), lumber yards, pool contractors, plumbing sales, spa sales, truss manufacturing, wood stove sales and similar uses.	P	P
<b>Cannabis</b> This category includes cultivation, manufacturing, distribution, and retail. Distance minimums may apply. Subject to Chapter 17.43 – Commercial Cannabis Activity.	CUP	CUP
<b>Carnivals</b> Subject to the provisions of Chapter 9.46.	DR	DR
<b>Churches, Religious, Fraternal, or Social Organizations</b> This category includes but is not limited to churches, temples, convents, monasteries, and other places used exclusively for religious worship, and the customary incidental educational and social activities therewith; temporary tent revival meetings (operated at one particular location and provided such location is not within 300 feet of any public park, school or residential zone, and not longer than 7 days in any six-month period); fraternities; lodge halls; societies, and sororities. *Note: Revivals or tent meetings, of more than 7 days' duration require a <b>conditional use permit</b> .	CUP	CUP
<b>Commercial Uses – Existing, Nonconforming</b> Such uses may continue to be used as a permitted use provided that such uses may not be expanded beyond their ability to meet current parking requirements, and design and performance standards related to the expansion, on their existing site.	P	P
<b>Consignment Store, Pawnshop, Secondhand Store, Surplus Store*</b>	DR	DR
<b>Day Care for Children</b>	DR	DR
<b>Eating and Drinking Establishments</b> This category includes but is not limited to restaurants, cafes, delicatessens, fast food operations, ice cream shops, and take-out food operations; any of which may include outdoor dining.	P	P

<b>Electrical Generating Plants – General</b> This category includes all non-solar electrical generating plants.	CUP	CUP
<b>Electrical Generating Plants – Solar</b>	<del>N/A</del> DR	DR
<b>Emergency Shelters</b>	DR	N/A
<b>Entertainment and Recreation</b> This category includes, but is not limited to bowling alleys, golf driving ranges, shooting ranges, video game arcades, and similar uses. *Note: Dance halls, pool halls, banquet halls, and night clubs require a <b>Conditional Use Permit</b> .	DR*	DR*
<b>Financial Institutions and Services</b> This category includes but is not limited to banks, credit unions, finance companies, savings and loans, and similar uses.	P	P
<b>Gun Stores</b>	CUP	CUP
<b>Health and Fitness Services</b> This category includes but is not limited to exercise/aerobic centers, figure salons, gymnasiums, health and fitness centers, health spas, martial arts schools, and similar uses. This category also includes massage conducted in accordance with Chapter 5.34.	DR	DR
<b>Heliports or Helistops</b>	CUP	CUP
<b>Joint Parking</b> This category includes the joint use of parking facilities solely to serve existing buildings or structures subject to Section 17.12.690.B.3.	DR	DR
<b>Long-Term Health Care Facility</b> This category includes: 1. Intermediate care facility; 2. Intermediate care facility/developmentally disabled; 3. Intermediate care facility/developmentally disabled—Habilitation; 4. Intermediate care facility/developmentally disabled—Nursing; 5. Nursing facility; 6. Skilled nursing facility. *Note: The OP zone is limited to long-term health care facilities or senior citizen housing only where such uses share a site with health-related offices and special services, including but not limited to adult or senior day care, chiropractic, dental, hospice care, medical (including nursing), pharmacy and therapy.	N/A	N/A
<b>Manufacturing – General</b> This category includes but is not limited to assembly plants, automotive, beds and bedding manufacturing, billboards, bone products, building materials, brushes, ceramics, clay and cement products, doors, drugs, dry goods, electric and electronic products, felt, fiberglass, fur products, furniture, glass, hair products, heating equipment, jewelry, leather products, machine shops, mobile homes and factory-built housing, paper products, plastic products, recreational vehicles, springs, starch, stone products, textiles, tobacco products, tools, uses which manufacture products from recycled materials, welding, wood products, wool and woolen products, wrought iron and similar manufacturing uses. Any such use in this category on lots within 300 feet of residentially zoned property shall be required to mitigate any conditions which are detrimental, or potentially detrimental, to the reasonable use of the	P*	P

<p>residentially zoned property to the satisfaction of the director. This category does not include cement manufacturing, explosives, foundries, paper manufacturing, manufacturing of plastics, or tanning of animal hides.</p> <p>*Note: All such uses within the <b>LI zone</b> shall be conducted within an enclosed building.</p>		
<p><b>Manufacturing – Chemical and Heavy</b></p> <p>This category includes but is not limited to the manufacture of ammonia, asphalt, caustic soda, celluloid, cellulose, chlorine gas, coal tar products, creosote, fertilizers, glue, guncotton, gypsum, hydrocyanic acid products, lime, phenol, plastics, potash, pyroxylin products, size, soda ash, synthetic ammonia, and similar uses. All uses in this category will be subjected to close scrutiny in terms of the relative safety of such uses and their potential effects on the community with emphasis on their impact on odor and air quality in general; specifically their handling of hazardous materials and waste. This category also includes the following: animal cremation, explosives, smelting and casting of metals, paper manufacturing, plastic manufacturing or tanning of animal hides.</p>	N/A	CUP
<p><b>Manufacturing – Food Processing, Wholesale Sales, and Storage</b></p> <p>This category includes but is not limited to bottling plants, breweries, coffee roasting, dairy products, dextrin manufacturing, fruit and produce, malt products, meat processing, oleomargarine, sodium glutamate, soft drinks, vitamin tablets, and similar uses. This category does not include dairies, lard manufacturing, pickles, sausage, sauerkraut, slaughter houses, distillation of vinegar, or the canning of other fish or meats and similar uses.</p> <p>*Note: All such uses within the <b>LI zone</b> shall be conducted within an enclosed building.</p>	P*	P
<p><b>Manufacturing – Heavy Food Processing, Sales, and Storage</b></p> <p>This category is limited to the following food products: canning of fish or meat, fat rendering, gelatin, lard, meat packing, pickles, sausage, sauerkraut, slaughterhouses, tallow, and vinegar.</p>	N/A	CUP
<p><b>Manufacturing – Rock Crushing</b></p> <p>Crushing of used asphalt or concrete, rock, or other materials for use as an aggregate.</p>	N/A	DR
<p><b>Offices—Business, Government or Professional</b></p> <p>This category includes but is not limited to general business offices; federal, state, county, city or special district offices, libraries, and court facilities; associations; unions; and offices conducting accounting, dental, engineering, escrow, insurance, legal, medical, mortgage brokerage, real estate, security, and commodity brokerage, or similar professional services.</p>	P	P
<b>Pest Control</b>	N/A	CUP
<p><b>Public Safety Facilities and Services</b></p> <p>This category includes but is not limited to ambulance services, fire stations, highway patrol stations, municipal maintenance yards, police stations, and similar uses.</p>	P	P
<p><b>Public Utilities - General</b></p> <p>This category includes but is not limited to the following uses:</p> <ol style="list-style-type: none"> <li>1. Electric transmission substations including microwave facilities used in conjunction therewith;</li> <li>2. Publicly owned uses necessary to the maintenance of the public health, convenience, or general welfare, including federal, state, county, city, or special district offices, libraries and court facilities;</li> <li>3. Public utility service yards;</li> <li>4. Water reservoirs, dams, treatment plants, gauging stations, pumping stations, tanks, wells, and any use normal and appurtenant to the storage and distribution of water. Exception: This use is not subject to site plan review (Section 17.16.120).</li> </ol>	P	P
<b>Public Utilities – Gas Distribution Depot</b>	N/A	P

<b>Recycling Facilities – General</b> This category includes but is not limited to reverse vending machines, donation bins, collection bins, small and large collection facilities, and light processing facilities. All uses in this category are subject to the criteria and standards of Section 17.40.290. (See definitions in Section 17.04.240.) This category also includes uses which reuse recyclable materials.	P	P
<b>Recycling Facilities – Heavy Processing Facilities</b>	N/A	P
<b>Rental Establishments – General</b> This category includes but is not limited to automobile, clothing, light equipment, furniture, hospital equipment, recreational vehicles, and similar rentals.	P	P
<b>Rental Establishments – Heavy Equipment</b>	N/A	P
<b>Repair Services</b> This category includes but is not limited to appliance repair, gunsmiths; heating, refrigeration, and air conditioning repair; jewelry repair, locksmiths, shoe repair, watch repair, and similar repair services.	P	P
<b>Research and Development – General</b> This category includes but is not limited to laboratories and facilities for scientific research, development and testing including administrative offices. This category does not include the development and testing of hazardous materials, biological or chemical warfare agents, or explosives.	P	P
<b>Research and Development – Hazardous</b> This category includes but is not limited to laboratories and facilities for scientific research, development and testing including administrative offices involving the use of hazardous materials. Agricultural and biological research involving sludge or biosolid material shall be conducted only within an enclosed building or suitable containment vessel. This category does not include the development and testing of biological or chemical warfare agents or explosives.	CUP	CUP
<b>Residential Uses - Existing</b> This category may continue to be used as a permitted use. Expansion of existing residential uses shall be limited to a cumulative total of no more than 500 square feet of floor area.	P	P
<b>Residential Uses – Caretaker</b> This category includes the following uses: a. One dwelling unit within a building on the same lot or parcel of land which is legally being used so as to require the continuous supervision of a caretaker and their immediate family, or b. Dwelling units within a building or premises used for agricultural purposes, which dwelling units are occupied only by persons employed on the same premises, and their immediate families, or c. Where subsection A.7.a. of this section permits the use of a dwelling unit for a caretaker, a mobile home containing one dwelling unit may be used in lieu of such dwelling unit for a period not to exceed 6 consecutive months in any twelve-month period. Or, if intended for a residence for up to the maximum limit of 5 years, the mobile home shall comply with the provisions of Section 17.08.370.C for foundation systems.	DR	DR
<b>Residential Uses – Multifamily</b> 1. Multiple-family project, as a separate development in the C zone (subject to the provisions of the HDR-1 zone except where specifically modified by the conditional use permit); 2. Multiple-family project, combined with commercial development as a mixed use where said apartments are attached to the commercial building (for example, as the second story of a commercial retail center), subject to the provisions of Section 17.12.230, Design requirements. *Note: This category may be permitted in the OP zone only in conjunction with a permitted use in which not less than 50% of such residential units shall be above the ground floor.	N/A	N/A

<b>Residential Uses – Supportive</b> This category is limited to the following uses: 1. Congregate living health facility, 2. Mobile home or other residence for use by caretaker and his immediate family in accordance with Article VIII of Chapter 17.40, 3. Residential care facility for the elderly, 4. Rooming and boarding houses, 5. State authorized, certified or licensed family care home, foster home or group home serving 6 or fewer mentally disordered or otherwise handicapped persons or dependent and neglected children, if such homes provide care on a twenty-four-hour a day basis. (Required by Section 5116 of the Welfare and Institutions Code). 6. Transitional homeless shelters.	N/A	N/A
<b>Retail Sales Establishments</b> This category includes but is not limited to bona fide antique stores, apparel stores, appliance stores, bookstores (including used books), convenience market (without alcohol sales), craft stores, computer stores, department stores, grocery store/supermarket/drugstores (without alcohol sales), gift shops, hardware stores, jewelry stores, telephone stores, discounted and wholesale/warehouse type stores, and similar retail sales operations.	P	P
<b>Schools – Business and Professional</b> This category includes but is not limited to art, barber, dance, music, real estate, and similar schools.	DR	DR
<b>Schools – College or University</b>	CUP	CUP
<b>Schools – Small Specialty/Charter</b>	DR	DR
<b>Schools – Specialized Training</b> This category includes but is not limited to manual training, shop work, or the repair and maintenance of machinery or mechanical equipment. This category does not include business and professional schools.	P	P
<b>Services – Commercial</b> This category includes but is not limited to answering service, bail bond services, barber and beauty shops, check cashing, credit bureaus, dry cleaners and laundries, duplicating, faxing services, lithographers, microwave stations, mortuaries and funeral homes, moving and storage, parcel delivery terminals, photo engravers, photocopying, printers or publishers, radio and television broadcast studios, tailors, telecommunication/telecommuting offices, telegraph offices, telephone repeater stations, tourist information centers, veterinary offices, and other similar services. *Note: This category does not include services which are industrial in nature such as pest control, industrial gases and chemicals, waste disposal facilities, and similar services. These uses are <b>prohibited in LI</b> . *Note: Dry cleaning or laundry plant – wholesale shall require a <b>conditional use permit</b> .	P*	P*
<b>Sexually Oriented Businesses</b> This category includes but is not limited to adult bookstores, adult motels, adult motion picture theaters, adult theaters, adult cabarets, escort agencies, adult massage parlors, semi-nude model studios, and similar uses subject to the requirements of Ordinance No. 619.	N/A	P
<b>Shopping and Commercial Centers</b>	N/A	N/A
<b>Small Wind Energy Systems (Co-located)</b> Subject to the requirements of Section 17.40.690.	DR	DR

<b>Tattoo Parlors and Body Piercing Establishments</b> This use includes microblading and permanent makeup.	DR	DR
<b>Transient Residential – Hotels, Motels, and RV Parks</b>	N/A	N/A
<b>Warehousing, Wholesaling, and Storage</b> This category includes but is not limited to cold storage distributors, mini-storage warehouse, moving van and storage, truck terminals, and warehouses.	P	P
<b>Wireless Telecommunication Facilities – Major</b> This category includes all major wireless telecommunication facilities subject to the requirements of Section 17.40.640. *Note: Major wireless telecommunication facilities in the HI zone, located more than 1,000 feet from residentially zoned property, shall instead require a <b>director's review</b> .	CUP	CUP*
<b>Wireless Telecommunication Facilities – Minor, Co-located, Stealth</b> This category includes minor co-located and stealth wireless telecommunication facilities subject to the requirements of Section 17.60.640.	DR	DR
<b>Other Uses – Conditional</b> 1. Activity node (development of) subject to the requirements of Section 17.08.365. 2. Earth stations. 3. Radio or television transmission towers. 4. Textile products manufactured from previously prepared materials.	CUP	CUP
<b>B. Accessory Uses.</b>		
<b>Accessory Buildings and Structures</b> This category applies to accessory structures customarily used in conjunction therewith. Cargo containers shall not be used as accessory buildings or structures and shall not be placed on private real property at any time except as permitted in conjunction with temporary uses allowed in Section 17.12.060. This subsection does not apply to the following real property: 1. a. Real property owned, leased, rented, occupied, or used by a public agency or entity; b. Real property owned, leased, rented, occupied, or used by a nonpublic or private school. For purposes of this subsection, "nonpublic school" means a private, nonsectarian school that enrolls individuals with exceptional needs pursuant to an individualized education program and is certified by the California Department of Education. For purposes of this subsection, "private school" means a full-time day school that provides instruction in the several branches of study required to be taught in the public schools of the state, by persons capable of teaching, and that files an annual private school affidavit as required by the California Department of Education. For purposes of this subsection, "private school" does not include a school that provides instruction in a building used for residential purposes. A nonpublic or private school is not exempt unless it is operating in conformity with all pertinent land use and technical code regulations. c. Real property utilized for the placement of cargo containers that are used exclusively for the storage of emergency supplies to be used for the benefit of the public by a recognized governmental agency, such as the Los Angeles County Fire Department, in the event of a disaster or emergency situation. Placement of a cargo container for the storage of private supplies is not included in this exemption. Placement of cargo containers for this purpose shall be approved through a <b>director's review</b> .	P	P
<b>Automobile Body and Fender Repair, and Painting and Upholstering Incidental to the Sale of New Automobiles</b> This use may be permitted provided: 1. That all operations are conducted within an enclosed building, and	P	P

<p>2. That the use does not exceed 25% of its total area being devoted to service or repair, body and fender repair, painting or upholstery, and</p> <p>3. That the use does not exceed one paint spray booth, and</p> <p>4. That all areas or structures used shall be located or soundproofed so as to prevent annoyance or detriment to adjacent or abutting property, and</p> <p>5. That all damaged or wrecked vehicles awaiting repair shall be effectively screened so as not to be visible from adjacent or abutting property of the same elevation, and</p> <p>6. That all repair activities as described in this section shall be confined to the hours between 7 a.m. and 9 p.m. daily, and</p> <p>7. That no damaged or wrecked vehicles shall be stored for purposes other than repair and shall not constitute an automobile impound yard, and</p> <p>8. That dismantling of vehicles for purposes other than repair or the sale of used parts is prohibited, and 9. That adequate off-street parking be available to permit such activity.</p>		
<p><b>Boat Repair (Minor) Incidental to the Sale of Boats</b></p> <p>This use may be permitted provided all operations, other than the storage of boats held for sale, are conducted within an enclosed building.</p>	P	P
<p><b>Day Nursery Care for Children Offered by Employer</b></p> <p>This use may be permitted provided such services are offered by an employer solely for use by the children of the employees.</p>	P	P
<p><b>Eating and Drinking Establishments in Conjunction with Office Uses</b></p> <p>This category is limited to cafes, delicatessens, ice cream shops, and restaurants that are developed in conjunction with and located in the same building as office professional uses. This category does not include fast food operations, bona fide restaurants, bars, cocktail lounges, nightclubs, or other uses that meet the definition of an on-site alcohol establishment.</p>	P	P
<p><b>Manufacturing, Processing, Packaging, Treating and Storage in Conjunction with the Business Conducted on the Premises</b></p> <p>This use may be permitted provided:</p> <ol style="list-style-type: none"> <li>1. That such activity is restricted to the ground floor of the building or buildings and does not occupy more than 25% of said ground floor area,</li> <li>2. That not more than 5 employees are engaged in such activity,</li> <li>3. That a commercial appearance is maintained by providing office or window display space or both, along the entire street frontage of the building or buildings, except doorways, to a depth of not less than 2 feet,</li> <li>4. That any portion of the building or buildings devoted to such activity is not nearer than 50 feet to any residential zone,</li> <li>5. That the building is constructed, that the machinery and equipment are installed and maintained, and that the activity is conducted in such a way, that all noise, vibration, dust, odor, and all other objectionable consequences will be confined or reduced to an extent necessary to ensure that no annoyance or injury will result to persons or property in the vicinity, and</li> <li>6. That any such activity is conducted wholly within a completely enclosed building.</li> </ol>	P	P
<p><b>Private Car Wash</b></p> <p>This use is limited to car washes which are accessory to an existing business (i.e., rental car facility or automotive dealership) and which are not available for use by the general public.</p>	DR	DR
<p><b>Rental, Leasing, or Repair of Articles Sold on the Premises</b></p> <p>This use may be permitted provided such rental, leasing or repair is incidental to the retail sales of such articles.</p>	P	P
<p><b>Electric Vehicle Charging Station</b></p> <p>An electric vehicle charging station (EVCS) shall be permitted as an accessory use within any existing legal single-family or multiple-family residential garage or carport, or within any existing legal commercial parking space in a parking lot or in a parking garage, subject to all applicable city code requirements and the following:</p>	P	P

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<p>1. Electric vehicle charging stations (EVCS) for public use shall be subject to the following requirements: a. The EVCSs shall be located in a manner which will be easily seen by the public for informational and security purposes and shall be illuminated during evening business hours; and b. Be located in desirable and convenient parking locations which will serve as an incentive for the use of electric vehicles; and c. The EVCS pedestals shall be protected as necessary to prevent damage by automobiles; and d. The EVCS pedestals shall be designed to minimize potential damage by vandalism and to be safe for use in inclement weather; and e. Complete instructions and appropriate warnings concerning the use of the EVCS shall be posted on a sign in a prominent location on each station for use by the operator; and f. One standard nonilluminated sign, not to exceed 4 square feet in area and 10 feet in height, may be posted for the purpose of identifying the location of each cluster of EVCSs; and g. The EVCS may be on a timer that limits the use of the station to the normal business hours of the use(s) which it serves to preclude unauthorized use after business hours.</p> <p>2. Electric vehicle charging stations for private use shall: a. Be located in a manner which will not allow public access to the charging station; and b. Comply with subsections C.1.c., d. and e. of this section.</p>		
<p><b>Wireless Telecommunication Facilities – Mini</b></p> <p>This category includes all mini wireless telecommunication facilities subject to the requirements of Section 17.40.640.</p>	P	P
<b>C. Temporary Uses.</b>		
<p><b>Christmas Trees and Wreaths Sales</b></p> <p>This use is limited to the seasonal sale of such items, between November 1 and December 25, both dates inclusive, to the extent permitted by other statutory and ordinance provisions. Any structures, facilities and materials used in connection with the sale of Christmas trees and wreaths shall be removed from the premises by December 31 of the same calendar year, and the property restored to a clean condition.</p>	DR	DR
<p><b>Pumpkins and Other Seasonal Agricultural Products</b></p> <p>This use is limited to the sale of such items from October 1 through Thanksgiving Day to the extent permitted by other statutory and ordinance provisions. Any structures, facilities and materials used for the sale of pumpkins and other seasonal agricultural products shall be removed from the premises not later than 7 days following the closure of the sales operation. No other outdoor sales shall be permitted until property has been restored to a clean condition.</p>	DR	DR
<p><b>Outdoor Sales and Promotional Activities</b></p> <p>Outdoor sales and promotional activities in private parking lots, on private pedestrian ways, and on public sidewalks, incidental to a use conducted primarily within a building located on the premises as follows:</p> <ol style="list-style-type: none"> <li>1. Parking lot sales may be allowed only where: a. The use on the site complies with current parking standards, and b. No more than 10% of the provided parking spaces are to be used for this purpose, and c. Placement of the activity in the parking lot shall not significantly disrupt the circulation pattern on the site, and d. Such sales are scheduled between January 15 and November 15 and shall not exceed a total of 12 days in any calendar year.</li> <li>2. Private pedestrian way sales may be allowed where: a. Placement of the activity on the pedestrian way allows for a clear aisle for pedestrian traffic of not less than 5 feet in width, and b. Such sales are scheduled between January 15 and November 15 and shall not exceed a total of 12 days in any calendar year.</li> <li>3. Sidewalk sales may be allowed where: a. Placement of the activity allows for a clear aisle of not less than 5 feet in width, and b. Such sales are scheduled between January 15 and November 15 and shall not exceed a total of 12 days in any calendar year, and c. Insurance has been obtained by type and in an amount specified by the city attorney, and d. An encroachment permit has been obtained from the department of building and engineering services.</li> </ol>	DR	DR
<p><b>Storage Containers for Merchandise During Holidays or Events</b></p> <p>Placement shall be within loading areas or utilize nonessential parking areas behind the buildings so as not to restrict the use of heavily used parking areas during such holidays or special events. The use of such containers shall not exceed 3 months in any calendar year.</p>	DR	DR
<p><b>Temporary Construction or Commercial Storage</b></p> <p>Storage of building materials, machinery and equipment used in conjunction with a construction or development project undertaken pursuant to an active building permit. Storage shall be on the lot or parcel which is part of the</p>	DR	DR

project, or on property adjoining the construction or development site with the written consent of the property owner. Storage shall not occur until the building permit is obtained. Storage shall be removed within thirty (30) days after the permit is expired, revoked, or finalized. Cargo containers may be used for the temporary construction storage subject to code requirements.		
<b>Temporary Offices</b> The placement and use of a temporary office in conjunction with a construction or development project undertaken pursuant to an active building permit. A temporary office shall be placed on the lot or parcel which is part of the project, or on property adjoining the construction or development site with the written consent of the property owner. The placement of a temporary office shall not occur until the building permit is obtained. The temporary office shall be removed within thirty (30) days after the permit is expired, revoked, or finalized. Use of commercial coaches as temporary offices subject to the provisions of Article X of Chapter 17.40.	DR	DR
<b>Wild Animals Keeping</b> Wild animals may be temporarily used, kept, or maintained for a period not to exceed: <ol style="list-style-type: none"> <li>Ten days in conjunction with the lawful operation of a circus or animal exhibition, or</li> <li>Sixty days where used in motion picture and television production, except that the director may, where he finds that such extension is consistent with the intent of this section and neither detrimental to the public welfare or to the property of other persons located in the vicinity thereof, extend such time period for not to exceed 30 additional days, and</li> <li>Provided said animals are used, kept, or maintained pursuant to and in compliance with, all regulations of the city of Lancaster and the Los Angeles County department of animal control.</li> </ol>	DR	DR

(Ord. 896 § 1 (Exh. A § 22), 2008; Ord. 793 § 1 (Exh. A), 2001; Ord. 753 § 1 (Exh. A § 3 (part)), 1999; Ord. 711 §§ 30 (part), 32, 1995; prior zoning ord. § 241.021)

(Ord. No. 1070, § 4(Exh. A), 1-14-2020; Ord. No. 1093, § 4(Exh. A), 10-11-2022; Ord. No. 1106, § 4(Exh. A), 10-10-2023)

#### **17.16.050 Accessory and temporary uses.**

A. The following uses are considered as accessory uses to the permitted uses in the I zones:

1. Accessory buildings and structures customarily used in conjunction therewith.

- Cargo containers may be used as accessory buildings and structures in the I zones, subject to the following:
  - Containers shall meet the applicable front yard, side yard, and rear yard requirements contained in Section 17.16.130.B.2.
  - Containers shall only be used for incidental uses that are permissible in the zone.
  - Containers shall not be stacked on top of each other or on any other structure.
  - Containers shall not encroach upon, block, obstruct, or reduce in any manner any required exits, windows or vent shafts of structures, or any required parking spaces, driveways, private streets, or public rights of way.
  - Containers shall not be used for human habitation or occupied by individuals for any reason.
  - Containers shall not have any electrical, plumbing, heating or air conditioning installations or systems, and shall not be connected to a power source.

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- 7) Refuse, garbage, trash and debris, as well as hazardous substances, as defined by state or federal law, shall not be placed or stored in, against, on, or under a cargo container at any time.
  - 8) Containers shall require a container permit. The number and location of cargo containers used as accessory buildings or structures in the I zones shall be subject to the review and prior written approval of the Director, or their duly authorized representatives. Upon such approval, compliance with all conditions of approval, and payment of a container permit fee in an amount established by city council, a container permit shall be issued.

B. The following uses are considered as temporary uses in the I zones:

1. The placement and use of a temporary office in conjunction with a construction or development project undertaken pursuant to an active building permit. A temporary office shall be placed on the lot or parcel which is part of the project, or on property adjoining the construction or development site with the written consent of the property owner. The placement of a temporary office shall not occur until the building permit is obtained. The temporary office shall be removed within thirty (30) days after the permit is expired, revoked, or finalized.
2. Commercial coaches used as temporary offices subject to the provisions of Article X of Chapter 17.40 and this zone.
  - a. Cargo containers may be used for the temporary construction storage described in (a) of this subsection. A cargo container approved pursuant to this subsection shall not require a separate permit. The number and location of cargo containers used for temporary construction storage shall be subject to the review and prior written approval of the building official and Director or their duly authorized representatives. Application for approval of cargo containers for temporary construction storage shall be made on a city-approved form and shall indicate the number of the building permit obtained for the construction or development project for which the temporary construction storage is requested, the size of each cargo container, the proposed location of each container on the property, and the date on which each container shall be placed on the property.
  - b. The time period for which a cargo container may be used for temporary construction storage is limited to the time when the building permit is active. An active building permit means one that has not expired, been revoked, or been finalized. Cargo containers used for temporary construction storage shall be removed from the property within thirty (30) calendar days of the expiration, revocation or finalization of a building permit.
  - c. Cargo containers used for temporary construction storage shall not exceed eight feet in width, eight feet six inches in height, and forty (40) feet in length.
  - d. Cargo containers used for temporary construction storage shall conform to the following standards:
    - 1) Cargo containers shall be set back a minimum of five feet from any property line and a minimum of ten (10) feet from any structure.
    - 2) Cargo containers shall not be stacked on top of each other or on any other structure.
    - 3) Cargo containers shall not encroach upon, block, obstruct, or reduce in any manner any required exits, windows or vent shafts of structures, or any parking spaces, driveways, private streets, or public rights of way.
    - 4) Cargo containers shall not be used for human habitation or occupied by individuals for any reason.

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- 5) Cargo containers shall not have any electrical, plumbing, heating or air conditioning installations or systems, and shall not be connected to a power source.
  - 6) Refuse, garbage, trash and debris, as well as hazardous substances, as defined by state or federal law, shall not be placed or stored in, against, on, or under a cargo container at any time.
- e. The number and location of cargo containers used for temporary industrial storage shall be subject to the review and prior written approval of the building official and Director or their duly authorized representatives. A cargo container approved under this subsection shall not require a separate permit. Application for approval of cargo containers for temporary industrial storage shall be made on a city-approved form and shall indicate the number of the building permit obtained for the repair, remodeling, alteration or other work for which the temporary industrial storage is requested, the size of each cargo container, the proposed location of each container on the property, and the date on which each container shall be placed on the property.
  - f. The time period for which a cargo container may be used for temporary industrial storage is limited to the time when the building permit is active. An active building permit means one that has not expired, been revoked, or been finalized. Cargo containers used for temporary industrial storage shall be removed from the property within thirty (30) calendar days of the expiration, revocation or finalization of a building permit.
  - g. Cargo containers used for temporary industrial storage shall not exceed eight feet in width, eight feet six inches in height, and forty (40) feet in length.
  - h. Cargo containers used for temporary industrial storage shall conform to the standards set forth in Section 17.16.050.B.3.e.
  - i. Cargo containers used for emergency industrial storage shall require a container permit. The number and location of cargo containers used for emergency industrial storage shall be subject to the review and prior written approval of the Director or their duly authorized representatives. Upon such approval, and payment of a container permit fee in an amount established by city council, a container permit shall be issued.
  - j. Cargo containers may be used for emergency industrial storage for a period not to exceed fifteen (15) calendar days. This use may be extended for an additional ten (10) calendar days upon the prior written approval of the Director.
  - k. Cargo containers used for emergency industrial storage shall not exceed eight feet in width, eight feet six inches in height, and forty (40) feet in length.
  - l. Cargo containers used for emergency industrial storage shall conform to the standards set forth in Section 17.16.050.B.3.e.
  - m. Cargo containers used for relocation storage shall require a container permit. The number and location of cargo containers used for relocation storage shall be subject to the review and prior written approval of the Director or their duly authorized representatives. Upon such approval, and payment of a container permit fee in an amount established by city council, a container permit shall be issued.
  - n. Cargo containers may be used for relocation storage for a period not to exceed fifteen (15) calendar days. This use may be extended for an additional ten (10) calendar days upon the prior written approval of the Director.
  - o. Cargo containers used for relocation storage shall not exceed eight feet in width, eight feet six inches in height, and forty (40) feet in length.

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- p. Cargo containers used for relocation storage shall conform to the standards set forth in Section 17.16.050.B.3.e., except as provided in f. of this subsection.
    - q. Cargo containers used for relocation storage may be placed in parking lots so long as they do not reduce the number of required parking spaces.
  - C. Electric Vehicle Charging Station. An electric vehicle charging station (EVCS) shall be permitted as an accessory use within any existing legal single-family or multiple-family residential garage or carport, or within any existing legal commercial parking space in a parking lot or in a parking garage, subject to all applicable city code requirements and the following:
    - 1. Electric vehicle charging stations (EVCS) for public use shall be subject to the following requirements:
      - a. The EVCSs shall be located in a manner which will be easily seen by the public for informational and security purposes and shall be illuminated during evening business hours; and
      - b. Be located in desirable and convenient parking locations which will serve as an incentive for the use of electric vehicles; and
      - c. The EVCS pedestals shall be protected as necessary to prevent damage by automobiles; and
      - d. The EVCS pedestals shall be designed to minimize potential damage by vandalism and to be safe for use in inclement weather; and
      - e. Complete instructions and appropriate warnings concerning the use of the EVCS shall be posted on a sign in a prominent location on each station for use by the operator; and
      - f. One standard nonilluminated sign, not to exceed 4 square feet in area and 10 feet in height, may be posted for the purpose of identifying the location of each cluster of EVCSs; and
      - g. The EVCS may be on a timer that limits the use of the station to the normal business hours of the use(s) which it serves to preclude unauthorized use after business hours.
    - 2. Electric vehicle charging stations for private use shall:
      - a. Be located in a manner which will not allow public access to the charging station; and
      - b. Comply with subsections C.1.c., d. and e. of this section.
  - D. Mini Wireless Telecommunication Facilities. This category includes all mini wireless telecommunication facilities subject to the requirements of Section 17.40.640.
  - E. Cargo containers that are present on private real property, for any use or purpose, on the effective date of this section shall be removed within six months from the effective date, unless the property owner obtains the requisite approvals and permits in conjunction with accessory or temporary uses allowed in Section 17.16.050.B. and otherwise complies with all regulations pertaining to cargo containers.

This subsection does not apply to the following real property:

- 1. Real property owned, leased, rented, occupied or used by a public agency or entity;
- 2. Real property owned, leased, rented, occupied or used by a nonpublic or private school. For purposes of this subsection, "nonpublic school" means a private, nonsectarian school that enrolls individuals with exceptional needs pursuant to an individualized education program and is certified by the California Department of Education. For purposes of this subsection, "private school" means a full-time day school that provides instruction in the several branches of study required to be taught in the public schools of the state, by persons capable of teaching, and that files an annual private school affidavit as required by the California Department of Education. For purposes of this subsection, "private school" does not include a school that provides instruction in a building used for residential purposes. A

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nonpublic or private school is not exempt unless it is operating in conformity with all pertinent land use and technical code regulations.

(Ord. 753 § 1 (Exh. A § 2 (part), 1999; Ord. 713 § 3 (part), 1995; prior zoning ord. § 241.023)

(Ord. No. 921, §§ 18—20, 6-9-09; Ord. No. 1070, § 4(Exh. A), 1-14-2020)

#### **17.16.060 Reserved.**

#### **17.16.070 Reserved.**

#### **17.16.080 Interpretation.**

Where a conflict in interpretation occurs regarding application of Sections 17.16.030, 17.16.040, or 17.16.050 to any specific case, the Director shall determine the interpretation.

(Prior zoning ord. § 241.026)

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

#### **17.16.090 Adjustments.**

Refer to Article III Adjustment Permits.

(Prior zoning ord. § 241.027)

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

#### **17.16.100 Height regulations.**

The height of buildings or structures shall be as follows:

- A. No building or structure shall exceed:
  - 1. In the LI zone: height of 50 feet; and
  - 2. In the HI zone: a height of 70 feet.

This section does not apply to conditional use permit uses which shall be subject to Article I of Chapter 17.32. (See Article XII of Chapter 17.40 for general exceptions.)

- B. No commercially or industrially used building in the I zones which is within 100 feet of any RR, SRR or R zone shall exceed a height of 2 stories or 35 feet, whichever is less.
- C. No building may be constructed which would shade any existing active solar energy system on adjoining property without the consent of the affected property owner. (See subsection 1 in the definition of solar energy system in Section 17.04.240.)

(Prior zoning ord. § 241.030)

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

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#### **17.16.110 Exception for solar systems.**

Solar collectors may exceed the height limit when mounted on the roof of a legal, conforming building. The right to exceed the height limit shall be exercised only in the event that: there is no other practical means or location for achieving an efficient placement on the building or site in question; such collectors may exceed the height limit only to the extent necessary to achieve efficient placement; in no case shall such solar collectors (or related equipment) encroach more than 5 feet beyond the limit. Also the placement of a solar collector shall not shade or otherwise diminish the efficiency of existing solar collectors on neighboring property, or preclude such property from sufficient solar access to successfully operate a solar energy system sufficient to serve the needs of the business or occupants.

(Prior zoning ord. § 241.031)

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

#### **17.16.120 Site plan review required—Fee.**

- A. A site plan (with vicinity map) and building elevations, drawn to scale and reflecting the accurate dimensions of the buildings and property, shall be required of any person seeking to erect new buildings or structures, make additions to any existing buildings or structures, site temporary commercial coaches, or otherwise grade, improve or develop any lot or portion thereof for a permitted use prior to the issuance of any grading or building permit. The site plan shall be accompanied by an appropriate development application and both shall be filed with the planning department. The director or his designated representative shall review the site plan for conformance with the provisions of this title. The site plan shall demonstrate conformance with height regulations, property development regulations, sign regulations or a sign program required by the city for multiple-tenant projects, off-street parking requirements, the adopted City of Lancaster Design Guidelines, any other requirements established for the adopted zoning designation in which the property(ies) is (are) located, and any other applicable city ordinances, standards, guidelines or policies. In addition to the conditions and requirements imposed by the ordinance codified in this title and other city ordinances, standards, guidelines and policies, the director may place conditions on the approval of the site plan where the director finds that such action is necessary to protect the public health, safety and welfare. At such time as the site plan complies with the requirements of the ordinance codified in this title and other city ordinances, standards, guidelines or policies, the site plan shall be approved by the director or his designated representative. The site plan approval shall be valid for two (2) years from the date of approval. A site plan shall be considered "used" when the slab of a major building in the project is poured and inspected, although circumstances in each case may vary and the final determination as to "use" of a site plan review shall be made by the director. Three (3) one-year extensions of the approval may be granted by the director provided such written request for an extension is received not less than sixty (60) days prior to expiration, and any significant environmental changes which have occurred since the original approval have been addressed. Any extension granted shall be conditioned to comply with the city's current design guidelines as adopted by the city council, unless the applicant can demonstrate to the director's satisfaction that such compliance will impose an undue hardship on the project. In the event the site plan or an extension thereof is denied, the applicant may appeal the decision in accordance with Section 17.36.030. All projects constructed in accordance with an approved site plan shall be permanently maintained as approved. Any desired subsequent changes shall be submitted for approval as an amendment to the site plan. Prior to occupancy the site shall be inspected for compliance with the site plan. All improvements shall be installed and functioning before occupancy will be allowed.

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Where the director determines that the requirements of this section surpass the city's need for project review of a particular development proposal, the director may exercise discretion and apply the provisions of Article VI of Chapter 17.32, Director's Review, in its place.

- B. When the appropriate development application is filed per subsection A of this section it shall be accompanied by the filing fee established by resolution of the city council.

(Ord. 711 § 22 (part), 1995; prior zoning ord. §§ 241.040, 241.041)

(Ord. No. 924, § 1, 8-25-09; Ord. No. 956, § 3, 1-11-2011)

### **17.16.130 Property development regulations.**

A. General.

1. No new building or commercial coach shall be erected, constructed, moved onto, or established on an existing legal lot or parcel of land unless said building or commercial coach shall comply with all of the regulations set forth in city ordinances, standards, guidelines or policies and subsection B of this section, or Article X of Chapter 17.40 which are pertinent to its placement on said lot or parcel.
2. No existing building or commercial coach located on an existing legal lot or parcel of land shall be converted, enlarged or moved unless said building, or addition thereto, shall comply with all of the regulations set forth in city ordinances, standards, guidelines or policies and subsection B of this section, or Article X of Chapter 17.40 which are pertinent to its placement on said lot or parcel.
3. No new lot shall be created or any building, or portion thereof, existing on such new lot be used, unless said lot and said building location shall comply with all of the regulations set forth in city ordinances, standards, guidelines or policies and subsection B of this section, which are pertinent to the area and dimensions for new lots and those regulations pertinent to the placement or location of buildings on said lot.

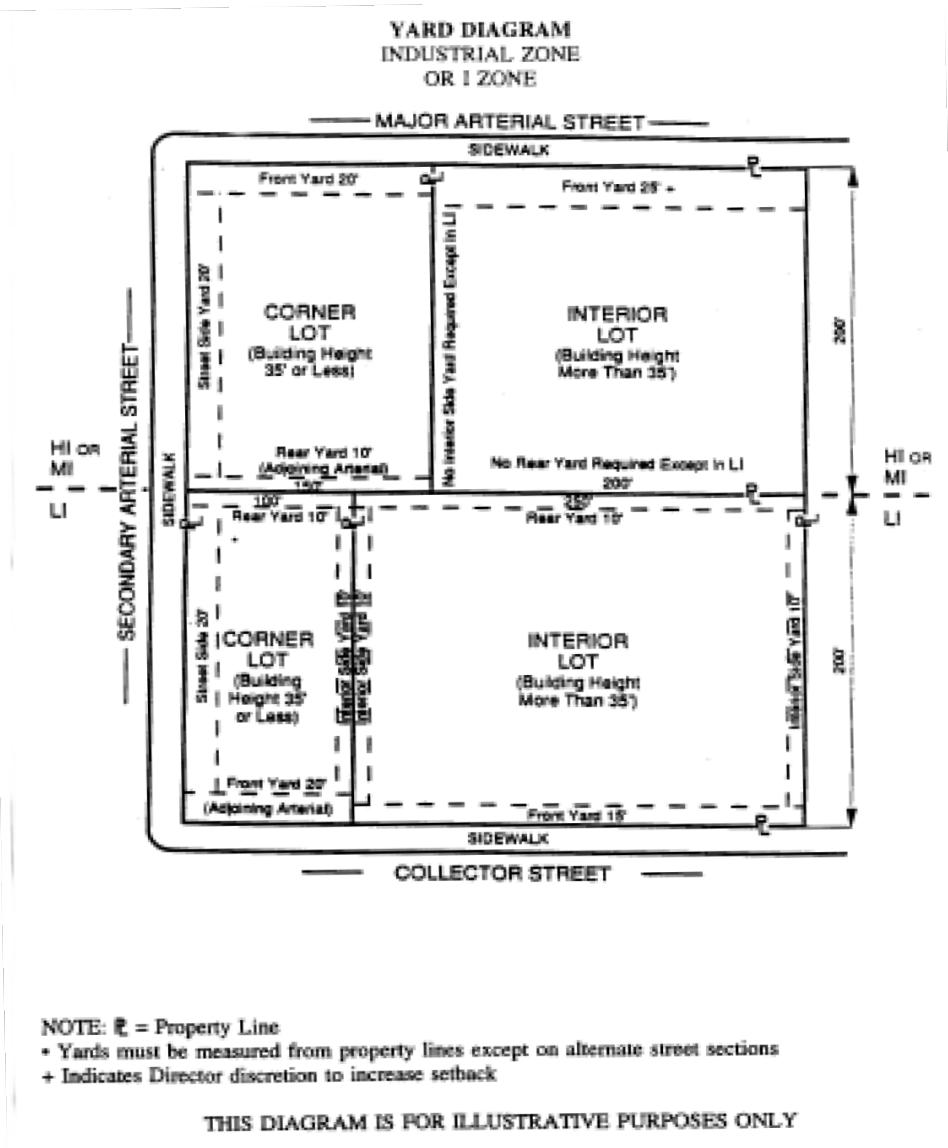
- B. I Zones. Wherever property is designated as an I zone on the zoning map the following regulations, specific or general, shall apply:

1. Lot Dimensions. The following minimum lot dimensions shall apply to all lots created after the adoption of this section. (Those lots which were legally created, prior to the adoption of this section, in compliance with ordinances in effect at the time of their creation need not comply unless involved in a new subdivision or change in lot configuration other than a lot line adjustment as provided in Title 16 of this code.)

Zone	Minimum Lot Area	Minimum Lot Width*	Minimum Lot Depth
LI	10,000 sq. ft.	180 ft.	100 ft.
HI	20,000 sq. ft.	100 ft.	150 ft.

\* Also denotes minimum street frontage.





See Section 17.40.070, 17.40.080, 17.40.090 A or 17.40.090B in the event public use or required street dedication would reduce the net lot area, lot width, or lot depth of an existing lot to less than the required minimum.

2. Yard Requirements. Yards shall be provided as follows:

See Sections 17.40.093, 17.40.095 and 17.40.097 in the event yard requirements must be reduced for street widening or transit stops.

a. Front yard—LI and HI zones:

- 1) Adjoining a freeway, expressway, or arterial street: 20 feet where the building is 35 feet or less in height. The front yard for buildings which are more than 35 feet in height shall be established on a case-by-case basis by the Director to mitigate any adverse or potentially adverse impact on neighboring properties, but in no case be less than 25 feet.
- 2) All other properties:

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- a) LI zone: 15 feet;
    - b) HI zone: 10 feet.
  - b. Street side yard—LI and HI zones:
    - 1) Adjoining a freeway, expressway or arterial street: same as subsection B.2.a.1) of this section;
    - 2) All other properties: equal to the front or street side yard, as appropriate, required in the abutting zone, or 10 feet whichever is greater.
  - c. Interior side yard:
    - 1) LI zone: 10 feet;
    - 2) HI zone: none.
  - d. Rear yard:
    - 1) LI zone: 10 feet;
    - 2) HI zone: 10 feet when adjoining freeway, expressway, or arterial streets. Other properties none.
  - e. Front and street side yards of properties developed after the adoption of this section shall be landscaped for a minimum depth of 10 feet measured from the back of the sidewalk. Rear yards shall be landscaped only where adjoining a freeway, expressway or arterial street. This requirement may be increased by the Director where he finds it to be necessary to make the proposed development compatible with existing development in the vicinity of the site. Landscaping and irrigation plans shall be submitted to the Director for his approval. Such plans must be approved prior to the issuance of any building permit for the site. Such landscaping and irrigation systems shall have been installed in accordance with the approved plans and verified prior to final inspection approval. The Director determinations on these items may be appealed in accordance with Section 17.36.030. Yards required by this zone are also subject to the general provisions and exceptions contained in Section 17.28.030 which shall apply as specified.
- 3. Maximum floor area ratio (FAR) (see definition in Section 17.04.240):
    - a. LI zone: 0.5;
    - b. HI zone: 0.5.
  - 4. Landscaping. Plant materials used in landscaping shall include drought-tolerant species and the landscaping shall be designed to minimize water usage and discourage runoff. No landscaping shall be placed in a manner which shades or would ultimately shade any existing solar energy system from the sun on a contiguous lot.
  - 5. Outside Display. All display shall be located wholly within an enclosed building with the exception of the following:
    - a. Amusement rides and devices;
    - b. Automobile sales, limited to automobiles, recreational vehicles, tractors and trucks under 2 tons held for sale and rental only;
    - c. Automobile service stations, limited to automobile accessories and facilities necessary to the dispensing of petroleum products only;
    - d. Boat sales, limited to boats held for sale or rental only;

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- e. Carnivals—Commercial;
  - f. Christmas trees and wreaths, sale of;
  - g. Crops, field, tree, bush and row, including nursery stock, flowers and vines;
  - h. Electric distribution substations;
  - i. Equipment rental and sales including heavy equipment;
  - j. Gas metering and control stations, public utility;
  - k. Mobilehome sales, limited to mobilehomes held for sale or rental only;
  - l. Parking lots;
  - m. Signs, existing outdoor advertising;
  - n. Trailer sales, box and utility, limited to trailers held for sale only.
- C. Exceptions to Yard Requirements — Previously Established Uses. Additions or modifications to buildings or uses, either constructed or having received building permit approval, or having been legally established prior to September 2, 1992 may be allowed with respect to yards of lesser dimension than required in this subsection where, in the opinion of the Director, allowing less than full compliance with the yard requirements would impose no substantial detriment to abutting property or improvements thereon. In rendering a decision on whether to allow a reduction of the required yard, the Director shall determine whether (see Sections 17.40.093, 17.40.095, and 17.40.097 in the event yard requirements must be reduced for street widening or transit stops):
- 1. There are special circumstances or exceptional characteristics applicable to the property involved which are not generally applicable to other properties in the same vicinity with the same zoning;
  - 2. An adjustment (if authorized) will not constitute a grant of special privilege inconsistent with the limitations on other properties in the same vicinity with the same zoning; and
  - 3. The strict application of the yard requirements would result in practical difficulties and unnecessary hardship which is inconsistent with the purpose of the yard requirements.
- In no case shall the Director approval of the reduction of a required yard relieve the applicant/property owner from complying with minimum landscape requirements established by this title, unless such relief is specifically approved by the Director.
- D. Exceptions to Yard Requirements — Specified LI Zoned Areas,
- 1. Defined Areas: This exception shall only be applicable to properties that are zoned LI and are located within the area bounded by Avenue I, Division Street, Avenue J, and Sierra Highway, or within the area bounded by Avenue L, 12th Street West, Avenue M and SR-14 (hereafter referred to as defined area (A) and (B) respectively).
  - 2. Purpose and Intent:
    - a. Defined Area A. Same language as current ordinance.
    - b. Defined Area B. Defined area B is bounded SR-14, 12th Street West, Avenue L and Avenue M and consists of numerous vacant lots and developed properties which exhibit narrow lot depths resulting from right-of-way acquisition at the time of freeway construction. The provisions of the zoning ordinance require minimum 10 foot building set backs for both the rear and interior side yards for properties located in the LI zone. Because of the narrow lot configurations, these requirements often create practical difficulties in developing property within Defined Area B. The result is that the properties within Defined Area B cannot be effectively developed. Therefore,

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the intent of this section is to allow the Director to modify the LI Zone rear and interior yard requirements within this area under specified circumstances, while still adhering to all other requirements of the LI Zone.

3. Allowable Exceptions to Yard Requirements — Director's Determination. The Director may reduce or eliminate the yard requirements upon making the findings as noted below. The requirement for front and street side yards shall not be reduced to less than 10 feet of landscaped width except where such requirement would unreasonably interfere with the expansion of an existing building that does not have a setback of at least 10 feet, or where the requirement would preclude the provision of required parking. The Director may grant exceptions where he determines that the following circumstances exist:

- a. Compliance with the normal yard requirements will result in practical difficulties and unnecessary hardships inconsistent with the purpose of the yard requirements because of the size or configuration of the parcel(s) or the location of existing on-site buildings; and
- b. It is not practical for the project proponent to acquire additional property that would allow the yard requirements to be met; and
- c. Granting of the exception will not result in an adverse effect on other properties in the vicinity.

(Ord. 807 (Exh. A), 2002; Ord. 760 § 1 (Exh. A), 1999; Ord. 711 § 43 (part), 1995; Ord. 651 § 4 (part), 1993; prior zoning ord. § 241.050)

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

#### **17.16.140 Signs.**

A person shall not use, install or construct any sign in the I zones except as specifically permitted in this section and subject to all regulations and conditions, including without limitation submittal of a sign plan, set forth in this title and any other ordinance now existing or hereafter adopted by the city regulating the installation, use and/or construction of signs. A comprehensive sign plan for multiple-tenant projects or an individual sign plan for single-tenant projects, must be submitted to and approved by the Director or his designated representative. Sign plans must be fully dimensioned, including the proposed sign location(s), elevations, colors and materials. A person who has first obtained approval of the sign plan and all required permits and inspection approval shall be permitted to use, install or construct signs as specified in the I zones.

(Prior zoning ord. § 241.060)

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

#### **17.16.150 Signs—General provisions.**

- A. The provisions of this section regulating signs shall not apply to the following signs except as otherwise indicated herein:
1. Official notices issued by any court, public body or public officer;
  2. Notices posted by any public officer in performance of a public duty, or for any person in giving legal notice;
  3. Traffic, directional, warning or informational signs required or authorized by the public authority having jurisdiction over such signs;

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4. Official signs used for emergency purposes only;
  5. Permanent memorial or historical signs, plaques or markers;
  6. Public utility signs, provided such signs do not exceed 3 square feet in area.
- B. Prohibited Signs. The following signs shall be prohibited in the I zones:
1. Signs which contain or utilize:
    - a. Any exposed incandescent lamp,
    - b. Any revolving beacon light,
    - c. Any continuous or sequential flashing operation, except signs displaying time of day, atmospheric temperature or having programmable electronic public service messages only,
    - d. Any system for display of time of day, atmospheric temperature or programmable electronic public service messages in which:
      - 1) The messages are not public service in nature, or
      - 2) The proposed display has any illumination which is in continuous motion or which appears to be in continuous motion, or
      - 3) The message is changed at a rate faster than one message every 4 seconds, or
      - 4) The interval between messages is less than one second, or
      - 5) The display is located less than 100 feet on the same side of the street or highway or 200 feet across the street from residentially zoned property;
  2. Roof signs (see definition in Section 17.04.240);
  3. Revolving signs of any kind;
  4. Signs advertising or displaying any unlawful act, business or purpose;
  5. Devices dispensing bubbles and free-flowing particles of matter;
  6. Any notice, placard, bill, card, poster, sticker, banner, sign, advertising or other device calculated to attract the attention of the public which any person posts, prints, sticks, stamps, tacks or otherwise affixes, or causes the same to be done to or upon any street, right-of-way, public sidewalk, crosswalk, curb, lamppost, hydrant, tree, telephone pole or lighting system, or upon any fixture of the police or fire alarm system of the city of Lancaster or county of Los Angeles;
  7. Any strings of pennants, banners or streamers, clusters of flags, strings of twirlers or propellers, flares, balloons, and similar attention-getting devices, including noise-emitting devices, with the exception of the following:
    - a. Automobile sales uses only may utilize pennants, banners or streamers subject to the following conditions:
      - 1) All such displays must be positioned horizontally and parallel to the ground and shall maintain a minimum height of 14 feet and a maximum height of 18 feet from grade level.
      - 2) All lines supporting such devices shall be secured in a taut manner and shall exhibit no more than 5 inches sag or droop at midline. No more than 3 such lines may be placed above one another and such lines shall be located along street frontages only.

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- 3) All pennants, banners, or streamers shall be maintained in good condition. Such devices which have become torn, tattered, faded or otherwise fallen into disrepair shall be removed or replaced,
    - b. National, state, local governmental, institutional or corporate flags properly displayed,
    - c. Holiday decorations in season used for an aggregate period of not more than 90 days in any one calendar year;
  8. Devices projecting, or otherwise reproducing the image of a sign or message on any surface or object;
  9. Signs emitting or amplifying sounds for the purpose of attracting attention;
  10. Portable signs;
  11. Sidewalk signs;
  12. New outdoor advertising signs in the HI zone. No new outdoor advertising signs are permitted in the LI zone but existing outdoor advertising signs may be relocated into the LI zone subject to the provisions of Section 17.40.2100.
  13. Pole signs;
  14. Any sign which is placed in a manner which would obstruct a driver's or pedestrian's vision and thus create a hazard, or potential hazard, to the public health, safety or welfare;
  15. Off-premises signs constituting a commercial advertisement that is not located on the site of the business or entity indicated or advertised by the sign including temporary, portable, mobile signs affixed to a wall, structure, or vehicle.
- C. General Sign Regulations. The following regulations shall apply to all signs in the I zones:
1. In no case shall a lighted sign or lighting device thereof be so placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
  2. Existing outdoor advertising signs are subject to Section 17.40.210.
  3. Subdivision signs are subject to Section 17.40.220.
  4. Signs, except outdoor advertising signs, may be single-, double- or multifaced, provided that:
    - a. The distance between the faces of any double-faced sign, other than a "V"-shaped projecting sign, shall not exceed 36 inches; and
    - b. The separation between the intersecting faces of any multifaced sign shall not exceed 12 inches.
  5. Any sign located on vacant and unoccupied property, and which was erected for an occupant or business unrelated to the present occupant or business, or any sign which pertains to a time, event or purpose which no longer exists shall be removed within 30 days after the purpose for, or use utilizing such sign has been removed from such property.
  6. Any permitted sign may be a changeable copy sign.
  7. All signs shall be designed in the simplest form and be free of any exposed bracing, angle iron, guy wires, cables or similar devices.
  8. The exposed backs of all signs visible to the public shall be suitably covered, finished and properly maintained.

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9. All signs shall be maintained in good repair, including display surfaces which shall be kept neatly painted or posted.
  10. Any sign which does not conform to the provisions of this title shall be made to conform or shall be removed as provided in subsection B.4. of Section 17.32.850 except as provided in Section 17.32.850B.4.c.
  11. Except where otherwise specifically provided by this title, sign regulations established pursuant to this title shall not apply to signs within a building, arcade, court or other similarly enclosed area where such signs are not visible to the public without entering such facilities.
  12. The height of all signs shall be measured from the highest point of the sign.
- D. Computation of Sign Area. The surface area of any sign face shall be computed from the smallest rectangles, circles and/or triangles which will enclose all words, letters, figures, symbols, designs and pictures, together with all framing, background material, colored or illuminated areas, and attention-attracting devices forming an integral part of the overall display, but excluding all support structures, except that:
1. Superficial ornamentation of a non-message-bearing character which does not exceed 5% of the surface area shall be exempted from computation; and
  2. Wall signs painted on or affixed directly to a building wall, façade or roof, and having no discernible boundary, shall have the areas between letters, words intended to be read together, and any device intended to draw attention to the sign message included in any computation of surface area; and
  3. Signs placed in such a manner, or bearing a text, as to require dependence upon each other in order to convey meaning shall be considered one sign and the intervening areas between signs included in any computation of surface area; and
  4. Spherical, cylindrical or other 3-dimensional signs not having conventional sign faces shall be considered to have 2 faces and the area of each sign face shall be computed from the smallest 3-dimensional geometrical shape or shapes which will best approximate the actual surface area of said faces.

(Ord. 711 § 23, 1995; prior zoning ord. § 241.061)

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

### **17.16.160 Business signs.**

Business signs may be permitted in the I zones subject to Sections 17.16.040, 17.16.220, and the restrictions of this section. For more information concerning specific types of signs see Section 17.04.240, Definitions.

- A. Wall and Freestanding Business Signs. Monument and post signs are the only freestanding business signs permitted in the I zones.
1. Area and Number Permitted.
    - a. A maximum of one square foot of wall or freestanding sign area for each one linear foot of continuous lot frontage up to a maximum of 150 square feet of total sign area.
    - b. No more than one freestanding sign per property shall be permitted.
    - c. No more than one sign per tenant, except on corner sites where not more than 2 signs per tenant is permitted.
    - d. Each tenant shall be entitled to a minimum sign area of 20 square feet up to the maximum square footage allowed for the site.

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2. Height Permitted.
    - a. Wall business signs shall not extend above:
      - 1) Eighteen inches below the top of the wall of a single-story building; or
      - 2) The lowest point of a sloping roof of a single-story building.
    - b. Freestanding business signs shall not exceed a maximum height of 12 feet measured vertically from ground level at the base of the sign, or 3 feet below the roof line, whichever is least.
  3. Projection Permitted. Wall business signs shall not project more than 18 inches from the building wall to which they are attached. Freestanding signs may not project over the public right-of-way.
  4. Lighting. Wall and freestanding business signs may be internally or externally lighted, but any continuous or sequential flashing operation is prohibited.
  - B. Window Signs. Each business establishment may be permitted display window signs subject to the following restrictions:
    1. Area permitted: Maximum of 25% of the window area.
    2. Lighting. Window signs may be internally or externally lighted, but any continuous or sequential flashing operation is prohibited.
  - C. Incidental Business Signs. Each business establishment may be permitted incidental business signs provided:
    1. That such signs are wall signs or window signs or are attached to an existing freestanding sign structure; and
    2. That such signs do not exceed 3 square feet in sign area or 6 square feet in total sign area; and
    3. That the sum of the sign areas of all such signs does not exceed 10 square feet
    4. Incidental business signs may be internally or externally lighted but any continuous or sequential flashing operation is prohibited.

(Ord. 711 § 25 (part), 1995; prior zoning ord. § 241.063)

#### **17.16.170 Building identification signs.**

Building identification signs may be permitted subject to the following restrictions:

- A. Area Permitted. One wall-mounted sign may be permitted provided:
  1. Such sign does not exceed 6 square feet in sign area where located less than 30 feet above ground level measured at the base of the building below said sign; or
  2. Such sign does not exceed 2% of the exterior wall area of the building wall on which it is mounted, excluding penthouse walls, where located more than 30 feet above ground level measured at the base of the building below said sign.
  3. The area of the building identification sign shall be subtracted from the area submitted for wall signs.
- B. Height Permitted. Such signs shall not extend above a line 18 inches below the highest point of a parapet wall or the lowest point of a sloping roof.



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- C. Lighting. Building identification signs may be internally or externally lighted but any continuous or sequential flashing operation is prohibited.

(Prior zoning ord. § 241.064)

### **17.16.180 Temporary signs.**

Temporary signs may be permitted in the I zones subject to the following restrictions:

- A. Area Permitted. Temporary signs which are posted or erected for 90 days or less shall not exceed 16 square feet in sign area or 32 square feet in total sign area as defined in Section 17.04.240. Temporary signs which have obtained a permit pursuant to subsection G of this section and which are posted or erected for more than 90 days shall not exceed 32 square feet in sign area or 64 square feet in total sign area.
- B. Height Permitted.
  - 1. Freestanding temporary signs shall not exceed 6 feet in height.
  - 2. Temporary signs which are posted, attached or affixed to buildings of more than one story shall not be higher than the finished floor line of the second floor of such building.
  - 3. Temporary signs which are posted, attached or affixed to a single-story building shall not extend above:
    - a. Eighteen inches below the top of the wall of the building;
    - b. The lowest point of a sloping roof of the building.
- C. Projection Permitted. Where temporary signs are attached to a wall such signs shall not project more than 18 inches from the building wall to which they are attached.
- D. Lighting. Temporary signs shall not be lighted.
- E. Placement. Temporary signs shall not be placed on public property (see Section 17.16.150B.6.), or in any manner that would endanger the public (see Section 17.16.150B.14.).
- F. Duration. No temporary sign shall be posted for more than 90 days without obtaining a sign permit pursuant to subsection G of this section. No sign permit for a temporary sign shall be valid for more than one year. Upon written request for an extension, the director may grant an extension for up to one additional year upon finding that the sign is otherwise in compliance with the requirements of Section 17.16.140 et seq. and that the extension is necessary to accomplish the purposes for which the sign has been posted. No additional extensions may be granted. All temporary signs shall be removed within 14 calendar days after occurrence of the event, if any, which is the subject of the temporary sign. The date of the posting shall be permanently and legibly marked on the lower righthand corner of the sign face.
- G. Permit Required. Any person who proposes to post or erect a temporary sign for more than 90 days shall file an application for a sign permit with the Department of Community Development. The applicant shall also file a statement of responsibility as required in subsection I of this section.
- H. Standards for Approval.
  - 1. Within 7 working days the director or his designated representative shall act upon the application for a temporary sign permit.

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2. The action on the application shall be based on character, location and design, including design elements such as material, letter style, colors, sign type or shape, and the provisions of Section 17.16.140 et seq.
  3. If the action is to disapprove, the notice of disapproval shall specify the reasons therefor.
- I. Statement of Responsibility. Each person desiring to post or erect a temporary sign(s), regardless of duration, shall submit to the Department of Community Development a statement of responsibility in a form approved by the director with a description sufficient to identify the temporary sign(s), the locations of the sign(s) to be posted, and certifying a named individual who is responsible for removing each temporary sign. In the event the responsible individual fails to remove the temporary sign(s) as required by subsection F of this section, the temporary sign(s) shall be deemed abandoned and may be removed by the city, the cost of which removal shall be payable by the responsible individual.
  - J. Removal of Unauthorized, Unmaintained or Dangerous Signs.
    1. Temporary signs posted for which a statement of responsibility has not been submitted and, if required, a permit has not been obtained, are subject to immediate removal by the city without compensation. The city may, at its option, also pursue legal action under Section 17.04.220.
    2. Temporary signs which are deemed by the city to constitute a threat to the public health and safety are subject to immediate removal by the city without compensation. (Some examples might include such signs which are not secured against the wind or were placed in a manner which would interfere with the vision of drivers or pedestrians.) The city's cost of removal shall be payable by the responsible individual.
    3. Temporary signs for which a statement of responsibility has been submitted and, if required, a permit has been obtained, and which do not pose a threat to public health and safety but are otherwise posted in violation of Section 17.16.140 et seq. shall be subject to removal in accordance with the following procedures. The city shall provide written notice to the responsible individual for each temporary sign established pursuant to subsection I of this section, that the sign is in violation of Section 17.16.140 et seq., shall specify the nature of the violation and shall direct the responsible individual therefor to remove or alter such temporary sign. If the responsible individual fails to comply with the notice within 3 working days after such notice is mailed, the sign(s) shall be deemed abandoned, and may be removed by the city, the cost of which shall be payable by the responsible individual to the city.

(Ord. 651 § 6, 1993; prior zoning ord. § 241.065)

### **17.16.190 Directional and/or information signs.**

Freestanding or wall-mounted directional and/or information signs may be permitted in the I zones subject to the following restrictions:

- A. Area Permitted. Directional and/or informational signs shall not exceed 12 square feet in sign area or 24 square feet in total sign area.
- B. Height Permitted.
  1. Wall-mounted directional and/or information signs shall not extend above a line 18 inches below the highest point of a parapet wall or the lowest point of a sloping roof.
  2. Freestanding directional and/or informational signs shall not exceed 10 feet measured from the base of the sign.
- C. Location of Signs. All such signs shall be located on site.

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- D. Lighting. Directional and/or information signs may be internally or externally lighted but any continuous or sequential flashing operation is prohibited.

(Prior zoning ord. § 241.067)

### **17.16.200 Special purpose signs.**

The following special purpose signs may be permitted as provided herein:

- A. Civic Organization Signs. If a site plan is first submitted to and approved by the director, as provided in Article VI of Chapter 17.32, freestanding civic organizations signs may be permitted at or near the entrance to the city subject to the following restrictions:
  - 1. Area Permitted. Such signs shall not exceed 50 square feet in sign area or 100 square feet in total sign area.
  - 2. Height Permitted. Such signs shall not exceed a maximum height of 12 feet measured vertically from the base of the sign.
  - 3. Lighting. Civic organization signs shall be unlighted.
  - 4. Design. Such signs shall be architecturally related to the area in which they are located.
- B. Bulletin or Special Event Signs. One freestanding or wall-mounted bulletin or special event sign may be erected and maintained on each lot or parcel of land developed for a publicly owned, charitable, religious or educational institution subject to the following restrictions:
  - 1. Area Permitted. Such sign shall not exceed 50 square feet in sign area or 100 square feet in total sign area.
  - 2. Height Permitted.
    - a. A wall-mounted sign shall not extend above a line 18 inches below the highest point of a parapet wall or the lowest point of a sloping roof.
    - b. A freestanding sign shall not exceed a maximum height of 12 feet measured vertically from the base of the sign.
  - 3. Location of sign. A freestanding sign shall not be located nearer than 25 feet to any lot line.
  - 4. Lighting. Bulletin or special event signs may be internally or externally lighted, but any continuous or sequential flashing operation is prohibited.
  - 5. Design. Such sign shall be architecturally related to the structure to which it is appurtenant.
- C. Fuel Pricing Signs. Fuel pricing signs are permitted for each business offering gasoline or other motor vehicle fuel for sale subject to the following restrictions:
  - 1. Types of Signs. Such signs shall be monument signs.
  - 2. Area Permitted.
    - a. One sign, not to exceed 30 square feet in sign area or 60 square feet in total sign area, shall be permitted for each street or highway frontage.
    - b. If said business is located on a corner, one sign, not to exceed 50 square feet in sign area or 100 square feet in total sign area, shall be permitted at the corner in lieu of separate signs on each of the intersecting frontages.

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- c. The area per sign face of a combined freestanding business and fuel pricing sign shall not exceed the sum of the permitted areas per sign face of the 2 merging signs. Nor shall the business portion of said sign exceed the area per sign face that would be permitted a business sign were it erected separately.
  - 3. Height Permitted.
    - a. No separate freestanding sign shall exceed 12 feet in height at a corner or 5 feet in height elsewhere. Such height shall be measured vertically from the base of the sign.
    - b. No combined business and fuel pricing sign or no business sign to which fuel pricing panels are mounted shall exceed the maximum permitted height of a freestanding business sign as established in Section 17.16.160.
  - 4. Location of Sign. No separate freestanding sign shall be located nearer to an existing freestanding sign or to a lot line, other than one adjoining a street or highway, than 25 feet.
  - 5. Lighting. Fuel pricing signs may be internally or externally lighted, but any continuous or sequential flashing operation is prohibited.
  - D. Outdoor Menu Signs for Restaurants with Drive Through or Car Service. Outdoor menu signs may be permitted for each business offering food to drive through or car service customers subject to the following restrictions:
    - 1. Types of Signs. Such signs shall be separate freestanding signs designed to serve the needs of motorist customers and shall be permanently affixed to the ground.
    - 2. Area Permitted. Two signs, not to exceed 30 square feet each in total sign area may be permitted for each business.
    - 3. Height Permitted. No outdoor menu sign shall exceed a height of 6 feet.
    - 4. Location of Sign. No outdoor menu sign shall be located in any required yard.
    - 5. Lighting. Outdoor menu signs may be internally or externally lighted but any continuous or sequential flashing operation is prohibited.
  - E. Time, Temperature, and Public Service Message Signs. Signs using any system for the display of time of day, atmospheric temperature, or programmable electronic messages may be permitted subject to the prohibitions in Section 17.16.150B and the following restrictions:
    - 1. Type of Signs. All time, temperature, and public service message signs shall be wall, post or monument signs.
    - 2. Area Permitted. One sign not to exceed 24 square feet in total sign area may be permitted for each street frontage up to a maximum of 2 for each business.
    - 3. Height Permitted. No such sign shall exceed a height of:
      - a. For monument or post signs — 12 feet;
      - b. For wall signs — not less than 18 inches below the top of the wall of a single-story building.
    - 4. Location of Sign. Such signs shall be placed not closer than 500 feet to any business already using this type of sign.
    - 5. Other. Such signs must not violate the restrictions imposed by Section 17.16.150 B.1.d.

(Prior zoning ord. § 241.068)

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### 17.16.210 Off-street parking.

The automobile parking facilities required by this section shall be provided and permanently maintained as such unless and until a substitute has been provided which is in full compliance with the provisions of this title. The following parking requirements shall be complied with in the I zones:

- A. General Conditions. The provisions of this section shall apply at the time that:
  - 1. A building or structure is erected; or
  - 2. An existing building or structure is altered to increase the number of bowling alleys, exercise area (i.e., fitness centers), seating capacity (fixed or not fixed) or service bays; or
  - 3. An existing building or structure is enlarged. **EXCEPTION:** An existing building or structure which has insufficient lot area upon which to provide the required parking or landscaping may be enlarged by an area not to exceed 20% of the gross floor area including the original building or structure and all legal additions thereto for which required parking and associated landscaping have been provided. This exception applies only when there will be no reduction of existing parking or landscaping on the site; or
  - 4. The use of a building or structure is changed. **EXCEPTION:** Buildings or structures legally constructed in accordance with the parking requirements in effect at the time of building permit issuance will not require full compliance with the parking space requirements of this section provided that:
    - a. Said change in use creates no greater demand for parking spaces (as defined by this section) than the use which most recently preceded it, and
    - b. All available space not used for parking shall be improved for purposes of parking and landscaping in accordance with this section and Section 17.16.220 (not to exceed the parking requirement for said use) prior to the new use occupying said premises.
- B. Ownership, Lease and Joint Usage. Space required by this section for automobile parking shall either:
  - 1. Be owned by the owner of the premises because of the use of which the automobile parking space is required; or
  - 2. Subject to director's review and approval the owner of such premises shall have the right to use such space for automobile parking, solely to serve existing buildings or structures, by virtue of a recorded lease for a term of not less than 20 years, which lease requires that if canceled the party canceling such lease, not less than 60 days prior to the effective date of such cancellation, shall notify the Director of Community Development of such cancellation. Such lease shall be approved by the city attorney as to form and content, and once executed shall be recorded in the office of the county recorder and copies thereof filed with the director; or
  - 3. Subject to director's review and approval the owner or owner-authorized lessee of any property, may authorize joint use of parking facilities solely to serve existing buildings or structures occupied by the following uses or activities, provided that all the requirements of this zone can be complied with:
    - a. The parking facilities required for any non-residential use, which is primarily a daytime use may be fulfilled by the parking facilities of a use which is primarily a nighttime and/or Sunday use, and vice versa, provided such parking facilities meet the requirements of subsection B.3.b. of this section.

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- b. All of the following conditions shall be met in order for the director to approve joint usage of parking:
- 1) The lots or parcels upon which the uses referred to in subsection B.3.a. of this section are proposed shall be adjoining as defined in this title, and
  - 2) There shall be no substantial conflict in the principal operating hours of the uses for which joint usage of parking is proposed, and
  - 3) That the joint usage of the off-street parking facilities shall be contingent upon the execution of an agreement, which requires that if canceled the party canceling such agreement, not less than 60 days prior to the effective date of such cancellation, shall notify the director of such cancellation. Such agreement shall meet the approval of the city attorney as to form and content. Once approved, the executed agreement shall be recorded in the office of the county recorder and copies thereof filed with the director.
4. The owner of such premises shall enter into an agreement with the redevelopment agency for the provision of all, or part, of the required parking off-site in a separate facility, including public parking lots. Such agreement may include provisions for payment of an in lieu parking fee as specified by the Redevelopment Agency. Nothing herein shall require the Agency to approve such an agreement.
- See Section 17.16.220 for parking design requirements.
- C. Fractions. When the application of this section requires a fractional part of an automobile parking space or parking place sufficient to accommodate a fractional number of automobiles, any such fraction shall be construed as a whole. This section does not apply to the specification of an area by square feet, or of an area equal to another area.
- D. Parking Requirements by Use.
1. Automotive Repair Shop. Every automobile repair shop shall provide, on the same lot or parcel, 4 parking spaces for each service bay.
  2. Eating and Drinking Establishments. Every structure used for eating and drinking shall provide on the same lot or parcel one automobile parking space for each 100 gross square feet of floor area.
  3. Financial Institutions and Services. Every bank, savings and loan institution, or similar use shall have on the same lot or parcel of land, one automobile parking space for each 250 square feet of gross floor area.
  4. General Commercial Uses. Except as otherwise provided in this section every lot or parcel of land which is used for a retail commercial use existing or permitted in the LI zone (except an electrical substation or similar public utility in which there are no offices or other places visited by the public) shall have on the same lot or parcel of land one automobile parking space for each 250 square feet of gross floor area of any building or structure so used.
  5. Health Spas, Figure Salons. Every health spa, figure salon, or similar use shall provide, on the same lot or parcel, one parking space for each 45 square feet of exercise floor area plus one parking space for each 200 square feet of remaining gross floor area.
  6. General Industrial Uses. Every industrial use, other than warehouse or wholesale uses, shall provide one automobile parking space for each 400 square feet of the building so used. This may include up to 30% of the floor area as incidental office. Such parking space shall be on the same lot or parcel of land with adequate ingress and egress from the use to a public street or within a distance of 400 feet from any entrance to such use. One truck parking space of sufficient size

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shall be provided for each truck used in the operation of the establishment. (See subsections D.9., 10. of this section for warehouse and wholesale establishments.)

7. Offices.
  - a. Government and Public Facilities. One automobile parking space for each 250 square feet of gross floor area.
  - b. Medical and Dental. Every medical or dental office, clinic, or similar building shall have on the same lot or parcel of land, one automobile parking space for each 150 square feet of gross floor area.
  - c. Other Professional Office. Every professional office building (other than in subsection D.7.b. of this section) shall have on the same lot or parcel of land one automobile parking space for each 250 square feet of gross floor area.
8. Open Retail. Every open retail use, including but not limited to nurseries, automobile sales lots, mobilehome, boat or recreational vehicle sales lots, shall have on the same lot or parcel of land a minimum of 5 automobile parking spaces or one parking space for each 5,000 square feet of lot area used primarily for sale or display purposes, whichever is greater. (Parking for any buildings on the premises shall be calculated independently of this requirement.)
9. Warehouse. Every warehouse shall provide a minimum of 5 parking spaces for warehouses with a gross floor area up to 25,000 square feet: and for warehouses with a gross floor area in excess of 25,000 square feet, a minimum of 5 parking spaces plus one additional space for each 5,000 square feet or fraction thereof over and above 25,000 square feet.
10. Wholesale Establishments. Three parking spaces for up to 1,500 square feet of gross floor area plus one space for each additional 1,500 square feet of gross floor area.
11. Uses Not Specified. Where parking requirements for any use are not specified, parking shall be provided in an amount which the director finds adequate to prevent traffic congestion and excessive on-street parking. Whenever practical, such determination shall be based upon the requirements for the most comparable use specified in this section or other documents as approved by the director.
12. Disabled Person Spaces. Shall be provided in accordance with federal or state requirements as appropriate.
13. Bicycle and Motorcycle Spaces. Spaces for bicycles, with the means necessary to secure them against theft, shall be provided as follows:
  - a. Bicycles. Minimum of one space per 10 employees.
  - b. Motorcycles. Minimum of one space per 20 employees.
14. Carpool and Vanpool Spaces. Spaces for carpool and vanpool vehicles shall be provided as necessary to accommodate any such vehicle in a number necessary to serve the pool program at the establishment. These spaces may be counted toward the parking requirements for the use.

(Ord. 711 §§ 24 (part), 26 (part), 1995; prior zoning ord. §§ 241.070—241.072, 241.074, 241.075)

### **17.16.220 Design and performance standards.**

The following design and performance standards shall be met for development in the I zones:

- A. General requirements applicable to all development:

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1. Access.
    - a. Driveways providing access to the site may be combined, relocated, or otherwise limited in order to minimize traffic conflicts and improve public safety. All driveways shall be constructed to comply with current city standards. All driveway locations are subject to the approval of the Director.
    - b. Entry drives into parking areas shall be of sufficient depth to provide for vehicle stacking appropriate to the size, location and intensity of the project served.
    - c. Access to drive-through facilities shall have a sufficient depth to provide vehicle stacking for not less than 7 automobiles at a depth of 24 feet per automobile per drive-through facility. (One bank teller station equals one such facility.) Such stacking space shall be designed in a manner which will not restrict access to or from parking spaces, aisles or driveways.
    - d. Public transit opportunities for turnouts, shelters and pedestrian access shall be considered for all sites abutting expressways or arterial streets.
    - e. Access and bicycle parking facilities shall be considered for all sites abutting or adjacent to a planned bicycle and/or trail facility.
  2. Paving. Required parking areas, as well as the maneuvering areas and driveways used for access thereto shall be paved with: (NOTE: Permits are required for any work done in the public right-of-way.)
    - a. Concrete surfacing to a minimum thickness of 3½ inches with expansion joints as necessary; or
    - b. Asphalt surfacing, rolled to a smooth, hard surface having a minimum thickness of 2 inches after compaction, and laid over a base of crushed rock, gravel or other similar material compacted to a minimum thickness of 4 inches.
    - c. For commercial and industrial truck parking and drive aisles, asphalt surfacing rolled to a smooth hard surface having a minimum thickness of 3 inches after compaction and, at a minimum, designed to accommodate a traffic index (TI) of 6.5 as calculated in accordance with the latest edition of the CalTrans Highway Design Manual. Large industrial projects may need a greater TI based upon their use.
    - d. Other alternative material that will provide at least the equivalent in dust-free service, life and appearance of the materials and standards which would be employed for development pursuant to subsection A.2.a. or b. of this subsection.
    - e. The Director shall review and report on the adequacy of paving where modification of base is proposed under subsection A.2.b. of this section, or where alternative materials are proposed under subsection A.2.d. of this section. The Director may approve such modification or such alternative materials if, in his opinion, the evidence indicates compliance with subsection A.2.b. or A.2.d. of this section, as the case may be.
  3. Size and Marking of Spaces.
    - a. No less than 75% of the parking spaces shall exhibit minimum dimensions of 9 feet in width by 20 feet in length, with required disabled person spaces at the dimensions as provided by law.
    - b. Compact Spaces. No more than 25% of the parking spaces may exhibit minimum dimensions of 8 feet in width by 17 feet in length. Such spaces shall be labelled "compact car only" in a manner acceptable to the Director.
    - c. No parking shall occur in the first 10 feet of a required front or street side yard.
    - d. Where parking abuts an alley, the improved alley may be used as an aisle subject to approval of the parking lot design.



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- e. For parallel parking, minimum aisles are 12 feet and minimum parking space dimensions are 8 feet by 24 feet.

See the following diagrams for parking design options.

- 4. Circulation. Mark entrances and exits clearly. Vehicular circulation should be "one-way" in each aisle or "two-way" if the aisle width is a minimum of 20 feet. No aisle shall be less than 12 feet in width.
- 5. Loading Spaces. Such spaces shall be required as specified by the Director.
- 6. Buffering. A masonry wall of 6 feet in height shall be provided at the property line where the activities of a commercial or industrial use are anticipated to be incompatible with existing commercial, industrial or residential uses. It shall be the burden of the applicant to prove to the satisfaction of the Director or his designated representative that the project will not create or be subject to conditions necessitating a wall at the time of site plan review if a wall is not desired by the applicant.
- 7. Building Design.
  - a. Building design standards applicable to all I zones:
    - 1) Roof treatment shall be the same on the periphery of the building, except where a different treatment is required by the city building code.
    - 2) Solar access and prevailing winds should be considered in building design and orientation.
    - 3) Additions to existing buildings shall generally conform to the design of the existing building. New building size, materials and color shall be consistent with the scale and design of the building to which it is attached.
  - b. Building design standards applicable to the LI zone:
    - 1) Building components such as windows, doors, eaves and parapets shall have good proportions and relationships to one another.
    - 2) Utility doors, access panels, fire doors, loading docks and other openings shall be treated as part of the architectural composition of buildings.
  - c. Building design standards applicable only to the LI zone:
    - 1) An exterior color scheme for all buildings or additions thereto shall be submitted with the building elevations for approval. The color scheme for existing neighboring buildings shall be indicated and considered.
- 8. Fences and Walls.
  - a. Fences and Walls Permitted. Fences and walls may be erected and maintained in required yards subject to the requirements specified herein:
    - 1. Front Yards. Fences and walls within a required front yard shall be a minimum height of 6 feet.
    - 2. Corner Side Yards, Interior Side, and Rear Yards. Fences and walls within a required corner side yard, interior side, and rear yards shall be a minimum height of 6 feet and shall not exceed 15 feet in height.
    - 3. Retaining Walls. Retaining walls not to exceed 6 feet in height are permitted in all yards.
    - 4. Retaining Walls Topped with Walls or Fences.
      - a. Where a retaining wall protects a cut below the natural grade and is located on a front, side or rear lot line, such retaining wall may be topped by a fence or wall of the

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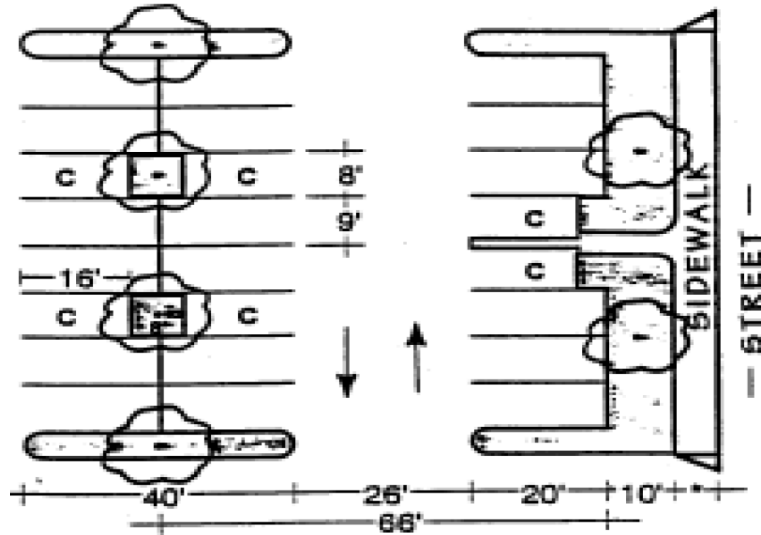
same height that would otherwise be permitted at the location if no retaining wall existed. Where such retaining wall contains a fill, the height of the retaining wall built to retain the fill shall be considered as contributing to the permissible height of a fence or wall providing, however, that in any event an open-work non-view-obscuring fence of 3½ feet may be erected at the top of the retaining wall for safety protection.

- b. Where a wall or fence is located in the required yard adjacent to a retaining wall containing a fill, such wall or fence shall be set back from said retaining wall a distance of one foot for each one foot in height to a maximum distance of 5 feet, provided, however, that this does not permit a wall or fence in required yards higher than permitted by this section. The area between such wall or fence and said retaining wall shall be landscaped and continuously maintained in good condition.
5. Fences and Walls Exempted. Where a fence or wall exceeding the heights specified is required by any law or regulation of the state of California, a fence or wall not exceeding such required height is permitted.
6. Measurement of Fence and Wall Height. The height of a fence or wall shall be measured at the highest average ground level within 3 feet of either side of said wall or fence. In order to allow for variation in topography, the height of a required fence or wall may vary an amount not to exceed 6 inches, provided, however, that in no event shall the average height of such fence or wall exceed the maximum height specified.
7. Notwithstanding the other provisions of this section, if site plans and/or other pertinent information required by the Director for the proposed use are first submitted to and approved by the Director in accordance with Article VI of Chapter 17.32, the Director may permit fences or walls within any required yard to a height in excess of 15 feet, subject to materials requirements, and other conditions of approval.
8. Industrial uses adjacent to or across a street or alley from residentially zoned property or property developed with a residential use shall provide a minimum 6-foot high masonry wall along all common lot lines. All walls shall be consistent with the site's architecture and, in instances where visible from the public right-of-way, shall be constructed with decorative materials.
9. Temporary Fence. If site plans and/or other pertinent information required by the Director for the proposed use are first submitted to and approved by the Director in accordance with Article VI of Chapter 17.32, a temporary fence may be installed on vacant property, subject to time limits, materials, and other conditions of approval. Temporary fencing materials may include chain link.
9. Landscaping.
  - a. Landscape designs shall be consistent throughout a project site. A combination of landscape materials should be arranged in a harmonious manner as an integral part of project design to enhance building design, public view, and interior spaces and provide buffers and transitions as needed. Unrelated and random choice or placement of plant materials shall be avoided; however, variety may be employed to intensify distinction between spaces or to strengthen a sense of place or movement, or to promote energy and water conservation and mitigate erosion.

## PARKING LOT DESIGN OPTIONS

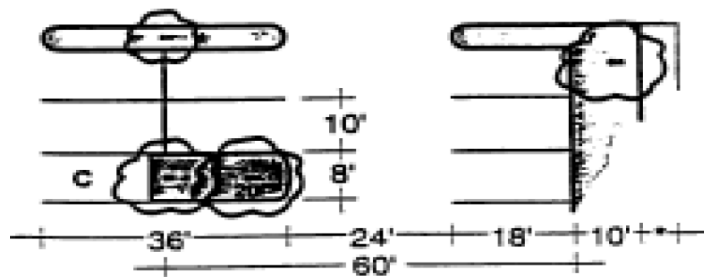
90°

STANDARD 90° - MINIMUM PARKING SPACE 9' X 20'  
 OPTION 90°-1 - MINIMUM PARKING SPACE 10' X 18'  
 C- ALL COMPACT PARKING SPACES ARE 5' X 18'



\* SIDEWALK WIDTH IN ACCORDANCE WITH CITY STANDARDS  
 FOR THE STREET CLASSIFICATION.  
 END STALLS PARALLEL TO WALLS OR FENCES SHALL BE 10' IN WIDTH.

### OPTION 90°-1



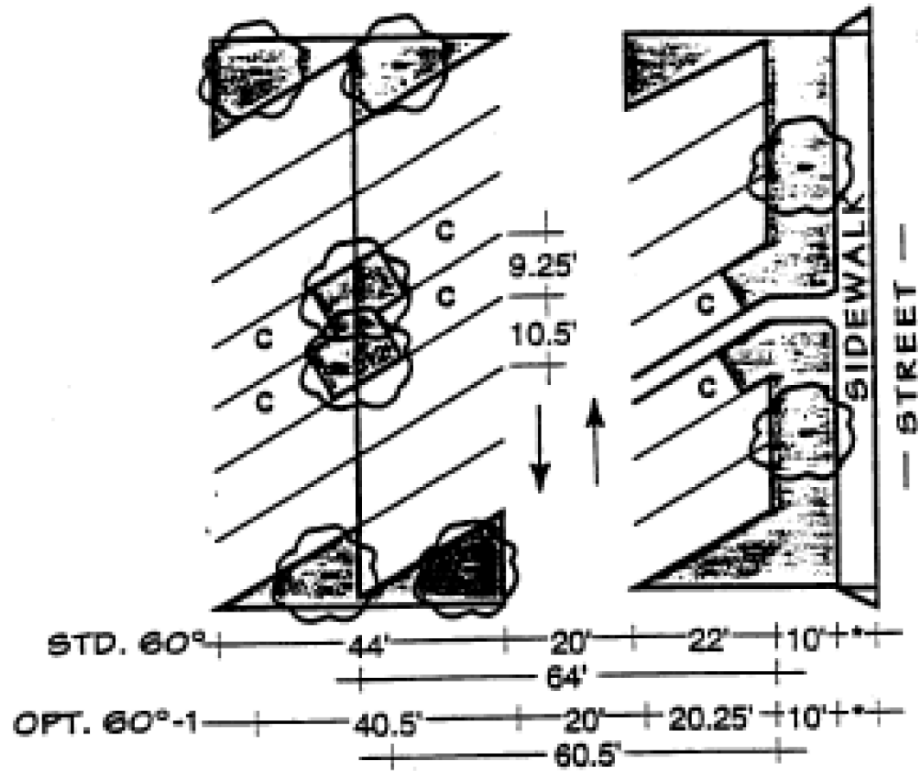
## PARKING LOT DESIGN OPTIONS, cont.

**60°**

STANDARD 60° - MINIMUM PARKING SPACE 9' X 20'

OPTION 60°-1 - MINIMUM PARKING SPACE 9' X 18'

C- ALL COMPACT PARKING SPACES ARE 8' X 18'



\* SIDEWALK WIDTH IN ACCORDANCE WITH CITY STANDARDS FOR THE STREET CLASSIFICATION.

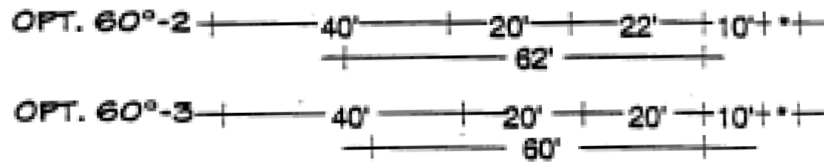
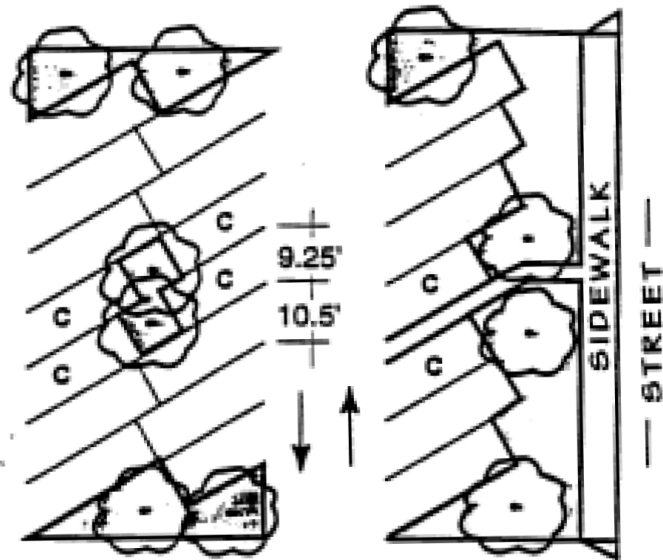
## PARKING LOT DESIGN OPTIONS, cont.

**60°**

OPTION 60°-2 - MINIMUM PARKING SPACE 9' x 20'

OPTION 60°-3 - MINIMUM PARKING SPACE 9' x 16'

C- ALL COMPACT PARKING SPACES ARE 9' x 16'



\* SIDEWALK WIDTH IN ACCORDANCE WITH CITY STANDARDS FOR THE STREET CLASSIFICATION.

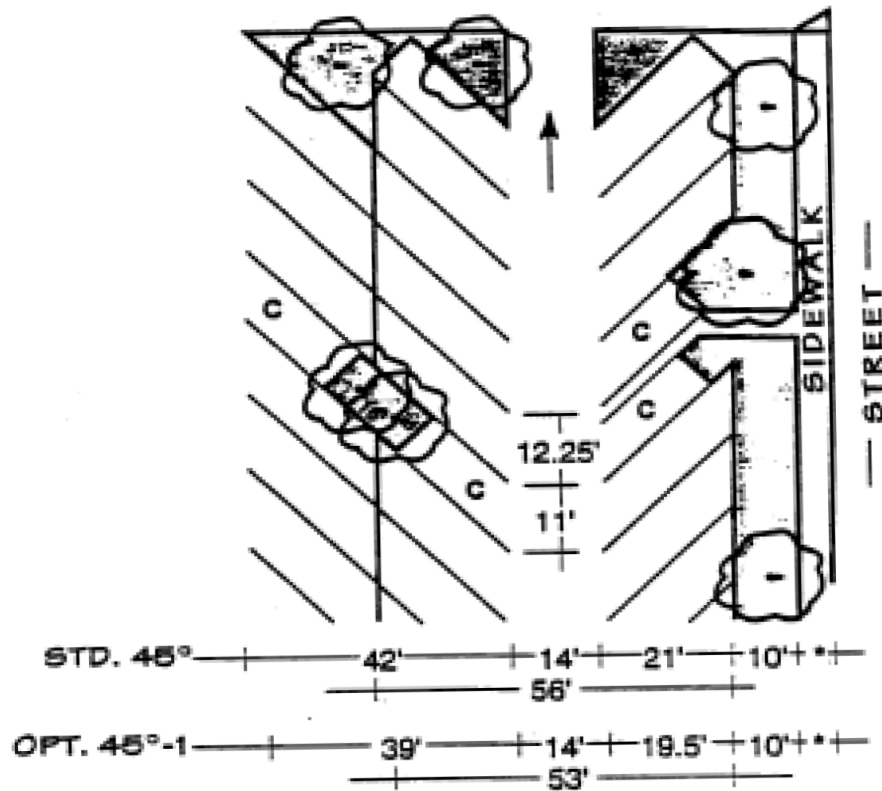
## PARKING LOT DESIGN OPTIONS, cont.

**45°**

STANDARD 45° - MINIMUM PARKING SPACE 9' X 20'

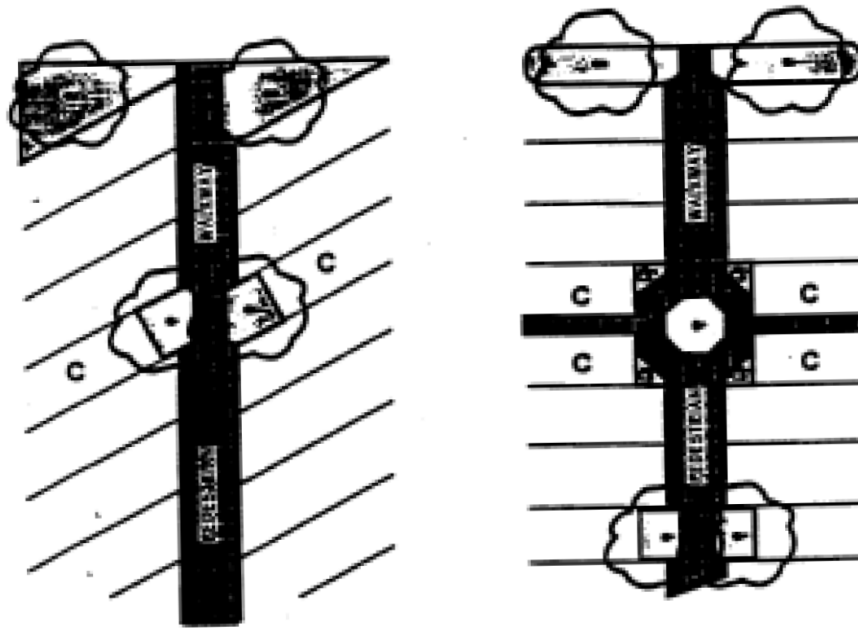
OPTION 45°-1 - MINIMUM PARKING SPACE 9' X 18'

C- ALL COMPACT PARKING SPACES ARE 8' X 16'



\* SIDEWALK WIDTH IN ACCORDANCE WITH CITY STANDARDS FOR THE STREET CLASSIFICATION.

## PEDESTRIAN WALKWAY OPTIONS



DESIGNS ALLOW PEDESTRIANS TO WALK TO OR FROM THEIR CARS OR TO SIDEWALKS ON ADJOINING STREETS WITH MINIMAL CONFLICT WITH PARKING LOT TRAFFIC.

- b. The type, scale and proportion of landscape materials shall be appropriate to the site and/or structures to which they relate.
- c. Plant material shall be selected for interest in its structure, texture, color, ultimate growth and water efficiency. Plants that are native or climate adaptive to the high desert area of Lancaster and/or others that will be hardy, harmonious with project design, and of good appearance, shall be used. Drought-resistant varieties of plants shall be used wherever feasible. Turf shall not be permitted. Drought-resistant varieties of plants shall be used in accordance with Title 8, Chapter 8.50, Landscaping Installation and Maintenance of the Lancaster Municipal Code.
- d. Landscaped areas shall be irrigated by an automatic system with separate stations for each hydrozone. The irrigation system shall be designed and equipped to incorporate water conservation techniques such as drip systems, moisture sensors and anti-drain valves. Sprinkler systems shall be designed to prevent water from falling onto impervious surfaces. The system shall comply with Title 8, Chapter 8.50, Landscaping Installation and Maintenance of the Lancaster Municipal Code.
- e. All areas which are within a site which has been approved by the city for development as a site plan or approved phase thereof, which are not needed for buildings, sidewalks, vehicle access or parking, shall be landscaped.

- f. All landscaped planter areas shall be completely bordered by a 6-inch P.C.C. curbing to prevent irrigation runoff and act as a wheel stop where necessary. Where used as a wheel stop, the 6-inch curb may be counted toward the required length of the parking space.
- g. All interior areas of parking lots shall be landscaped with a minimum of one shade tree plus one shade tree for each 4 parking spaces along with the other plant materials.
- h. Lots of 5,000 square feet or less in area shall have the area used for vehicle ingress, egress, circulation and parking, landscaped in accordance with the following percentages:

Zone	Landscaping
LI	5%
HI	2%

Only landscaped areas exclusive of curbs shall qualify toward meeting this requirement and no landscaped area with a dimension of less than 2 feet shall be credited toward meeting the landscape requirement.

- i. Lots of more than 5,000 square feet in area shall have the area used for vehicle ingress, egress, circulation and parking, landscaped in accordance with the following percentages:

Zone	Landscaping
LI	7%
HI	4%

Only landscaped areas exclusive of curbs shall qualify toward meeting this requirement and no landscaped area with a dimension of less than 2 feet shall be credited toward meeting this landscape requirement.

- j. Where off-street parking areas abut local or collector public streets, such areas shall be separated from an abutting street by a continuous landscaped planter which extends parallel to the street frontage of the parking area. Said planter shall be a minimum of 10 feet in width exclusive of perimeter curbs. Up to ½ of the area of this required landscaped planter may be counted toward fulfilling the requirements of subsection A.8.h. or i. (See Section 17.16.130.B.2.E and 17.16.130.B.4., regarding landscaping in yards.)
- k. Trees and landscaping shall be utilized wherever possible to shade buildings as a means of enhancing energy conservation.
- l. No tree shall be less than 15 gallon size. At least 50% of all shrubs shall be of 5-gallon size, and no shrub shall be less than one-gallon size. Ground covers shall be planted no further apart than 6 inches on center.
- m. All landscaped areas shall be continuously and properly maintained in good condition. (See definition of landscape maintenance in Section 17.04.240.)

**10. 9-Lighting.** The intent of this requirement is to properly illuminate the site without producing an adverse impact on neighboring property. Exterior lighting of the building and site shall be provided, maintained and utilized during the hours of darkness in accordance with the following requirements:

- a. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be compatible with building design.
- b. Placement of lighting shall be in accordance with recognized crime prevention, and safety principles.



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11. ~~10.~~ Outside storage or display. All outside storage shall be developed to comply with all standards set forth herein, except for those uses which have been specifically exempted therefrom:

- a. The uses listed in Section 17.16.130 B.5. are exempt from these requirements except for the following uses which shall comply:
  - 1) Automobile impound yards;
  - 2) Electric distribution substations;
  - 3) Equipment rental and sales shall comply in the LI zone only;
  - 4) Gas metering and control stations, public utility.
- b. All outside storage or display in the LI zone which is open to view from any street or highway abutting the lot or parcel of land upon which it is conducted, or which is open to view from any other lot or parcel shall be screened from view by a solid masonry wall constructed to Los Angeles County D-65 standards or as otherwise specified by the city. Gates, where used, shall also be of solid construction unless another design is approved by the Director. Chain link with slats is not acceptable.
- c. All outside storage or display in the HI zone which is open to view from freeways, expressways or arterial streets abutting the lot or parcel of land upon which it is conducted, or which is open to view from any area zoned or used for residential purposes, or which is open to view from any existing industrial use of a nature which, in the opinion of the Director, is adversely affected by the appearance of the outside storage or display, shall be screened from view by a solid masonry wall constructed to Los Angeles County D-65 standards or as otherwise specified by the city. Gates, where used, shall be of solid construction unless another design is approved by the Director. Chain link with slats is not acceptable.
- ~~d. All walls or fences shall be of uniform height in relation to the ground upon which they stand and shall be a minimum of 6 feet and shall not exceed 15 feet in height. The actual height shall be based upon the height of the materials to be stored and methods of stacking said materials and the need for security. (See subsection A.10.f.4) of this section for clarification.)~~
- ~~d.~~<sup>d.</sup> All outside storage and display or portions thereof which do not fall under the requirements of subsection A.10.c. of this section shall be fenced with chain link or other durable metal material approved by the Director. No wood fence materials will be allowed. All fences shall be of uniform height in relation to the ground upon which they stand and no fence shall be less than 6 feet and shall not exceed 15 feet in height. The actual height shall be based upon the height of materials to be stored and methods of stacking such materials and the need for security.
- ~~e.~~<sup>e.</sup> All portions of outside storage and display areas shall meet the following requirements:
  - 1) The site shall be graded to drain properly as required by the Director.
  - 2) Applicants must obtain approval of the Los Angeles County Fire Department prior to obtaining any city permits for any use that includes the manufacture, use or storage of hazardous materials or wastes.
  - 3) The surface of the site shall be covered with at least 2 inches of crushed rock to prevent dust, or if hazardous materials are used or wastes are stored anywhere in the outdoor storage area, the entire area where such materials are used or stored shall, at a minimum, be paved in accordance with the standards of subsection A.2.a. of this section without expansion joints and with a curb for containment in accordance with city standards. Additional requirements may be imposed by the Los Angeles County Fire Department.
  - 4) All raw material, equipment, by-product, waste or finished products:

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- a) Shall not be stored above the height of the wall or fence enclosing the area; and
  - b) Shall not be stored within 300 feet of residentially zoned property, except where such property is separated by an arterial street; and
  - c) Shall be stored in a manner that will not allow any material to be blown from the enclosed storage area; and
  - d) Shall not be placed or allowed to remain outside the enclosed storage area.

~~f.-g.~~ The design requirements for outside storage and display as set forth in this title shall not relieve the proprietors of such uses from complying with all applicable regulations, laws and ordinances of the city of Lancaster, county of Los Angeles, state of California, or the United States.

12. ~~11.~~ Screening.

a. Screening standards applicable to all I zones:

- 1) Where mechanical equipment, junction boxes, satellite antennae, meters and similar utility equipment is ground mounted it shall be enclosed or screened from view where necessary to preclude visibility from freeways, expressways and arterial streets and adjacent properties.
- 2) Parking areas adjacent to streets shall be screened with landscaping in the required yards and with low decorative walls, berms or combinations thereof. Where walls are used they shall be placed so as not to obscure landscaped areas from the street.

b. Screening standards applicable to the LI zone:

- 1) All rooftop mechanical equipment, ducts, tanks, satellite antennae, etc., shall be enclosed or otherwise screened from view from all sides of the building. (This requirement does not include wind-powered turbines used for ventilation.)
- 2) Loading areas shall be screened from view where necessary to preclude visibility from public streets and highways and adjacent properties.

c. Screening standards applicable to the HI zone:

- 1) All rooftop mechanical equipment, ducts, tanks, satellite antennae, etc., shall be enclosed or otherwise screened from view from all sides of the building only where necessary to preclude visibility from freeways, expressways or arterial streets or adjoining residential, commercial or light industrial areas. (This requirement does not include wind-powered turbines used for ventilation.)
- 2) Loading areas shall be screened from view only where necessary to preclude visibility from freeways, expressways and arterial streets and adjacent residentially and commercially zoned properties.

13. ~~12.~~ Service for Utilities. All on-site utility services shall be underground.

14. ~~13.~~ Signs.

a. Sign design standards applicable to all I zones:

- 1) The colors, materials and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
- 2) The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.

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- 3) The light source of externally illuminated signs shall not be visible.
  - 4) No sign shall be placed in or over any public right-of-way.
  - 5) Street numbers of all buildings shall be prominently located and not less than 8 inches in height on a contrasting background to be easily read from the street by public safety personnel (i.e., police, fire, ambulance).
- b. Sign design standards applicable only to the LI zone:
- 1) Use of individual letters for all signing is preferred and encouraged over "cabinet" signs. Where cabinet signs are utilized, such cabinet must be integrated into the design of the building or structure.

15. 14. Refuse/Recycling Storage. Commercial, industrial and institutional uses shall have on the same lot or parcel a refuse/recycling storage area at a ratio of 20 square feet of refuse/recycling storage area for each 1,000 square feet or portion thereof of net floor area of the facility but not less than 6 feet in width nor less than 18 in length (exterior dimension). Such storage areas shall include separate containers for waste and for materials to be recycled. Each container shall be clearly marked or color coded for its intended use. Such storage areas shall be enclosed on 3 sides by a minimum 5-foot-high reinforced masonry or concrete wall with a sight-obscuring gate of noncombustible materials which is the same height as the enclosing walls. The floor of the enclosure shall be of concrete construction and the walls shall be protected by a concrete curb not less than 2 inches high by 6 inches wide or conventional concrete wheel stops to preclude damage by dumpsters. Such storage areas shall not be placed in a location which is openly exposed to a fronting street or a neighboring residential area.

16. 15. Special Standards for Automobile Dismantling, Scrap Metal Processing Yards and Junk and Salvage Yards. No automobile dismantling yard or junk and salvage yard (as defined in Section 17.04.240) shall be permitted or maintained in the HI zone unless it complies with the following requirements:

- a. All operations and storage, including all equipment used in conducting such business, other than parking, shall be conducted within an enclosed building, or within an area fully enclosed by a solid wall. No wrecked or dismantled vehicles, salvage or junk shall be placed or allowed to remain outside of the enclosed yard area.
- b. No wrecked or dismantled vehicles, salvage or junk shall be stored at a height greater than the surrounding wall.
- c. Where walls are required they shall be developed in accordance with the following standards:
  - 1) All walls shall be of a uniform height in relation to the ground upon which they stand, and shall be a minimum of 8 feet and shall not exceed 15 feet in height. No walls shall be placed in a required front or street side yard established by Section 17.16.130.B.2.

The required setback shall be landscaped in accordance with Sections 17.16.130.B.2.e., 17.16.130.B.4. and 17.16.220. All landscaped areas shall be continuously and properly maintained in good condition as defined in this title.

- 2) Walls shall be constructed of masonry to the structural standards specified by the Director.
- 3) Gates: shall be of solid construction. (Chain link with slats does not fulfill this requirement.)
- 4) Other interior fences or walls not open to view may be constructed of alternative materials as approved by the Director.
- 5) All fences and walls shall be constructed in a workmanlike manner and shall consist solely of new materials unless the Director approves the substitution of used materials where, in

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his opinion, such used materials will provide the equivalent in service, appearance, and useful life.

- 6) All walls shall be a uniform neutral color excluding black, which blends with the surrounding terrain and improvements and shall be maintained in a neat, orderly condition at all times. Such wall may contain signs as approved by the Director in lieu of freestanding signs with an area not to exceed the sign area permitted for freestanding signs.
- 7) Any structures which are used as part of the yard boundaries and/or are exposed to view from the street frontage shall be painted to conform with the color of the fencing. The Director may approve other appropriate architectural treatment.

d. Paving.

- 1) The entire yard shall be paved with an asphalt surfacing as specified in subsection A.2.b. of this section or the Director may approve other paving materials which provide, in his opinion, the equivalent in service and useful life. The requirement may be waived where the Director finds that no dust or other problem would be aggravated by the absence of surfacing.
- 2) If hazardous materials are used or wastes are stored anywhere in an outdoor storage area, the entire storage area and area where the materials are used shall be paved in accordance with subsection A.2.a. of this section without expansion joints and with a curb sufficient for containment in accordance with city standards.

- e. The special standards for automobile dismantling yards and junk and salvage yards set forth in this title shall not relieve the proprietors of such yards from complying with all regulations, laws and ordinances of the city of Lancaster, county of Los Angeles, state of California or the United States.

17. ~~16.~~ Hazardous Materials. Applicants must obtain the approval of the Los Angeles County Fire Department prior to obtaining any city permits for any use which includes the manufacture or use, of hazardous materials or the storage of hazardous materials or wastes.

18. ~~17.~~ Radioactive Materials. The use of radioactive materials shall be limited to measuring, gauging or calibration equipment.

19. ~~18.~~ Noise. Uses which generate noise by the nature of their function and/or processes shall be required to demonstrate that the noise levels emitted from the use shall not exceed 65 dBA at any property line which abuts a commercial or residential zone or use. A detailed noise attenuation study by a qualified acoustical engineer may be required by the Director or his designated representative to determine appropriate mitigation and methods to incorporate same into project design. Site design methods which may be utilized to reduce noise include:

- a. The use of building setbacks and dedication of noise easements to increase the distance between the noise source and receiver;
- b. The location of uses and orientation of buildings which are compatible with higher noise levels adjacent to noise generators or in clusters to shield more noise-sensitive areas and uses;
- c. The placement of noise-tolerant land uses, such as parking areas, between the noise source and receiver;
- d. The placement of noise-tolerant structures, such as garages or carports, to shield noise-sensitive areas;
- e. Clustering of office or commercial structures to reduce interior open space noise levels.

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20. ~~19.~~ Projections Permitted into Yards. The following projections are permitted in the LI zone only.

- a. Eaves, cantilevered roofs, awnings and similar architectural features may project a maximum distance of 2½ feet into any required front or side yard or 5 feet into a rear yard, provided that such features shall maintain a minimum distance of 3 feet from any property line and is not less than 8 feet in height above grade. Such appendages shall be supported only at or behind the building setback line.
- b. Landing places including access stairs, which exceed an average height of 2½ feet and do not extend above the level of the first floor may project a maximum distance of 2 feet into required interior side yards, and a maximum distance of 5 feet into required front and side yards, provided such features shall maintain a minimum distance of 3 feet from any property line, and that an open-work railing installed shall not exceed 3½ feet in height.
- c. Rain conductors, spouts, utility service risers, shutoff valves, water tables, sills, capitals, bases, cornices and belt courses may project a maximum distance of one foot into any required yard.
- d. Water heaters, water softeners, and gas or electric meters, including service conduits and pipes, enclosed or in the open, may project a maximum distance of 2½ feet into a required interior or rear yard provided that such structures or equipment shall maintain a minimum distance of 3 feet to any property line.

21. ~~20.~~ Electric Vehicle Charging Stations (EVCS). New commercial and industrial development shall provide for electric vehicle charging stations in the manner prescribed as follows:

- a. New residential uses shall provide EVCSs in accordance with Section 17.08.150T.
- b. New commercial, industrial and other uses with the building or land area, capacity, or numbers of employees listed herein shall provide the electrical service capacity necessary and all conduits and related equipment necessary to ultimately serve 2% of the total parking spaces with EVCSs in a manner approved by the building and safety official. Of these parking spaces, ½ shall initially be provided with the electric vehicle supply equipment necessary to function as on-line EVCSs upon completion of the project. The remainder shall be installed at such time as they are needed for use by customers, employees or other users. EVCSs shall be provided in disabled person parking spaces in accordance with state requirements.
  - 1) Construction of a hospital of 500 or more beds, or expansion of a hospital of that size by 20% or more.
  - 2) Construction of a post-secondary school (college), public or private, for 3,000 or more students, or expansion of an existing facility having a capacity of 3,000 or more students by an addition of at least 20%.
  - 3) Hotels or motels with 500 or more rooms.
  - 4) Industrial, manufacturing, or processing plants or industrial parks that employ more than 1,000 persons, occupy more than 40 acres of land, or contain more than 650,000 square feet of gross floor area.
  - 5) Office buildings or office parks that employ more than 1,000 persons or contain more than 250,000 square feet of gross floor area.
  - 6) Shopping centers or trade centers that employ 1,000 or more persons or contain 500,000 square feet of gross floor area.
  - 7) Sports, entertainment, or recreation facilities that accommodate at least 4,000 persons per performance or that contain 1,500 or more fixed seats.

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8) Transit projects (including but not limited to transit stations and park and ride lots).

B. When abutting or adjacent to residentially zoned property, the following requirements shall also be applied:

1. Artificial lighting used to illuminate the premises shall be directed away from adjacent residentially zoned properties.
2. Where multi-story buildings are to be utilized on lots abutting residentially zoned properties, such buildings shall be located or oriented in a manner which will minimize visual intrusion into neighboring residentially zoned property. (This may be accomplished by setting the building back from the abutting property line beyond the distance required for the yard, selective placement or screening of windows, orienting the building in a manner which will not give occupants a direct view into the yards or windows of neighboring residents.)
3. No signs shall be placed in a manner which visually intrudes into adjoining residentially zoned property.
4. Trees shall be utilized as a means of improving the interface between commercial and residential uses where appropriate.
5. When abutting residentially zoned property, a masonry wall of not less than 6 feet in height shall be provided at the property line in accordance with the provisions for walls specified in Section 17.28.030.C to minimize conflicts between commercial and residential uses. This requirement shall be modified, where necessary to preclude interference with line-of-sight of a driver within 10 feet of any street, highway or alley, down to a maximum height of 42 inches. The design of the wall shall be considered as part of the site plan review. The site and any buildings thereon shall be designed to locate noise- and odor-generating equipment and activity in a manner which will have a minimal impact on abutting residentially zoned property. Such techniques may include, but are not limited to, no windows on the building wall(s) facing residentially zoned property, insulating structures housing equipment against noise, limitation of the hours of equipment operation, and other controls designed for specific problems. It shall be the burden of the applicant to prove that his project will not have a detrimental effect on neighboring residential property at the time of site plan review.

C. All uses shall comply with the air quality standards of the Air Quality Management District (AQMD) or the city of Lancaster, whichever is more restrictive.

(Ord. 790 § 1 (Exh. A), 2001; Ord. 713 § 5 (part), 1995; Ord. 711 §§ 17 (part), 18 (part), 19(C) (part), 29 (part), 34 (part), 35 (part), 1995; prior zoning ord. § 241.080)

(Ord. No. 907, § 6, 10-28-08; Ord. No. 1070, § 4(Exh. A), 1-14-2020)

### ***Article III. Reserved<sup>4</sup>***

#### **17.16.230—17.16.430 Reserved.**

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<sup>4</sup>Editor's note(s)—Ord. No. 945, § 5, adopted July 13, 2010, amended the Code by repealing former Art. III, §§ 17.16.230—17.16.430, in its entirety. Former Art. III pertained to the Business Park (BP) zone, and derived from the prior zoning ord., §§ 242.010, 242.020, 242.021, 242.023—242.027, 242.030, 242.031, 242.040, 242.041, 242.050, 242.060, 242.061, 242.063—242.065, 242.067, 242.068, 242.070—242.072, 242.074, 242.075, 242.080; Ord. 651 of 1993; Ord. 676 of 1996; Ords. 711 and 713 of 1995; and Ord. No. 924, adopted August 25, 2009.

## ***Article IV. Sexually Oriented Businesses***

### **17.16.440 Purpose and intent.**

It is the intent of this article to prevent community wide adverse economic impacts, increased crime, increased incidence of communicable disease, decreased property values, and the deterioration of neighborhoods which can be brought about by the concentration of adult-oriented businesses in close proximity to each other or to other incompatible uses such as schools for minors, churches, and residentially zoned districts or uses. The city council finds that it has been demonstrated in various communities that the concentration of adult-oriented businesses causes an increase in the number of transients in the area, and an increase in crime, and in addition to the effects described above can cause other businesses and residents to move elsewhere. It is, therefore, the purpose of this article to establish reasonable and uniform regulations to prevent the concentration of adult-oriented businesses or their close proximity to incompatible uses, while permitting the location of adult-oriented businesses in certain areas.

It is the further purpose of this article to regulate adult-oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the city. The provisions of this article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult-oriented materials and paraphernalia protected by the First Amendment. Similarly, it is not the intent or effect of this article to restrict or deny access by adults to adult-oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors and performers of adult-oriented entertainment to their intended market. Neither is it the intent or effect of this article to condone or legitimize the distribution of obscene material.

(Ord. 801 § 2 (part), 2001: Prior zoning ord. § 251.010)

### **17.16.450 Definitions.**

For the purposes of this article certain terms and words are defined as follows:

"Adult-oriented business" means any one of the following:

1. "Adult arcade" means an establishment where, for any form of consideration, one or more electrically, electronically, or mechanically controlled still or motion picture machines or projectors, video or laser disc players, or other image producing devices are maintained, for viewing by 5 or fewer persons per machine at any one time, and are used to show films, computer generated images, motion pictures, video cassettes, slides or other photographic reproductions, 30 percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
2. "Adult bookstore" means a commercial establishment which, as a regular and substantial course of conduct, offers for sale or rental for any form of consideration any one or more of the following:
  - a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, any material in digital form (including, but not limited to, compact disc (CD) or digital video disc (DVD), slides, or other visual representations which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas, or,

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- b. Instruments, devices, or paraphernalia, except for clothing, which are designed for use in connection with specified sexual activities. The phrase "regular and substantial course of conduct" as applied to an adult bookstore shall mean the following:
- 1) The business devotes more than 25% of its retail inventory (not measured by the number of items but rather by the cost to the business owner of the inventory) to merchandise distinguished or characterized by an emphasis upon specified sexual activities or specified anatomical areas; or
  - 2) The business devotes more than 25% of the retail floor area to merchandise that is distinguished or characterized by an emphasis upon specified sexual activities and specified anatomical areas; or
  - 3) The retail value of merchandise that is distinguished or characterized by an emphasis upon specified sexual activities and specified anatomical areas exceeds 25% of the total retail value of inventory offered in each of the following categories: (a) books, (b) magazines, (c) video tapes or any material in digital format (including, but not limited to, compact disc (CD) or digital video disc (DVD)), for sale or rental, (d) novelties and devices, and (e) on-premises viewing of images, films, and/or videos; or
  - 4) Gross revenue derived from merchandise in any category set forth in paragraph (c) above exceeds 25% of the total gross revenue for the category.

"Adult cabaret" means a nightclub, restaurant, bar or similar business establishment which regularly features (1) live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities; and/or (2) persons who appear semi-nude or nude; and/or (3) films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions (including without limitation digital images such as compact disc (CD) or digital video disc (DVD) images), which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

"Adult hotel/motel" means a hotel or motel or similar business establishment offering public accommodations for any form of consideration which, (1) provides patrons with closed-circuit television transmissions, films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions 30 percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; and (2) either (a) rents, leases, lets or allows the subletting or subrental of any room for less than a 10-hour period, or rents, leases, or lets any single room more than twice in a 24-hour period, or (b) has a sign visible from the public right of way which advertises the availability of the above-described photographic reproductions.

"Adult motion picture theater" means a business establishment where, for any form of consideration, films, computer generated images, motion pictures, video cassettes, slides or similar photographic reproductions are shown for viewing by 5 or more patrons at any one time, 30 percent or more of the number of which, in any month, are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

"Adult theater" means a theater, concert hall, auditorium, or similar business establishment which, for any form of consideration regularly features persons who appear in a state of nudity or semi-nudity and/or features live performances which are distinguished or characterized by an emphasis on the display of specified anatomical areas or specified sexual activities.

"Adult-oriented business operator" (hereinafter "operator") means a person who supervises, manages, inspects, directs, organizes, controls or in any other way is responsible for or in charge of the premises of an adult-oriented business or the conduct or activities occurring on the premises thereof.



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"Applicant" means a person who is required to file an application for a permit under this chapter, including an individual owner, managing partner, officer of a corporation, or any other operator, manager, employee, or agent of an adult-oriented business.

"Bar" means any commercial establishment licensed by the State Department of Alcoholic Beverage Control to serve any alcoholic beverages on the premises.

"City manager" means the city manager of the city of Lancaster or the authorized representatives thereof.

"Distinguished or characterized by an emphasis upon" means and refers to the dominant or essential theme of the object described by such phrase. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon" the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or predominant character and theme are the depiction of the enumerated sexual activities or anatomical areas.

"Employee" means a person who performs any service on the premises of an adult-oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises of the adult-oriented business to render only repair or maintenance services or to deliver equipment or goods to the adult-oriented business as long as such persons are not nude or semi-nude.

"Establishment" of an adult-oriented business. As used herein, to "establish" an adult-oriented business shall mean and include any of the following:

1. The opening or commencement of any adult-oriented business as a new business;
2. The conversion of an existing business, whether or not an adult-oriented business, to any adult-oriented business as defined herein;
3. The addition of any of the adult-oriented businesses defined herein to any other existing adult-oriented business; or
4. The relocation of any such adult-oriented business.

"Figure model" means any person who, for pecuniary compensation, consideration, hire or reward, poses in a modeling studio to be observed, sketched, painted, drawn, sculptured, photographed or otherwise depicted.

"Health officer" means the health officer of the city or his or her duly authorized representative.

"Modeling studio" means a business which provides, for pecuniary compensation, monetary or other consideration, hire or reward, figure models who, for the purposes of sexual stimulation of patrons, display specified anatomical areas to be observed, sketched, photographed, painted, sculpted or otherwise depicted by persons paying such consideration.

"Nude," "nudity," or a "state of nudity" means the showing of the human male or female genitals, pubic area, or anus with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of completely or opaquely covered male genitals in a discernibly turgid state.

"Operate an adult-oriented business" means the supervising, managing, inspecting, directing, organizing, controlling or in any way being responsible for or in charge of the conduct of activities of an adult-oriented business or activities within an adult-oriented business.

"Permittee" means the person to whom an adult-oriented business permit or adult-oriented business employee permit is issued.

"Person" means any individual, proprietorship, partnership, firm, association, joint stock company, corporation, or other legal entity, or combination of the above in whatever form or character.

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"Regularly features" with respect to an adult theater or adult cabaret means a regular and substantial course of conduct. The fact that live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities occur on 2 or more occasions within a 30 day period; 3 or more occasions within a 60 day period; or 4 or more occasions within a 180 day period, shall to the extent permitted by law be deemed to be a regular and substantial course of conduct.

"Religious institution" means a structure which is used primarily for religious worship and related religious activities.

"School" means any child or day care facility, or an institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university.

"Semi-nude" means a state of dress in which opaque clothing covers no more than the genitals, pubic region, anus and areola of the female breast, as well as portions of the body covered by supporting straps or devices. This definition shall include a state of dress in which the entire lower portion of the human female breast is exposed, but shall not include any state of dress in which the cleavage of the human female breast, exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel is exposed, so long as the areola is not exposed in whole or in part.

"Sexual encounter center" means a business enterprise that, as one of its principal purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between individuals, one or more of whom is in a state of nudity or a semi-nude condition.

"Specified anatomical areas" shall mean and include any of the following:

1. Less than completely and opaquely covered human (i) genitals or pubic region; (ii) anus or buttocks; and (iii) female breast below a point immediately above the top of the areola;
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered;
3. Any device, costume or covering that simulates any of the body parts included in subsections 1 or 2 above.

"Specified sexual activities" shall mean and include any of the following, whether performed directly or indirectly through clothing or other covering:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;
2. Sex acts, including but not limited to intercourse, oral copulation, or sodomy;
3. Masturbation;
4. Excretory functions as part of or in connection with any of the other activities described in subdivision 1 through 3 of this subsection.

"Transfer ownership or control of an adult-oriented business" means and includes (i) the sale, lease, or sublease of the business; or (ii) the transfer of securities which constitute a controlling interest in the business whether by sale, exchange or similar means; or (iii) the establishment of a trust, gift or other similar legal device which transfers ownership or control of the business, except for transfer by bequest or other operation of law on the death of a person possessing ownership or control.

(Ord. 801 § 2 (part), 2001: Prior zoning ord. § 251.010)

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### **17.16.460 Prohibition.**

From and after January 10, 2002, no adult-oriented business shall be established, located or operated in any zone in the city other than within the heavy industry (HI) category of the industrial (I) zones, as specified in this article, and subject to all regulations and conditions enumerated in this title. Any business which did not constitute an adult oriented business or a sexually oriented business prior to January 10, 2002, but which would be deemed an adult-oriented business under this article, which was legally established and for which all applicable permits and licenses were issued and remain effective as of January 10, 2002 shall not be deemed to be an adult-oriented business subject to the provisions of this article, except to the extent (i) such business ceases operating in conformity with any permit issued in conjunction with the establishment thereof; or (ii) the floor area of such business utilized for the sale of merchandise distinguished by or characterized by an emphasis upon specified sexual activities or specified anatomical areas increases by more than 15% over the floor area utilized for such purpose and existing as of January 10, 2002; or (iii) the retail inventory (measured by cost to the business owner of the inventory or by the retail value of the merchandise) distinguished or characterized by an emphasis upon specified sexual activities or specified anatomical areas increases by more than 15% over the amount of such inventory being merchandised as of January 10, 2002; or (iv) the number of performances distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities increases by 15% in any applicable period of time.

(Ord. 801 § 2 (part), 2001: Prior zoning ord. § 251.020)

### **17.16.470 Amortization of nonconforming adult-oriented business uses.**

Any use of real property as an adult-oriented business existing on the effective date of this ordinance, which was in conformity with the provisions of Article IV of Chapter 17.16 of Title 17 of the code prior to effective date of this ordinance, and which was constructed, operated, and maintained in compliance with all previous regulations, but which, after the date of this ordinance does not comply with Sections 17.16.460 and 17.16.490 of the code (but does comply with all other provisions of this article), shall be regarded as a nonconforming use which may be continued until 18 months after the effective date of this ordinance. On or before such date, all such nonconforming uses shall be terminated unless an extension of time has been approved by the director in accordance with the provisions of this Section 17.16.470. This section does not authorize a business subject to its terms to expand or materially change the nature of its operation during the period in which such business is allowed under this section to continue its operation.

- A. Abandonment. Notwithstanding the above, any discontinuance or abandonment of the use of any lot or structure as a legal nonconforming adult-oriented business shall result in a loss of the legal nonconforming status of such use.
- B. Amortization — annexed property. Any adult-oriented business which was a legal use at the time of annexation of the property and which is located in the city, but which does not conform to the provisions of Section 17.16.460 and Section 17.16.490 shall be terminated within 18 months of the date of annexation unless an extension of time has been approved by the director in accordance with the provisions of this Section 17.16.490.

(Ord. 801 § 2 (part), 2001: Prior zoning ord. § 251.021)

### **17.16.480 Application for extension of amortization period.**

The owner or operator of a nonconforming use as described in this section may apply under the provisions of this section to the planning commission for an extension of time within which to terminate the nonconforming use.

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- A. Time and manner of application. An application for an extension of time within which to terminate a use made nonconforming by the provisions of this section, may be filed by the owner of the real property upon which such use is operated, or by the operator of the use. Such an application must be filed with the director at least 90 days but no more than 180 days prior to the time established in this Section for termination of such use.
  - B. Content of application—Fees. The application shall state the grounds for requesting an extension of time. The filing fee for such application shall be set forth in the schedule of fees established by resolution from time to time by the city council.
  - C. Hearing procedure. Within 10 days following receipt of the application, the director shall set the matter for an administrative hearing and notify the applicant of the time and date of such hearing. Such administrative hearing shall be conducted by the director or his designee, and shall be scheduled for a time and date within 30 days after the director's receipt of a completed application accompanied by the requisite filing fee. The applicant shall have the right to offer testimonial, documentary and tangible evidence relevant to the issues, and may be represented by counsel. Any hearing under this section may be continued for a reasonable time not exceeding 10 days upon agreement of all parties, for the convenience of a party or a witness. The decision of the director shall be subject to appeal pursuant to Section 17.16.580 and subject to judicial review pursuant to Code of Civil Procedure section 1094.8.
  - D. Approval of extension—Findings. An extension under the provisions of this section shall be for a reasonable period of time commensurate with the investment involved, and shall be approved only if the director finds that:
    - 1. The applicant has made a substantial investment (including but not limited to lease obligations) in the property or structure on or in which the nonconforming use is conducted; such property or structure cannot be readily converted to another use; and such investment was made prior to the date of this ordinance; and
    - 2. The applicant will be unable to recoup said investment as of the date established for termination of the use; and
    - 3. The applicant has made good faith efforts to recoup the investment and to relocate the use to a location in conformance with Section 17.16.460 and Section 17.16.490.

(Ord. 801 § 2 (part), 2001: Prior zoning ord. § 251.022)

### **17.16.490 Locational requirements.**

No adult-oriented business shall be established, located, or operated within certain distances of certain specified land uses or zones as set forth below:

- A. No such business shall be established or located within 1,500 feet of any other adult-oriented business.
- B. No such business shall be established or located within 1,500 feet of any existing residential zone (to the extent such residential zone may feasibly be used for a residential dwelling unit of a type permitted by the city), residential use, park, public building (which the public is authorized to attend), church, school, boys club, girls club, or similar existing youth organization.
- C. The distances set forth above shall be measured as a radius from the primary entrance of the adult-oriented business to the property lines of the property so zoned or used without regard to intervening structures.

(Ord. 801 § 2 (part), 2001: Prior zoning ord. § 251.026)

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### **17.16.500 Adult-oriented business permit required.**

- A. It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the city of Lancaster the operation of an adult-oriented business unless the person first obtains and continues to maintain in full force and effect a permit from the city of Lancaster as herein required ("adult-oriented business permit").
- B. It shall be unlawful for any persons to engage in or participate in any live performance depicting specified anatomical areas or involving specified sexual activities in an adult-oriented business unless the person first obtains and continues in full force and effect a permit from the city of Lancaster as herein required ("adult-oriented employee permit")

(Ord. 801 § 2 (part), 2001)

### **17.16.510 Adult-oriented business permits.**

- A. Every person who proposes to maintain, operate or conduct an adult-oriented business in the city of Lancaster shall file an application with the city manager upon a form provided by the city of Lancaster and shall pay a filing fee, as established by resolution adopted by the city council from time to time, which shall not be refundable.
- B. Adult-oriented business permits are nontransferable, except in accordance with Section 17A6.530. Therefore, all applications shall include the following information:
  - 1. If the applicant is an individual, the individual shall state his or her legal name, including any aliases, address, and submit satisfactory written proof that he or she is at least 18 years of age.
  - 2. If the applicant is a partnership, the partners shall state the partnership's complete name, address, the names of all partners, whether the partnership is general or limited, and attach a copy of the partnership agreement, if any.
  - 3. If the applicant is a corporation, the corporation shall provide its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of California, the names and capacity of all officers and directors, the name of the registered corporate agent and the address of the registered office for service of process.
  - 4. If the applicant is an individual, he or she shall sign the application. If the applicant is other than an individual, an officer of the business entity or an individual with authority to bind the entity shall sign the application.
  - 5. If the applicant intends to operate the adult-oriented business under a name other than that of the applicant, the applicant shall file the fictitious name of the adult-oriented business and show proof of registration of the fictitious name.
  - 6. A description of the type of adult-oriented business for which the permit is requested and the address where the adult-oriented business is proposed to operate, plus the names and addresses of the owners and lessors of the adult-oriented business site.
  - 7. The address to which notice of action on the application is to be mailed.
  - 8. The names of all employees, independent contractors, and other persons who will perform at the adult-oriented business, who are required by Section 17.16.540 to obtain an adult-oriented business employee permit (for ongoing reporting requirements see Section 17.16.540, subsection A).

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9. A sketch or diagram showing the interior configuration of the premises, including a statement of the total floor area occupied by the adult-oriented business. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus 6 inches.
  10. A straight-line drawing prepared within 30 days prior to application accurately depicting the building and the portion thereof to be occupied by the adult-oriented business, and: (1) the property line of any other adult-oriented business within 1500 feet of the primary entrance of the adult-oriented business for which a permit is requested; and (2) the property lines of any church, school, park, public building, boys club, girls club, youth center, recreational area, or residential zone or use within 1500 feet of the primary entrance of the adult-oriented business.
  11. A diagram of the off-street parking areas and premises entries of the adult-oriented business showing the location of the lighting system required by Section 17.16.590(c).
  12. Whether the applicant or principals thereof have been convicted, within the past five years, of a sexual crime against children, sexual abuse, rape, or crimes connected with another adult-oriented business including, but not limited to, distribution of obscenity or material harmful to minors, prostitution or pandering and, if so, the dates of conviction, confinement, and release, or has been convicted of a crime requiring registration under Penal Code Section 290.
  13. Whether the applicant or any of the other individuals identified in the application pursuant to this section has had a previous permit under this title or other similar ordinances from another city or county denied, suspended or revoked, including the name and location of the adult-oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant or any other individual identified in the application pursuant to this section has been an owner, partner in a partnership or an officer, director or principal stockholder of a corporation that is permitted under this article whose permit has previously been denied, suspended or revoked, including the name and location of the adult-oriented business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.
  14. Whether the applicant or any other individual identified in the application pursuant to this section holds any other permits and/or licenses under this article or any other similar adult oriented business ordinance from another city or county and, if so, the names and locations of such other permitted businesses.
- B. The fact that an applicant possesses other types of state or city permits or licenses does not exempt the applicant from the requirement of obtaining an adult-oriented business permit.

(Ord. 801 § 2 (part), 2001)

#### **17.16.520 Investigation and action on application for adult-oriented business permit.**

- A. The city manager shall determine whether the application contains all of the information required by the provisions of this article. If it is determined that the application is not complete, the applicant shall be sent a notice in writing within 10 business days after the date of receipt of the application that the application is not complete and the reasons therefor. The applicant shall have 30 calendar days from the date of the notice to submit additional information to render the application complete. The applicant's failure to submit the additional information within this time period renders the application null and void. Within 5 business days following the receipt of a supplemental or amended application, the city manager shall again determine whether the application is complete. Evaluation and notification shall occur as provided above until such time as the application is found to be complete. Once the application is found to be complete, the applicant

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shall be notified within 5 business days of that fact. If an applicant submits 2 consecutive incomplete applications, the applicant shall be notified in writing that a new application must be filed with the city manager as set forth herein.

- B. Upon receipt of a completed application and payment of the filing fee, the city manager or his or her designee shall immediately stamp the application as received, and issue a temporary permit to the applicant, which shall be valid for 30 business days after the date of issuance, unless earlier terminated by the denial of the adult business permit. The city manager or his or her designee shall promptly investigate the information contained in the application to determine whether the applicant shall be issued an adult-oriented business permit. As part of this investigation, the city manager or his or her designee shall promptly send photocopies of the completed application to the Los Angeles County sheriff's office and any other city departments or other agencies responsible for enforcement of health, fire and building codes and laws. Each department or agency shall promptly investigate the applicant, application and proposed adult oriented business in accordance with its responsibilities under law and as set forth in this title, which investigation shall be completed prior to the expiration of the 30 day time period set forth in subsection C below. At the conclusion of such investigation, each department or agency shall indicate on the photocopy of the application its approval or disapproval of the application, date it, sign it, and, in the event it disapproves, state the reasons therefor and return the photocopy immediately to the city manager or his or her designee. A department or agency shall only disapprove an application if it finds the proposed adult-oriented business will violate any provision of any statute, code, ordinance, regulation or other law in effect in the city. The Los Angeles County Sheriff's office shall only be required to certify the records request check and shall not be required to approve or disapprove applications. In no event shall the temporary permit issued pursuant hereto constitute or grant a right to the applicant to operate an adult-oriented business in violation of Sections 17.16.460 and 17.16.490 of the code or in violation of any other zoning, building and safety, or business licensing provisions of the code.
- C. Within 30 days of receipt of the completed application, the city manager shall complete the investigation, grant or deny the application in accordance with the provisions of this section, and so notify the applicant as follows:
1. The city manager shall write or stamp "Granted" or "Denied" on the application and date and sign such notation.
  2. If the application is denied, the city manager shall attach to the application a statement of the reasons for denial.
  3. If the application is granted, the city manager shall attach to the application an adult-oriented business permit.
  4. The application as granted or denied and the permit, if any, shall be placed in the U.S. mail, first class postage prepaid, addressed to the applicant at the address stated in the application. All notices given hereunder shall be deemed given upon the date they are deposited in the U.S. mail or the date upon which personal service is provided.
- D. The city manager shall grant the application and issue the adult-oriented business permit upon findings that the proposed business meets the locational criteria of Section 17.16.460 and Section 17.16.490; and that the applicant has met all of the development and performance standards and requirements of Section 17.16.590 unless the application is denied for one or more of the reasons set forth in subsection F hereof. The permittee shall post the permit conspicuously in the adult-oriented business premises so that it may be easily read at any time by persons entering the adult-oriented business.
- E. If the city manager grants the application or if the city manager neither grants nor denies the application within 30 days after it is stamped as received (except as provided in Section 17.1 6.540A, subsection C), the applicant may begin operating the adult-oriented business for which the permit was sought, subject to strict compliance with the development and performance standards and requirements of Section 17.16.590.

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- F. The city manager shall deny the application for any of the following reasons:
1. The building, structure, equipment, or location used by the business for which an adult-oriented business permit is required do not comply with the requirements and standards of the health, zoning, fire and safety laws of the city, the county, and the state of California, or with the locational or development and performance standards and requirements of these regulations;
  2. The applicant, his or her employee, agent, partner, director, officer, shareholder or manager has knowingly made any false, misleading or fraudulent statement of material fact in the application for an adult business permit, or has failed to provide information reasonably necessary for issuance of the permit on the application form;
  3. An applicant is under 18 years of age;
  4. The required application fee has not been paid;
  5. The adult-oriented business does not comply with the city's zoning ordinance;
  6. The granting of the permit would violate a statute, ordinance, or court order;
  7. The applicant has had a permit issued pursuant to this ordinance which has been suspended or revoked at the time of application;
  8. Applicant has been convicted of a criminal act specified in Section 17.16.510, subsection B, paragraph 12 for which:
    - a. Less than 2 years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a misdemeanor offense for the specified criminal act, or
    - b. Less than 5 years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a felony offense for the specified criminal act, or
    - c. Less than 5 years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the convictions are of 2 or more misdemeanors for the specified criminal acts occurring within any 24-month period.The fact that a conviction is being appealed shall have no effect on disqualification of the applicant.
- G. If the city manager or his/her designee denies the application, he/she shall notify the applicant of the denial and state the reasons for the denial.
- H. If a person applies for a permit for a particular location within a period of 112 months from the date of denial of a previous application for a permit at the location, and there has not been an intervening change in the circumstances which could reasonably be expected to lead to a different decision regarding the former reasons for denial, the application shall be denied.

(Ord. 801 § 2 (part), 2001)

### **17.16.530 Transfer and expiration of adult-oriented business permits.**

- A. A permittee shall not operate an adult-oriented business under the authority of an adult-oriented business permit at any place other than the address of the adult-oriented business stated in the application for the permit.



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- B. A permittee shall not transfer ownership or control of an adult-oriented business permit to another person unless and until the transferee obtains an amendment to the permit from the city manager stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the city manager in accordance with Sections 17.16.510, accompanies the application with a transfer fee in an amount set by resolution of the city council, and the city manager determines in accordance with Section 17.16.510 and/or 17.16.520 that the transferee would be entitled to the issuance of an original permit under the ordinances and regulations which were in effect as of the time of the initial issuance of the original adult-oriented business permit. Notwithstanding the forgoing, to the extent the adult-oriented business is operating as a legal nonconforming use, an amendment to the permit shall not extend the legal nonconforming status of such business beyond the amortization period, if any, applicable to the adult-oriented business unless such amortization period is extended pursuant to any local ordinance or regulations in effect as of the time of the extension request.
  - C. No permit may be transferred when the city manager has notified the permittee that the permit has been or may be suspended or revoked.
  - D. Any attempt to transfer a permit either directly or indirectly in violation of this section is hereby declared void, and the permit shall be deemed revoked.
  - E. Each adult-oriented business permit shall expire 1 year from the date of issuance, and may be renewed only by filing with the city manager a written request for renewal, accompanied by the filing fee as established from time to time by the city council, and a copy of the permit to be renewed. The request for renewal shall be made at least 30 days before the expiration date of the permit. When made less than 30 days before the expiration date, the expiration of the permit will not be stayed. Applications for renewal shall be acted on as provided herein for action upon applications for permits. If the city manager or his or her designee determines that there has been no change in the configuration or operation of the permitted adult-oriented business which would call into question the continued satisfaction of all requirements of this ordinance, the permit shall be renewed. If the city manager or his or her designee determines that there has been such a change in the configuration or operation of the adult- oriented business, the city manager may require the permittee to submit a complete new permit application pursuant to Section 17.16.510. In such event, and to the extent the request for renewal has been submitted at least 30 days prior to expiration of the permit, the expiration of the existing permit shall be stayed pending a decision on the new permit application.

(Ord. 801 § 2 (part), 2001: Prior zoning ord. § 251.027)

#### **17.16.540 Adult-oriented business employee permit.**

- A. No person shall engage in or participate in any live performance depicting specified anatomical areas or involving specified sexual activities in an adult-oriented business, nor shall any employee as defined in Section 17.16.450, be employed at an adult-oriented business, without a valid adult-oriented business employee permit issued by the city to such person. All persons who have been issued an adult-oriented business permit shall promptly supplement the information provided as part of the application for the permit required by Section 7.16.510, subsection B, with the names of all performers and employees required to obtain an adult-oriented business employee permit, within 30 days of any change in the information originally submitted. Failure to submit such changes shall be grounds for suspension of the adult-oriented business permit.
- B. The city manager shall grant, deny and renew adult-oriented business employee permits.
- C. The application for a permit shall be made on a form provided by the city manager. An original and 2 copies of the completed and sworn permit application shall be filed with the city manager.

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- D. The completed application shall contain the following information and be accompanied by the following documents:
1. The applicant's legal name and any other names (including "stage names" and aliases) used by the applicant;
  2. Age, date and place of birth;
  3. Height, weight, hair and eye color;
  4. Present residence address and telephone number, and business address and telephone number, if any;
  5. Whether the applicant has been convicted in the past 5 years as of the date of the application of:
    - a. Any of the offenses set forth in Sections 311 through 313.4, 315, 316, 318, 266a, 266b, 266c, 266e, 266g, 266h, 266i, -647(a), 647(b) and 647(D) of the California Penal Code, or any offense requiring registration under Penal Code section 290 of the California Penal Code, as those sections now exist or may hereafter be amended or renumbered.
    - b. The equivalent of the aforesaid offenses outside the state of California.
  6. Whether such person is or has ever been licensed or registered as a prostitute, or otherwise authorized by the laws of any other jurisdiction to engage in prostitution in such other jurisdiction. If any person mentioned in this subsection has ever been licensed or registered as a prostitute, or otherwise authorized by the laws of any other state to engage in prostitution, a statement shall be submitted giving the place of such registration, licensing or legal authorization, and the inclusive dates during which such person was so licensed, registered, or authorized to engage in prostitution.
  7. Date, issuing state and number of state issued driver's license or identification card and social security number;
  8. Satisfactory written proof that the applicant is at least 18 years of age;
  9. The applicant's fingerprints on a form provided by the sheriff's department, and a color photograph clearly showing the applicant's face. Any fees for the photographs and fingerprints shall be paid by the applicant;
  10. If the application is made for the purpose of renewing a license, the applicant shall attach a copy of the license to be renewed.
- E. The completed application shall be accompanied by a non-refundable application fee. The amount of the fee shall be set by resolution of the city council.
- F. Upon receipt of an application and payment of the application fees, the city manager shall immediately stamp the application as received, issue a temporary license to the applicant which shall be valid for 15 days unless earlier terminated by the denial of an adult-oriented business employee permit, and promptly investigate the application.
- G. If the city manager determines that the applicant has completed the application improperly or the application is otherwise incomplete, the city manager shall notify applicant of such fact within 10 business days of the date of receipt of the application, including the reasons the application is not complete. The city manager shall, in such event, grant the applicant an extension of time of 10 days to complete the application properly. In addition, the applicant may request an extension, not to exceed 10 days, of the time for the city manager to act on the application. The time period for granting or denying a permit shall be stayed during the period in which the applicant is granted an extension of time.

(Ord. 801 § 2 (part), 2001: Prior zoning ord. § 251.030)

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### **17.16.550 Investigation and action on application.**

- A. Within 15 days after receipt of the properly completed application, the city manager shall grant or deny the application and so notify the applicant as follows:
  - 1. The city manager shall write or stamp "Granted" or "Denied" on the application and date and sign such notation.
  - 2. If the application is denied, the city manager shall attach to the application a statement of the reasons for denial.
  - 3. If the application is granted, the city manager shall attach to the application an adult-oriented business employee permit.
  - 4. The application as granted or denied and the permit, if any, shall be placed in the U.S. mail, first class postage prepaid, addressed to the applicant at the residence address stated in the application.
- B. The city manager shall grant the application and issue the permit unless the application is denied for one or more of the reasons set forth in subsection C of this section.
- C. The city manager shall deny the application for any of the following reasons:
  - 1. The applicant has knowingly made any false, misleading, or fraudulent statement of a material fact in the application for a permit or in any report or document required to be filed with the application or has omitted information reasonably necessary for issuance of the permit;
  - 2. The applicant is under 18 years of age;
  - 3. The adult-oriented business employee permit is to be used for employment in a business prohibited by state or local laws, ordinances, or regulations;
  - 4. The applicant has been registered in any state as a prostitute;
  - 5. The applicant has been convicted of any criminal act enumerated in Section 17.16.540, subsection D.5., or convicted of an offense outside the state of California that would have constituted any of the described offenses if committed within the state of California, for which:
    - a. Less than 2 years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a misdemeanor offense for the specified criminal act, or
    - b. Less than 5 years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a felony offense for the specified criminal act, or
    - c. Less than 5 years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the convictions are of 2 or more misdemeanors for the specified criminal acts occurring within any 24-month period.
- D. The license, if granted, shall state on its face the name of the person to whom it is granted, and the expiration date. The city manager shall provide each person issued an adult-oriented business employee permit with an identification card containing the name, address, photograph, and permit number of the permittee,
- E. Both the permit and identification card shall be available for inspection at all times during which the permittee is on the premises of the adult-oriented business.
- F. If the city manager neither grants nor denies a completed application for which the filing fees have been paid, within 15 business days after its receipt, the applicant may begin the employment for which the license

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is sought, subject to strict compliance with the development and performance standards and regulations and other provisions of Article IV of this chapter.

(Ord. 801 § 2 (part), 2001: Prior zoning ord. § 251.031)

#### **17.16.560 Expiration of adult-oriented business employee permit.**

Each adult-oriented business employee permit shall expire one year from the date of issuance, and may be renewed only by filing with the city manager a written request for renewal, accompanied by the filing fee as established from time to time by the city council, and a copy of the permit to be renewed. The request for renewal shall be made at least 30 days before the expiration date of the permit. When made less than 30 days before the expiration date, the expiration of the permit will not be stayed. Applications for renewal shall be acted on as provided herein for action upon applications for permits. If the city manager or his or her designee determines that there has been no change in the facts upon which the permit was issued which would call into question the continued satisfaction of all requirements of this ordinance, as amended from time to time, the permit shall be renewed. If the city manager or his or her designee determines that there has been such a change, the city manager may require the permittee to submit a complete new permit application pursuant to Section 17.16.540. In such event, the expiration of the existing permit shall be stayed pending a decision on the new permit application.

(Ord. 801 § 2 (part), 2001: Prior zoning ord. § 251.032)

#### **17.16.570 Suspension or revocation of adult-oriented business permits and adult-oriented business employee permits.**

- A. An adult-oriented business permit or adult-oriented business employee permit may be suspended or revoked in accordance with the procedures and standards of this section.
1. On determining that grounds for permit suspension or revocation exist, the city manager shall furnish written notice of the proposed suspension or revocation to the permittee. Such notice shall set forth the time and place of a hearing to be conducted by the city manager or a hearing officer appointed by the city manager, and the ground or grounds upon which the hearing is based, the pertinent code sections, and a brief statement of the factual matters in support thereof. The notice shall be mailed, postage prepaid, addressed to the last known address of the permittee, or shall be delivered to the permittee personally, at least 10 working days prior to the hearing date. Hearings shall be conducted in accordance with procedures established by the city manager, but at a minimum shall adhere to the provisions of subsection 2.
  2. The applicant shall have a right to offer testimonial, documentary, and tangible evidence relevant to the issues; and may be represented by counsel. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any hearing under this section may be continued for a reasonable time for the convenience of a party or a witness upon agreement of all parties. The hearing officer's decision may be appealed in accordance with Section 17.16.580.
  3. The city manager shall suspend a permit for a period not to exceed 30 days if the hearing officer determines, following notice to the permittee and a hearing as set forth above, that the permittee or an employee of a permittee has violated or is not in compliance with any section of this chapter, or has refused to allow an inspection of the adult-oriented business premises as authorized by this chapter.
  4. The city manager shall revoke a permit if the hearing officer determines, following notice to the permittee and a hearing as set forth above, that any of the following conditions arising from the acts or

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omissions of the permittee, or an employee, agent, partner, director, stockholder, or manager of an adult-oriented business, has occurred:

- a. A cause of suspension as set forth in subsection 3 has occurred and the permit has been previously suspended within the preceding 12 months.
- b. The permittee has knowingly made any false, misleading or fraudulent statement of material facts in the application for a permit, or in any report or record required to be filed with the city.
- c. The permittee, employee, agent, partner, director, stockholder, or manager of an adult-oriented business has knowingly allowed or permitted, and has failed to make a reasonable effort to prevent the occurrence of any of the following activities on the premises of the adult-oriented business, or in the case of an adult-oriented business employee permit holder, the permittee has engaged in one of the activities described below while on the premises of the adult-oriented business:
  1. Any act of sexual intercourse, sodomy, oral copulation, or masturbation, with the exception of an adult hotel/motel, unless the adult-oriented business employee or adult-oriented business operator of such adult hotel/motel knowingly allowed such act to occur in a public place or within public view;
  2. Use of the establishment as a place where unlawful solicitations for sexual intercourse, sodomy, oral copulation, or masturbation occur;
  3. Any conduct constituting a criminal offense which requires registration under Section 290 of the California Penal Code;
  4. The occurrence of acts of lewdness, assignation, or prostitution, including any conduct constituting violations of Sections 315, 316, or 318 or Subdivision b of Section 647 of the California Penal Code;
  5. Any act constituting a violation of provisions in the California Penal Code relating to obscene matter or distribution of harmful matter to minors, including but not limited to Sections 311 through 313.4;
  6. Any conduct prohibited by this chapter.
- d. Failure to abide by any disciplinary action previously imposed by an appropriate city official.

(Ord. 801 § 2, 2001: Prior zoning ord. § 251.040)

### **17.16.580 Appeal of denial, suspension or revocation.**

All decisions of the hearing officer or city manager to, issue, renew, deny, suspend or revoke a permit issued pursuant to this article are final unless appealed in accordance herewith.

An applicant or permittee may appeal a decision by the city manager or a hearing officer to deny an application for, or to revoke or suspend, an adult-oriented business permit or adult-oriented business employee permit by filing an appeal with the city clerk pursuant to Chapter 2.44 of the code. A hearing by the city council on such appeal shall be scheduled for the first available regular meeting of the city council for which proper notice can be given, but in no event shall such hearing occur more than 30 days after the appeal is filed. The city council shall make a decision on the appeal during the same meeting at which the hearing is held.

After any denial, or a suspension or revocation, the applicant or permittee may seek prompt judicial review of such decision in any court of competent jurisdiction as provided by law, and specifically as provided by California Code of Civil Procedure Section 1094.8. Notwithstanding the applicant's or licensee's right to initiate judicial review, the city shall, upon the written request of an aggrieved applicant or licensee received within 30 calendar

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days following the decision of the city council, file an action pursuant to Code of Civil Procedure Section 1094.8 with a court of competent jurisdiction seeking declaratory and injunctive relief, including temporary and preliminary relief, as to the propriety of the denial, revocation, or suspension.

If the city denies an initial or renewal application and the aggrieved applicant commences a legal action to determine the validity of the denial or makes a written request in the manner set forth herein that the city commence such action, then the city shall issue a temporary permit. This temporary permit shall remain in effect only until the court in which the action is pending renders a judicial decision on an application for temporary restraining order, a motion for preliminary injunction, etc., as to the propriety of the denial.

If the city revokes, or suspends an existing permit, and the aggrieved applicant or the permittee commences a legal action to determine the validity thereof or makes a written request in the manner set forth herein that the city commence such action, the city's revocation or suspension of the permit will be stayed pending a judicial decision on the propriety of the denial based upon an application for temporary restraining order, a motion for preliminary injunction or other form of judicial review, whichever is earliest.

Any temporary permit issued pursuant to this chapter shall not grant any vested rights on the holder of the temporary permit, nor shall it grant a right to the holder to operate or serve as an employee in an adult-oriented business which is in violation of Sections 17.16.460 or 17.16.490 of this article or in violation of any other zoning, building and safety, or business licensing provisions of the code.

(Ord. 801 § 2 (part), 2001: Prior zoning ord. § 251.041)

### **17.16.590 Adult-oriented business development and performance standards.**

- A. Maximum occupancy load, fire exits, aisles and fire equipment shall be regulated, designed and provided in accordance with the fire department and building regulations and standards adopted by the city.
- B. 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 specified 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, show window or other opening.
- C. All off-street parking areas and premise entries of the sexually oriented business shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one foot candle of light on the parking surface and/or walkways. The required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the adult-oriented business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premises.
- D. The premises within which the adult-oriented business is located shall provide sufficient sound-absorbing insulation so that noise generated inside said premises shall not be audible anywhere on any adjacent property or public right-of-way or within any other building or other separate unit within the same building.
- E. Except for those businesses also regulated by the California Department of Alcoholic Beverage Control, an adult-oriented business may be open for business only between the hours of 8:00 a.m. and midnight on any particular day, unless alternative hours are mandated as a condition of approval of a zone change.
- F. The building entrance to an adult-oriented business shall be clearly and legibly posted with a notice indicating that persons under 18 years of age are precluded from entering the premises. Said notice shall be constructed and posted to the satisfaction of the community development director or designee. No person under the age of 18 years shall be permitted within the premises at any time.
- G. All indoor areas of the adult-oriented business within which patrons are permitted, except rest rooms, shall be open to view by the management at all times.

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- H. Any adult-oriented business which is also an "adult arcade", shall comply with the following provisions:
1. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be direct line of sight from the manager's station.
  2. The view area specified above shall remain unobstructed by any doors, walls, merchandise, display racks, or other materials at all times. No patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.
  3. No viewing room or booth may be occupied by more than one person at any one time.
  4. The walls or partitions between viewing rooms or booths shall be maintained in good repair at all times, with no holes between any two such rooms such as would allow viewing from one booth into another or such as to allow physical contact of any kind between the occupants of any two such booths.
  5. Customers, patrons or visitors who are not actively engaged in shopping for or reviewing the products available on display for purchaser viewing shall not be allowed to stand idly by in the vicinity of any such video booths, or in the common area of such business. Signs prohibiting loitering shall be posted in prominent places in and near the video booths.
  6. The floors, seats, walls and other interior portions of all video booths shall be maintained clean and free from waste and bodily secretions. Presence of human excrement, urine, semen or saliva in any such booths shall be evidence of improper maintenance and inadequate sanitary controls; repeated instances of such conditions may justify suspension or revocation of the owner and operator's license to operate the adult-oriented business.
- I. All areas of the adult-oriented business shall be illuminated at a minimum of the following foot-candles, to be maintained and evenly distributed at ground level:
- | Area                                       | Foot-Candles  |
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| Bookstores and other retail establishments | 20  |
| Theaters and cabarets                      | 5 (except during performances, at which times lighting shall be at least 1.25 foot-candles) |
| Arcades                                    | 10  |
| Motels/Hotels                              | 20 (in public areas)  |
| Modeling studios                           | 20  |
- J. The adult-oriented business shall provide and maintain separate rest room facilities for male patrons and employees, and female patrons and employees. Male patrons and employees shall be prohibited from using the rest room(s) for females, and female patrons and employees shall be prohibited from using the rest room(s) for males, except to carry out duties of repair, maintenance and cleaning of the rest room facilities. The rest rooms shall be free from any materials depicting specified sexual activities or specified anatomical areas. Rest rooms shall not contain television monitors or other motion picture or video projection, recording or reproduction equipment. The foregoing provisions of this paragraph shall not apply to an adult-oriented business which deals exclusively with sale or rental of materials which are not used or consumed on the premises, such as an adult bookstore, and which does not provide rest room facilities to its patrons or the general public.

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- K. The following additional requirements shall pertain to adult-oriented businesses providing live entertainment depicting specified anatomical areas or involving specified sexual activities, except for businesses regulated by the Alcoholic Beverage Control Commission:
1. No person shall perform live entertainment for patrons of an adult-oriented business except upon a stage at least 18 inches above the level of the floor which is separated by a distance of at least 10 feet from the nearest area occupied by patrons, and no patron shall be permitted within 10 feet of the stage while the stage is occupied by an entertainer. "Entertainer" shall mean any person who is an employee or independent contractor of the adult-oriented business, or any other person who, with or without any compensation or other form of consideration, performs live entertainment for patrons of an adult-oriented business.
  2. The adult-oriented business shall provide separate dressing room facilities for entertainers which are exclusively dedicated to the entertainers' use.
  3. The adult-oriented business shall provide an entrance/exit for entertainers which is separate from the entrance/exit used by patrons.
  4. The adult-oriented business shall provide access for entertainers between the stage and the dressing rooms which is completely separated from the patrons. If such separate access is not physically feasible, the adult-oriented business shall provide a minimum 3 foot wide walk aisle for entertainers between the dressing room area and the stage, with a railing, fence or other barrier separating the patrons and the entertainers capable of (and which actually results in) preventing any physical contact between patrons and entertainers.
  5. No entertainer, either before, during or after performances, shall have physical contact with any patron and no patron shall have physical contact with any entertainer either before, during or after performances by such entertainer. This subsection shall only apply to physical contact on the premises of the adult-oriented business, including without limitation, any parking areas.
  6. Fixed rail(s) at least 30 inches in height shall be maintained establishing the separations between entertainers and patrons required by this subsection.
  7. No patron shall directly pay or give any gratuity to any entertainer and no entertainer shall solicit any pay or gratuity from any patron.
  8. No owner or other person with managerial control over an adult-oriented business shall permit any person on the premises of the adult-oriented business to engage in a live showing of the human male or female genitals, pubic area or anus with less than a fully opaque coverage, and/or the female breast with less than a fully opaque coverage over any part of the nipple or areola and/or covered male genitals in a discernibly turgid state. This provision may not be complied with by applying an opaque covering simulating the appearance of the specified anatomical part required to be covered.
- M. Additional Regulations for Adult Motels.
1. Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated 2 or more times in a period of time that is less than 10 hours creates a rebuttable presumption that the establishment is an adult motel.
  2. It is a violation of this chapter when, as a person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have an adult-oriented business permit, the person rents or sub-rents a sleeping room to a person and, within 10 hours from the time the room is rented, rents or sub-rents the same sleeping room again.
  3. For purposes of paragraphs 1 and 2 of this section, the terms "rent" or "sub-rent" mean the act of permitting a room to be occupied for any form of consideration.



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- N. Additional Regulations Relating to the Exhibition of Sexually Explicit Films, Videos or Live Entertainment in Viewing Rooms. A person who operates or causes to be operated an adult-oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette, live entertainment or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:
1. Upon application for an adult-oriented business permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas. The city manager may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was first prepared.
  2. No alteration in the configuration or location of a manager's station may be made without the prior written approval of the city manager based upon the city manager's finding that such alteration complies with this section.
  3. It is the duty of the permittee of the adult-oriented business to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the adult-oriented business.
  4. The interior of the adult-oriented business shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the adult-oriented business to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video viewing equipment or any materials depicting specified sexual activities or specified anatomical areas. If the adult-oriented business has 2 or more designated manager's stations, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the adult-oriented business to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required by this section must be by direct line of sight from the manager's station.
  5. It shall be the duty of the permittee to ensure that the view area specified in this section remains unobstructed at all times by any doors, curtains, partitions, walls, merchandise, display racks or other materials.
  6. It shall be the duty of the permittee to ensure that no patron is permitted access to any area of the adult-oriented business which has been designated as an area in which patrons will not be permitted pursuant to paragraph 1 of this subsection.
  7. No viewing room may be occupied by more than one person at any time.
  8. The adult-oriented business shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than 10-foot candles as measured at the floor level.
  9. It shall be the duty of the licensee to ensure that the illumination required by this section is maintained at all times that any patron is present in the premises.
  10. No openings of any kind shall exist between viewing rooms or booths.
  11. No person shall make or attempt to make an opening of any kind between viewing booths or rooms.

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12. The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.
  13. The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.
  14. The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within 48 inches of the floor.
  15. It is a violation of this chapter for a person having a duty under this section to knowingly fail to fulfill that duty.

P. Additional Regulations Concerning Public Nudity.

1. It is a violation of this chapter for a person knowingly and intentionally to appear in a state of nudity in an adult-oriented business or any other public place.
2. It is a violation of this chapter for a person knowingly or intentionally, in an adult-oriented business, to appear in a semi-nude condition unless the person is an employee who, while semi-nude, is upon a stage at least 18 inches above the level of the floor which is separated by a distance of at least 10 feet from the nearest areas occupied by patrons.
3. It is a violation of this chapter for an employee or performer while semi-nude in an adult-oriented business, to solicit any pay or gratuity from any patron or customer or for any patron or customer to pay or give any gratuity to any employee.
4. It is a violation of this chapter for an entertainer, while semi-nude, to touch a patron or the clothing of a patron, or for a patron to touch an entertainer who is semi-nude.

Q. Adult-oriented businesses shall employ security guards in order to maintain the public peace and safety, based upon the following standards:

1. Adult-oriented businesses featuring live entertainment shall provide at least one security guard at all times while the business is open. If the occupancy limit of the premises is greater than 35 persons, an additional security guard shall be on duty.
2. Security guards for other adult-oriented businesses may be required if it is determined by the city manager that their presence is necessary in order to prevent any illegal conduct from occurring on the premises.
3. Security guard(s) shall be charged with preventing violations of law and enforcing compliance by patrons of the requirements of these regulations. Security guards shall be uniformed in such a manner so as to be readily identifiable as a security guard by the public and shall be duly licensed as a security guard as required by applicable provisions of state law. No security guard required pursuant to this subsection shall act as a door person, ticket seller, ticket taker, admittance person, or sole occupant of the manager's station while acting as a security guard.

The foregoing applicable requirements of this Section shall be deemed conditions of adult-oriented business Permit approvals, and failure to comply with every such requirement shall be grounds for revocation of the Permit issued pursuant to these regulations.

(Ord. 801 § 2 (part), 2001: Prior zoning ord. § 251.042)

### **17.16.600 Reserved.**

(Ord. 801 § 2 (part), 2001: Prior zoning ord. § 251.043)

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#### **17.16.610 Separate offense for each day.**

Any person that violates any provision of this chapter shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation hereof, and each offense shall be punishable separately.

(Ord. 801 § 2 (part), 2001: Prior zoning ord. § 251.044)

#### **17.16.620 Public nuisance.**

Any use or condition caused or permitted to exist in violation of any of the provisions of this chapter shall be and is hereby declared a public nuisance and may be summarily abated by the city pursuant to Chapter 8.28 of the code.

(Ord. 801 § 2 (part), 2001: Prior zoning ord. § 251.045)

#### **17.16.630 Penalties.**

Any person who violates, causes, or permits another person to violate any provision of this chapter commits an infraction. Any person convicted of an infraction shall be subject to a civil fine to the maximum amount permitted by state law. Any person twice convicted of an infraction for repeat violations of the same provision within a one year period, may be charged with a misdemeanor upon being issued a citation for the repeated violation of the same provision. Any person convicted of a misdemeanor shall be subject to the maximum punishment permitted by state law.

Pursuant to Government Code Section 3 6900(a), the city attorney may prosecute these violations in the name of the people of the state of California.

(Ord. 801 § 2 (part), 2001: Prior zoning ord. § 251.050)

#### **17.16.640 Civil injunction.**

The violation of any provision of this chapter shall be and is hereby declared to be contrary to the public interest and shall, at the discretion of city, create a cause of action for injunctive relief.

(Ord. 801 § 2 (part), 2001: Prior zoning ord. § 251.060)

#### **17.16.650 Administrative remedies.**

In addition to the civil remedies and criminal penalties set forth above, any person that violates the provisions of this chapter may be subject to administrative remedies, as set forth by city ordinance.

(Ord. 801 § 2 (part), 2001: Prior zoning ord. § 251.061)

#### **17.16.670 Register and permit number of employees.**

Every permittee of an adult-oriented business permit which provides live entertainment depicting specified anatomical areas or involving specified sexual activities must maintain a register of all persons in the past and currently so performing on the premises and their adult-oriented business employee permit numbers. Such

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register shall be available for inspection during regular business hours by any police officer, sheriff or deputy sheriff, or health officer of the city.

(Ord. 801 § 2 (part), 2001: Prior zoning ord. § 251.063)

#### **17.16.680 Display of permit and identification cards.**

- A. Every adult-oriented business shall display at all times during business hours the permit issued pursuant to the provisions of this chapter for such adult-oriented business in a conspicuous place so that the same may be readily seen by all persons entering the adult-oriented business.
- B. The city manager shall provide each adult-oriented business employee required to have an adult-oriented business employee permit pursuant to this chapter, an identification card containing the name, address, photograph and permit number of such performer.
- C. A permitted adult-oriented business employee shall have such card available for inspection at all times during which such person is on the premises of the adult-oriented business.

(Ord. 801 § 2 (part), 2001: Prior zoning ord. § 251.064)

#### **17.16.690 Employment of and services rendered to persons under the age of 18 years prohibited.**

- A. It shall be unlawful for any permittee, operator, or other person in charge of any adult-oriented business to employ, or provide any service for which it requires an adult-oriented business permit, to any person who is not at least 18 years of age.
- B. It shall be unlawful for any permittee, operator or other person in charge of any adult-oriented business to permit to enter, or remain within the adult-oriented business, any person who is not at least 18 years of age.

(Ord. 801 § 2 (part), 2001: Prior zoning ord. § 251.070)

#### **17.16.700 Inspection.**

Representatives of the police, health, fire, planning or other city departments may inspect the premises of an adult-oriented business in accordance with this Section 17.16.700, which inspections shall be solely for the purpose of insuring compliance with the law and the development and performance standards applicable to adult-oriented businesses. Such inspections may be conducted only (1) after a representative of such department has provided evidence satisfactory to the city manager that there is good reason to believe that one or more code sections within the city's municipal code have been violated by the adult-oriented business within 2 weeks of the inspection; or (2) after advising the owner or operator of the adult-oriented business of the provisions of this section and any other sections codified by this ordinance relevant to the scope of the inspection including any sections for which a violation is anticipated, at any time the adult-oriented business is occupied or opened for business. A person who operates an adult-oriented business or his or her agent or employee is in violation of the provisions of this section if he/she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business, so long as the inspection is in accordance herewith.

(Ord. 801 § 2 (part), 2001: Prior zoning ord. § 251.071)

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### **17.16.710 Regulations nonexclusive.**

The provisions of this article regulating adult-oriented businesses are not intended to be exclusive and compliance therewith shall not excuse noncompliance with any other regulations pertaining to the operation of businesses as adopted by the city council of the city.

(Ord. 801 § 2 (part), 2001: Prior zoning ord. § 25 1.072)

### **17.16.720 EMPLOYMENT OF PERSONS WITHOUT PERMITS UNLAWFUL.**

It shall be unlawful for any owner, operator, manager, or permittee in charge of or in control of an adult-oriented business which provides live entertainment depicting specified anatomical areas or involving specified sexual activities to allow any person to perform such entertainment who is not in possession of a valid, unrevoked adult-oriented business employee permit.

(Ord. 801 § 2 (part), 2001: Prior zoning ord. § 251.073)

### **17.16.730. Time-limit for filing application for permit.**

Any person who possesses a current business license for a sexually oriented business which is not subject to Section 17.16.470, or who operates a business which was not deemed to be a sexually- oriented business prior to the effective date of this ordinance but which, through an expansion of such business in the manner set forth in Section 17.16.460 is deemed to constitute an adult-oriented business under Section 17.16.450 and who does not have a validly issued adult-oriented business permit issued pursuant to the provisions of this ordinance, and all persons required by this chapter to obtain an adult-oriented business employee permit, must apply for and obtain such a permit within 90 days of the effective date of this ordinance. Failure to do so and continued operation of an adult-oriented business, or continued performances depicting specified anatomical areas or specified sexual activities in an adult-oriented business after such time without a permit shall constitute a violation of this chapter.

(Ord. 801 § 2 (part), 2001)

### **17.16.740. Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The city council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

(Ord. 801 § 2 (part), 2001)

## **Chapter 17.20 PUBLIC, OPEN SPACE AND SPECIAL PURPOSE ZONES**

### ***Article I. In General***

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### **17.20.010 Definition.**

As used in this title, "public," "open space," and "special purpose" zones mean:

- A. Public zones:
  - 1. Public (P)
  - 2. School (S)
- B. Open space zones:
  - 1. Open space (O)
  - 2. Park (Pk)
  - 3. Cemetery (Ce)
- C. Special purpose zones:
  - 1. Specific plan (Sp)
  - 2. Senior Mobilehome Park Overlay zone (MHP-S)

(Ord. No. 947, § 1, 7-13-2010)

### **17.20.020 Prohibition.**

A person shall not use any premises in any public, open space, or special purpose zone except as hereinafter specifically permitted in this title and subject to all regulations and conditions enumerated in this title.

(Ord. No. 947, § 1, 7-13-2010)

## ***Article II. Public Use (P) Zone***

### **17.20.030 Purpose and intent.**

The purpose and intent of the P Zone is to provide the means necessary to implement the city's general plan, specifically the "public use" category, as set forth in the text of the general plan and as delineated on the general plan map. This zone is intended to be in accordance with applicable goals, objectives, policies and actions set forth by the general plan. This zone is also intended to allow the development of public facilities and uses in order to provide a full range of urban services. It shall also be the intent of this zone to apply the provisions of this zone including, but not limited to, the property development regulations required herein to all new building lots created after the effective date of the ordinance codified in this title.

It shall not be the intent of this title to render previously legally created building lots or legally constructed buildings which do not comply with the new property development regulations or other requirements of this title to be nonconforming where these lots or buildings complied with the ordinances in effect at the time of their creation or construction. However, proof of compliance with ordinances in effect at the time of creation or construction shall be the sole burden of the applicant or property owner. Such proof may include building permits, minutes of council or commission action, case files, or other documentation.

(Ord. No. 947, § 1, 7-13-2010)

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### **17.20.040 Permitted uses.**

The following categories of uses are permitted in the P zone subject to any stated exceptions, development regulations, and approval of the site plan as follows:

- A. Airports—Owned and operated by a public agency.
- B. Animal shelters and related facilities—Operated by a public agency.
- C. Existing residential uses—Such uses may continue to be used as a permitted use provided that such uses may not be expanded by a cumulative total of more than 500 square feet of floor area. This size limit does not apply accessory dwelling units and junior accessory dwelling units subject to Chapter 17.41, Article I.
- D. Flood control and drainage facilities—Maintained by a public agency.
- E. Maintenance yards and related activities—Operated by a public agency.
- F. Offices—Government. This category is limited to federal, state, county, city or special district offices, libraries and court facilities, public utilities, and similar office uses.
- G. Prisons—Public or privately operated.
- H. Sewage treatment plants—Operated by a public agency, provided that no stockpiling, commercial composting, processing, or handling of sludge or biosolid material is conducted within an enclosure or inside of a building.
- I. Water reservoirs, dams, treatment plants, gauging stations, pumping stations, tanks, wells, and any use normal and appurtenant to the storage and distribution of water.
- J. Other uses. This category includes those uses which do not fall into any other category, and are not temporary uses, which in the opinion of the director are consistent with the purpose and intent of this zone and similar to other uses permitted herein.

(Ord. No. 947, § 1, 7-13-2010; Ord. No. 1106, § 4(Exh. A), 10-10-2023)

### **17.20.050 Accessory and temporary uses.**

- A. The following uses are considered as accessory uses to the permitted uses in the P Zone:
  - 1. Accessory buildings and structures customarily used in conjunction therewith.
  - 2. Electric Vehicle Charging Station. An electric vehicle charging station (EVCS) shall be permitted as an accessory use within a parking lot or in a parking garage of any publicly owned facility subject to all applicable city code requirements and the following:
    - a. The EVCS's shall be located in a manner which will be easily seen by the public for informational and security purposes and shall be illuminated during evening business hours; and
    - b. Be located in desirable and convenient parking locations which will serve as an incentive for the use of electric vehicles; and
    - c. The EVCS pedestals shall be protected as necessary to prevent damage by automobiles; and
    - d. The EVCS pedestals shall be designed to minimize potential damage by vandalism and to be safe for use in inclement weather; and

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- e. Complete instructions and appropriate warnings concerning the use of the EVCS shall be posted on a sign in a prominent location on each station for use by the operator; and
  - f. One standard nonilluminated sign, not to exceed 4 square feet in area and 10 feet in height, may be posted for the purpose of identifying the location of each cluster of EVCS's; and
  - g. The EVCS may be on a timer that limits the use of the station to the normal business hours of the use(s) which it serves to preclude unauthorized use after business hours; and
  - h. Where determined by the director to be necessary, new public uses shall provide the electrical service capacity necessary and all conduits and related equipment necessary to ultimately serve 2 percent of the total parking spaces with EVCS's in a manner approved by the building and safety official. Of these parking spaces, ½ shall initially be provided with the electric vehicle supply equipment necessary to function as on-line EVCS's upon completion of the project. The remainder shall be installed at such time as they are needed for use by customers, employees or other users. EVCS's shall be provided in disabled person parking spaces in accordance with state requirements.
- B. The following uses are considered as temporary uses in the P zone:
- 1. Building materials, storage of, used in a building or construction project, during the construction and 30 days thereafter, including the contractor's temporary office provided that any lot or parcel of land so used shall be part of the project, or on property adjoining the construction site.
  - 2. Temporary Commercial Coach. Use of commercial coaches as temporary offices subject to the provisions of Article X of Chapter 17.40 and this zone.

(Ord. No. 947, § 1, 7-13-2010)

#### **17.20.060 Uses subject to director's review and approval.**

All permitted, temporary and accessory uses shall be subject to review and approval by the director.

(Ord. No. 947, § 1, 7-13-2010)

#### **17.20.070 Property development regulations.**

- A. General.
- 1. No new building or commercial coach shall be erected, constructed, moved onto, or established on an existing legal lot or parcel of land unless said building or temporary commercial coach shall comply with all of the regulations set forth in city ordinances, standards, guidelines or policies and subsection B of this section, or Article X of Chapter 17.40 which are pertinent to its placement on said lot or parcel.
  - 2. No existing building or temporary commercial coach located on an existing legal lot or parcel of land shall be converted, enlarged, or moved unless said building, or addition thereto, shall comply with all of the regulations set forth in city ordinances, standards, guidelines or policies and subsection B of this section, or Article X of Chapter 17.40 which are pertinent to its placement on said lot or parcel.
  - 3. No new lot shall be created or any building, or portion thereof, existing on such new lot be used, unless said lot and said building location shall comply with all of the regulations set forth in city ordinances, standards, guidelines or policies and subsection B of this section.
- B. P Zone. Wherever property is designated as a P zone on the zoning map, the following regulations shall apply:



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1. Lot dimensions and Yard requirements. Lot dimensions and yard requirements for this section shall be determined by the director on a case by case basis. Determination of lot dimensions, yards, setbacks and projections permitted in yards for a proposed public facility shall take into consideration the configuration of the lot, and the type, height layout, and intended use for the facility, the surrounding land uses, and any potentially adverse impact on surrounding properties from the intended use. In determining lot dimensions, yards and setback requirements for a particular public use, consideration shall be given to similar requirements on adjacent properties and to required lot dimensions and yard requirements in other sections of this title that most closely approximate the intended public use.
  2. Height. The height of buildings and structures shall comply with the following:
    - a. No building in the P zone which is within 100 feet of any RR, SRR or R zone shall exceed a height of 2 stories or 35 feet, whichever is less.
    - b. No building may be constructed which would shade any existing active solar energy system on adjoining property without the consent of the affected property owner. (See subsection 1 in the definition of solar energy system in Section 17.04.240.)
    - c. Exceptions for Solar Systems. Solar collectors may exceed the height limit when mounted on the roof of a legal, conforming building. The right to exceed the height limit shall be exercised only in the event that: there is no other practical means or location for achieving an efficient placement on the building or site in question; such collectors may exceed the height limit only to the extent necessary to achieve efficient placement; in no case shall such solar collectors (or related equipment) encroach more than 5 feet beyond the limit. Also the placement of a solar collector shall not shade or otherwise diminish the efficiency of existing solar collectors on neighboring property, or preclude such property from sufficient solar access to successfully operate a solar energy system sufficient to serve the needs of the business or occupants.
  3. Maximum floor area ratio (FAR): 1.0. (See definition in Section 17.04.240.)
  4. Landscaping. Landscaping requirements for this section shall be determined by the director on a case by case basis. Determination of landscaping requirements for a proposed public facility shall take into consideration the type, height, layout, and the intended use for the facility, the surrounding land uses, and any potentially adverse impact on surrounding properties from the intended use. In establishing landscaping requirements for a particular public use, consideration shall be given to landscaping requirements in other sections of this title that most closely approximate the intended public use.
  5. Outside Storage. Outside storage requirements for this section shall be determined by the director on a case by case basis. Determination of outside storage requirements for a proposed public facility shall take into consideration the type, layout, and the intended use for the facility, the surrounding land uses, and any potentially adverse impact on surrounding properties from the intended use. In establishing outside storage requirements for a particular public use, consideration shall be given to outside storage requirements in other sections of this title that most closely approximate the intended public use.

(Ord. No. 947, § 1, 7-13-2010)

### **17.20.080 Signs.**

Sign requirements for this section shall be determined by the director on a case by case basis. Determination of sign requirements for a proposed public facility shall take into consideration the type, height, layout, and the intended use for the facility, the surrounding land uses, and any potentially adverse impact on surrounding properties from the intended use. In establishing sign requirements for a particular public use, consideration shall be given to sign requirements in other sections of this title that most closely approximate the intended public use.

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(Ord. No. 947, § 1, 7-13-2010)

### **17.20.090 Off-street parking.**

The automobile parking facilities required by this section shall be provided and permanently maintained as such unless and until a substitute has been provided which is in full compliance with the provisions of this title. The following parking requirements shall be complied with in the P zone:

- A. Parking Requirements by Use. Parking requirements in the P zone shall be provided as determined by the director to be appropriate on a case by case basis. In general, parking facilities shall comply with the requirements and design standards for similar uses as contained in this title.

(Ord. No. 947, § 1, 7-13-2010)

### **17.20.100 Design and performance standards.**

The following design and performance standards shall be met for development in the P zone:

- A. General Requirements. Design and performance standards including access, paving, size and marking of spaces and circulation of parking lots, loading spaces, buffering, building design, landscaping, lighting, outside storage and display, screening, service for utilities, signs and similar requirements not hereafter detailed in this subsection, shall be determined by the director on a case by case basis. Determination of design and performance standards for a proposed public facility shall take into consideration the configuration of the lot, the height, type, layout, and the intended use for the facility, the surrounding land uses, and any potentially adverse impact on surrounding properties from the intended use. In determining design and performance standards for a particular public use, consideration shall be given to design and performance standards in other sections of this title that most closely approximate the intended public use.
- B. Specific Requirements.
  - 1. Refuse/Recycling Storage Enclosures. All public uses shall have on the same lot or parcel a refuse/recycling storage area at a ratio of 20 square feet of refuse/recycling storage area for each 1,000 square feet or portion thereof of net floor area of the facility or as may be determined necessary by the director. The enclosure shall be a minimum size of 6 feet in width by 18 feet in length (exterior dimension). Such storage areas shall be enclosed on 3 sides by a minimum 5-foot-high reinforced masonry or concrete wall with a sight-obscuring gate (chain link with slats is not acceptable) of noncombustible materials which is substantially the same height as the enclosing walls. The floor of the enclosure shall be of concrete construction. Such storage areas shall not be placed in a location which is openly exposed to a fronting street or a neighboring residential area.
  - 2. Hazardous Materials. Applicants must obtain the approval of the Los Angeles County fire department prior to obtaining any city permits for any use which includes the use of hazardous materials or the storage of hazardous materials or wastes.
  - 3. Radioactive Materials. The use of radioactive materials shall be limited to measuring, gauging or calibration equipment.
  - 4. Noise. Uses which generate noise by the nature of their function and/or processes shall be required to demonstrate that the noise levels emitted from the use shall not exceed 65 dBA at any property line which abuts a residential zone or use. A detailed noise attenuation study by a qualified acoustical engineer may be required by the director to determine appropriate

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mitigation and methods to incorporate same into project design. Site design methods which may be utilized to reduce noise include:

- a. The use of building setbacks and dedication of noise easements to increase the distance between the noise source and receiver;
  - b. The location of uses and orientation of buildings which are compatible with higher noise levels adjacent to noise generators or in clusters to shield more noise-sensitive areas and uses;
  - c. The placement of noise-tolerant land uses, such as parking areas, between the noise source and receiver;
  - d. The placement of noise-tolerant structures to shield noise-sensitive areas.
- C. When adjacent to a residential zone or use the following requirements shall also be applied:
1. Artificial lighting used to illuminate the premises shall be directed away from adjacent residential zone or use.
  2. Where multistory buildings are to be utilized on lots abutting residentially zoned or used properties, such buildings shall be located or oriented in a manner which will minimize visual intrusion into neighboring property which is residentially zoned or used. (This may be accomplished by setting the building back from the abutting property line beyond the distance required for the yard, selective placement of windows, orienting the building in a manner which will not give occupants a direct view into the yards or windows of neighboring residents.)
  3. No signs shall be placed in a manner which visually intrudes into adjoining property which is residentially zoned or used.
  4. Trees shall be utilized as a means of improving the interface between public uses and residential uses where appropriate.
  5. Buffering. When abutting property which is residentially zoned or used a masonry wall of not less than 6 feet in height shall be provided at the property line in accordance with the provisions for walls specified in Section 17.28.030C to minimize conflicts between public uses and residential uses. A 10 foot landscaped setback shall be placed next to the wall. This requirement shall be modified, where necessary to preclude interference with line-of-sight of a driver within 10 feet of any street, highway or alley, down to a maximum height of 42 inches. The design of the wall shall be considered as part of the site plan review. The site and any buildings thereof shall be designed to locate noise- and odor-generating equipment and activity in a manner which will have a minimal impact on abutting property which is residentially zoned or used. Such techniques may include, but are not limited to, no windows on the building wall(s) facing residentially zoned property, insulating structures housing equipment against noise, limitation of the hours of equipment operation, and other controls designed for specific problems. It shall be the burden of the applicant to prove that his project will not have a detrimental effect on neighboring residential property at the time of site plan review.

(Ord. No. 947, § 1, 7-13-2010)

### ***Article III. School (S) Zone***

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### **17.20.110 Purpose and intent.**

The purpose of the School (S) zone is to implement policies contained in the Lancaster General Plan, particularly policies pertaining to school facilities, prescribed within the Public Use land use category. It is the further purpose of these regulations to provide the city and public with increased involvement in the planning of future uses at existing school sites, including working with local school districts and neighborhood residents on appropriate land uses for school sites no longer needed for educational purposes, coordination with the school districts on joint use of school facilities for community-wide use, and acquisition of closed school sites for recreation, childcare and other appropriate public purposes.

(Ord. No. 947, § 1, 7-13-2010)

### **17.20.120 Permitted uses.**

The following categories of uses are permitted in the S zone subject to any stated exceptions, development regulations, and approval of the site plan as follows:

- A. Schools—Public. This category is limited to elementary, middle, high-school and colleges and associated uses and activities including day care facilities and dormitories as appurtenant uses to public schools.

(Ord. No. 947, § 1, 7-13-2010)

### **17.20.130 Uses subject to conditional use permit.**

The following uses may be permitted in the S zone provided a conditional use permit has first been obtained as provided in Article I of Chapter 17.32, and while such permit is in full force and effect in conformity with conditions of such permit:

- A. Schools—Private. This category is limited to elementary, middle, high-school and colleges and associated uses and activities including day care facilities, dormitories, athletic facilities, and administrative offices as appurtenant uses to private schools.

(Ord. No. 947, § 1, 7-13-2010)

### **17.20.140 Accessory and temporary uses.**

- A. The following uses are considered as accessory uses to the permitted uses in the S Zone:

- 1. Community Education. For purposes of this chapter, community education includes uses customarily accessory to school uses including:
  - a. Citizen/parent-teachers' associations;
  - b. Camp Fire girls;
  - c. Boy and Girl Scout troops;
  - d. Boys and Girls Club;
  - e. School-community advisory councils, senior citizens' organizations, clubs, and associations formed for recreational, educational, political, economic, artistic, or moral activities of the public school districts;

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- f. Public, literary, scientific, recreational, educational, or public agency meetings; administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies; and
    - g. Supervised recreational activities including, but not limited to, sports league activities.
  - B. The following uses are considered as temporary uses in the S zone:
    - 1. Building materials, storage of, used in a building or construction project, during the construction and 30 days thereafter, including the contractor's temporary office provided that any lot or parcel of land so used shall be part of the project, or on property adjoining the construction site.
    - 2. Temporary Commercial Coach. Use of commercial coaches as temporary offices subject to the provisions of Article X of Chapter 17.40 and this zone.

(Ord. No. 947, § 1, 7-13-2010)

### **17.20.150 Property development regulations.**

- A. General.
  - 1. No new building or commercial coach shall be erected, constructed, moved onto, or established on an existing legal lot or parcel of land unless said building or temporary commercial coach shall comply with all of the regulations set forth in city ordinances, standards, guidelines or policies and subsection B of this section, or Article X of Chapter 17.40 which are pertinent to its placement on said lot or parcel.
  - 2. No existing building or temporary commercial coach located on an existing legal lot or parcel of land shall be converted, enlarged, or moved unless said building, or addition thereto, shall comply with all of the regulations set forth in city ordinances, standards, guidelines or policies and subsection B of this section, or Article X of Chapter 17.40 which are pertinent to its placement on said lot or parcel.
  - 3. No new lot shall be created or any building, or portion thereof, existing on such new lot be used, unless said lot and said building location shall comply with all of the regulations set forth in city ordinances, standards, guidelines or policies and subsection B of this section.
- B. S Zone. Wherever property is designated as a S zone on the zoning map, the following regulations shall apply:
  - 1. Lot dimensions and Yard requirements. Lot dimensions and yard requirements for this section shall be determined by the director on a case by case basis. Determination of lot dimensions, yards, setbacks and projections permitted in yards for a proposed public facility shall take into consideration the configuration of the lot, and the type, height layout, and intended use for the facility, the surrounding land uses, and any potentially adverse impact on surrounding properties from the intended use. In determining lot dimensions, yards and setback requirements for a particular public use, consideration shall be given to similar requirements on adjacent properties and to required lot dimensions and yard requirements in other sections of this title that most closely approximate the intended public use.
  - 2. Height. The height of buildings and structures shall comply with the following:
    - a. No building in the S zone which is within 100 feet of any RR, SRR or R zone shall exceed a height of 2 stories or 35 feet, whichever is less.
    - b. No building may be constructed which would shade any existing active solar energy system on adjoining property without the consent of the affected property owner. (See subsection 1 in the definition of solar energy system in Section 17.04.240.)
    - c. Exceptions for Solar Systems. Solar collectors may exceed the height limit when mounted on the roof of a legal, conforming building. The right to exceed the height limit shall be exercised only in

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the event that: there is no other practical means or location for achieving an efficient placement on the building or site in question; such collectors may exceed the height limit only to the extent necessary to achieve efficient placement; in no case shall such solar collectors (or related equipment) encroach more than 5 feet beyond the limit. Also the placement of a solar collector shall not shade or otherwise diminish the efficiency of existing solar collectors on neighboring property, or preclude such property from sufficient solar access to successfully operate a solar energy system sufficient to serve the needs of the business or occupants.

3. Maximum floor area ratio (FAR): 1.0. (See definition in Section 17.04.240.)
4. Landscaping. Landscaping requirements for this section shall be determined by the director on a case by case basis. Determination of landscaping requirements for a proposed public facility shall take into consideration the type, height, layout, and the intended use for the facility, the surrounding land uses, and any potentially adverse impact on surrounding properties from the intended use. In establishing landscaping requirements for a particular public use, consideration shall be given to landscaping requirements in other sections of this title that most closely approximate the intended school use.
5. Outside Storage. Outside storage requirements for this section shall be determined by the director on a case by case basis. Determination of outside storage requirements for a proposed public facility shall take into consideration the type, layout, and the intended use for the facility, the surrounding land uses, and any potentially adverse impact on surrounding properties from the intended use. In establishing outside storage requirements for a particular public use, consideration shall be given to outside storage requirements in other sections of this title that most closely approximate the intended public use.

(Ord. No. 947, § 1, 7-13-2010)

### **17.20.160 Design and performance standards.**

The following design and performance standards shall be met for development in the S zone:

- A. General Requirements. Design and performance standards including access, paving, size and marking of spaces and circulation of parking lots, loading spaces, buffering, building design, landscaping, lighting, outside storage and display, screening, service for utilities, signs and similar requirements not hereafter detailed in this subsection, shall be determined by the director on a case by case basis. Determination of design and performance standards for a proposed public facility shall take into consideration the configuration of the lot, the height, type, layout, and the intended use for the facility, the surrounding land uses, and any potentially adverse impact on surrounding properties from the intended use. In determining design and performance standards for a particular public use, consideration shall be given to design and performance standards in other sections of this title that most closely approximate the intended public use.
- B. Specific Requirements.
  1. Refuse/Recycling Storage Enclosures. All public uses shall have on the same lot or parcel a refuse/recycling storage area at a ratio of 20 square feet of refuse/recycling storage area for each 1,000 square feet or portion thereof of net floor area of the facility or as may be determined necessary by the director. The enclosure shall be a minimum size of 6 feet in width by 18 feet in length (exterior dimension). Such storage areas shall be enclosed on 3 sides by a minimum 5-foot-high reinforced masonry or concrete wall with a sight-obscuring gate (chain link with slats is not acceptable) of noncombustible materials which is substantially the same height as the enclosing walls. The floor of the enclosure shall be of concrete construction. Such storage areas

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shall not be placed in a location which is openly exposed to a fronting street or a neighboring residential area.

2. Hazardous Materials. Applicants must obtain the approval of the Los Angeles County fire department prior to obtaining any city permits for any use which includes the use of hazardous materials or the storage of hazardous materials or wastes.
  3. Radioactive Materials. The use of radioactive materials shall be limited to measuring, gauging or calibration equipment.
  4. Noise. Uses which generate noise by the nature of their function and/or processes shall be required to demonstrate that the noise levels emitted from the use shall not exceed 65 dBA at any property line which abuts a residential zone or use. A detailed noise attenuation study by a qualified acoustical engineer may be required by the director to determine appropriate mitigation and methods to incorporate same into project design. Site design methods which may be utilized to reduce noise include:
    - a. The use of building setbacks and dedication of noise easements to increase the distance between the noise source and receiver;
    - b. The location of uses and orientation of buildings which are compatible with higher noise levels adjacent to noise generators or in clusters to shield more noise-sensitive areas and uses;
    - c. The placement of noise-tolerant land uses, such as parking areas, between the noise source and receiver;
    - d. The placement of noise-tolerant structures to shield noise-sensitive areas.
- C. When adjacent to a residential zone or use the following requirements shall also be applied:
1. Artificial lighting used to illuminate the premises shall be directed away from adjacent residential zone or use.
  2. Where multistory buildings are to be utilized on lots abutting residentially zoned or used properties, such buildings shall be located or oriented in a manner which will minimize visual intrusion into neighboring property which is residentially zoned or used. (This may be accomplished by setting the building back from the abutting property line beyond the distance required for the yard, selective placement of windows, orienting the building in a manner which will not give occupants a direct view into the yards or windows of neighboring residents.)
  3. No signs shall be placed in a manner which visually intrudes into adjoining property which is residentially zoned or used.
  4. Trees shall be utilized as a means of improving the interface between public uses and residential uses where appropriate.
  5. Buffering. When abutting property which is residentially zoned or used a masonry wall of not less than 6 feet in height shall be provided at the property line in accordance with the provisions for walls specified in Section 17.28.030C to minimize conflicts between public uses and residential uses. A 10 foot landscaped setback shall be placed next to the wall. This requirement shall be modified, where necessary to preclude interference with line-of-sight of a driver within 10 feet of any street, highway or alley, down to a maximum height of 42 inches. The design of the wall shall be considered as part of the site plan review. The site and any buildings thereof shall be designed to locate noise- and odor-generating equipment and activity in a manner which will have a minimal impact on abutting property which is residentially zoned or used. Such techniques may include, but are not limited to, no windows on the building wall(s) facing residentially zoned

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property, insulating structures housing equipment against noise, limitation of the hours of equipment operation, and other controls designed for specific problems. It shall be the burden of the applicant to prove that his project will not have a detrimental effect on neighboring residential property at the time of site plan review.

(Ord. No. 947, § 1, 7-13-2010)

## ***Article IV. Open Space (O) Zone***

### **17.20.170 Purpose and intent.**

The purpose and intent of the O zone is to provide the means necessary to implement the policies of the City's General Plan regarding open space and the land use designations "O" (open space), as delineated on the general plan map, and to designate zoning for those uses which are open in nature and thus contribute to the visual and spatial relief from continuous urban development. The "O" zone also serves to provide opportunities for outdoor recreation; preserve scenic qualities; protect sensitive or fragile environmental areas; preserve the capacity and water quality of the stormwater drainage system; and to provide pedestrian and bicycle transportation connections.

(Ord. No. 947, § 1, 7-13-2010)

### **17.20.180 Permitted uses.**

The following uses, excluding uses that stockpile, commercially compost, process, or handle sludge or biosolid materials, are permitted in the O zone:

- A. Crops: field, tree, bush, berry and row including nursery stock in nonurban areas;
- B. Floodways;
- C. Roadside rest area;
- D. Scenic corridor or scenic easement;
- E. Vegetative preservation or management areas;
- F. Wildlife preservation or management areas, except gun clubs and hunting preserves.

(Ord. No. 947, § 1, 7-13-2010)

### **17.20.190 Accessory uses.**

The following uses are considered as accessory uses to the permitted uses in the O zone:

- A. Accessory buildings or structures customarily used in conjunction with permitted uses;
- B. Solar energy systems, whether mounted on or attached to a building or mounted on the ground.

(Ord. No. 947, § 1, 7-13-2010)

### **17.20.200 Temporary uses.**

The following uses are considered as temporary uses in the O zone:



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- A. Building materials, storage of, used in the construction of a building or building project, during the construction and 30 days thereafter, including the contractor's temporary office provided that any lot or parcel of land so used shall be part of the building project, or on property adjoining the construction site.

(Ord. No. 947, § 1, 7-13-2010)

#### **17.20.210 Uses subject to director's review and approval.**

If site plans or other pertinent information for the proposed use are first submitted to and approved by the director in accordance with Article VI of Chapter 17.32, premises in the O zone may be used for the following uses:

- A. Access to property lawfully used for a purpose not permitted in the O zone, provided no other practical access to such property is available, and such access will not alter the character of the premises in respect to permitted uses in the O zone.

(Ord. No. 947, § 1, 7-13-2010)

#### **17.20.220 Uses subject to permits.**

- A. The following uses, excluding uses that stockpile, commercially compost, process, or handle sludge or biosolid materials, are permitted in the O zone; provided, a conditional use has first been obtained as provided in Article I of Chapter 17.32, and while such permit is in full force and effect in conformity with conditions of such permit for:

1. Arboretum;
2. Botanical garden;
3. Crops: field, tree, bush, berry and row including nursery stock where the site abuts developed, residential property in the R, MHP, MDR or HDR zones;
4. Open spaces as a part of an RPD development, public;
5. Riding, hiking, bicycle trails but not including trails for motor-driven vehicles;

(Ord. No. 947, § 1, 7-13-2010)

#### **17.20.230 Height regulations.**

No building in the O zone shall exceed a height of 25 feet. This section does not apply to uses subject to permit which shall be subject to Article I of Chapter 17.32. (See Article XII of Chapter 17.40 for general exceptions.)

(Ord. No. 947, § 1, 7-13-2010)

#### **17.20.240 Exception for solar systems.**

Solar collectors may exceed the height limit when mounted on the roof of a legal, conforming building. The right to exceed the height limit shall be exercised only in the event that: there is no practical means or location for achieving an efficient placement on the building or site in question; such collectors may exceed the height limit only to the extent necessary to achieve efficient placement; in no case shall such solar collectors (or related equipment) encroach more than 5 feet beyond the limit. Also the placement of a solar collector shall not shade or otherwise diminish the efficiency of existing solar collectors on neighboring property, or preclude such property

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from sufficient solar access to successfully operate a solar energy system sufficient to serve the household needs of the occupants or the intended use.

(Ord. No. 947, § 1, 7-13-2010)

### **17.20.250 Site plan required.**

A site plan drawn to scale shall be required of any person seeking to erect new buildings or structures, make additions to any existing buildings or structures, or otherwise improve or develop any lot or portion thereof for a permitted use prior to the issuance of any building permit.

(Ord. No. 947, § 1, 7-13-2010)

### **17.20.260 Property development regulations.**

- A. No new building shall be erected, constructed, moved onto, or established on an existing legal lot or parcel of land unless said building shall comply with all of the regulations set forth in this section which are pertinent to its placement on said lot or parcel.
- B. No existing building located on an existing legal lot or parcel of land shall be converted, enlarged or moved unless said building, or addition thereto, shall comply with all of the regulations set forth in this section which are pertinent to this placement on said lot or parcel.
- C. No new lot shall be created, or any building, or portion thereof, existing on such new lot be used unless said lot and said building location shall comply with all of the regulations set forth in this section which are pertinent to the area and dimensions for new lots and buildings on said lot.
- D. O zone:
  - 1. Minimum lot area: 10,000 square feet (see Sections 17.40.093, 17.40.095 and 17.40.097 in the event of lot area, width or depth reduction for highway purposes or public use);
  - 2. Yard requirements (see Section 17.28.030 for special provisions concerning yards):  
(See Sections 17.40.093, 17.40.095 and 17.40.097 in the event yard requirements must be reduced for street widening or transit stops.)
    - a. Front yard: 20 feet,
    - b. Interior side yard: 20 feet,
    - c. Street side yard: 20 feet,
    - d. Rear yard\*: 20 feet;
  - 3. Lot coverage:
    - a. Maximum lot coverage: 10 percent of the lot area;
  - 4. Open space: 70 percent of the lot area;
  - 5. Landscaping: no landscaping shall be placed in a manner which shades or would ultimately shade any existing solar energy system from the sun on a contiguous lot.

\*EXCEPTION: Solar energy systems are permitted in rear yards and not counted against lot coverage.

(Ord. No. 947, § 1, 7-13-2010)

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### **17.20.270 Signs.**

A person shall not use any sign except as specifically permitted in this section and subject to all regulations and conditions set forth in accordance with Article VI of Chapter 17.32, Director's review. The following signs are permitted in the O zone:

- A. Address. Street numbers of all buildings shall be prominently located and of sufficient size to be easily read from the street by public safety personnel (i.e., police, fire, ambulance).
- B. Monument Sign. Twenty-five square feet plus 0.25 square feet for each foot of frontage over 100 feet up to a maximum of 50 square feet.
- C. Wall Sign. One square foot per linear foot of building frontage.
- D. Freestanding signs shall be not less than 25 feet from an interior property line and shall be at least 100 feet from any other freestanding sign.

(Ord. No. 947, § 1, 7-13-2010)

### **17.20.280 Fences.**

- A. Purpose. The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access, lessen solar access, hinder the safe movement of pedestrian and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.
- B. Type of fences. The standards apply to walls, fences and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.
- C. Location. Fences may be 6 feet tall at the property line. A fence within 30 feet of a street lot line may not be more than 10 percent sight obscuring.
- D. Building permits. Building permits are required by Building and Safety Division, for fences 6 feet in height.

(Ord. No. 947, § 1, 7-13-2010)

### **17.20.290 Design requirements.**

The following design requirements shall be met by development in the O zone:

- A. Existing topography, hydrology, soil, drainage and vegetation conditions shall be retained on undeveloped land in order to retain the visual appeal and function of the undisturbed open space area. No vehicle, equipment or materials will be operated, stored or placed on the undisturbed area.
- B. All buildings shall be designed to enclose or otherwise screen from view all rooftop mechanical equipment, ducts, tanks, etc., including solar systems. This requirement does not include windpowered turbines used for ventilation.
- C. Where multistory buildings are to be utilized on lots abutting property in the R zone, such buildings shall be located or oriented in a manner which will minimize the visual intrusion into neighboring single-family property. (This may be accomplished by setting the building back from the abutting

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property line beyond the distance required by the yard, orienting the building in a manner which will not give a view into the back yard of their neighbors, or by other design consideration.)

(Ord. No. 947, § 1, 7-13-2010)

## ***Article V. Park (Pk) Zone***

### **17.20.300 Purpose and intent.**

The purpose and intent of the Pk zone is to provide the means necessary to implement the policies of the City's General Plan regarding parks and the land use designations "O" (open space), as delineated on the general plan map, and to designate zoning for those uses which are park and recreation facilities and thus contribute to the visual and spatial relief from continuous urban development.

(Ord. No. 947, § 1, 7-13-2010)

### **17.20.310 Permitted uses.**

The following uses, excluding uses that stockpile, commercially compost, process, or handle sludge or biosolid materials, are permitted in the Pk zone: A. Parks, public, and associated buildings and recreation facilities.

(Ord. No. 947, § 1, 7-13-2010)

### **17.20.320 Accessory uses.**

The following uses are considered as accessory uses to the permitted uses in the Pk zone:

- A. Accessory buildings or structures customarily used in conjunction with permitted uses, including but not limited to playground equipment, ball fields and seating, etc.
- B. Solar energy systems, whether mounted on or attached to a building or mounted on the ground.
- C. Electric Vehicle Charging Station. An electric vehicle charging station (EVCS) shall be permitted as an accessory use within any existing legal single-family or multiple-family residential garage or carport, or within any existing legal commercial parking space in a parking lot or in a parking garage, subject to all applicable city code requirements and the following:
  - 1. Electric vehicle charging stations (EVCS) for public use shall be subject to the following requirements:
    - a. The EVCSs shall be located in a manner which will be easily seen by the public for informational and security purposes and shall be illuminated during evening business hours; and
    - b. Be located in desirable and convenient parking locations which will serve as an incentive for the use of electric vehicles; and
    - c. The EVCS pedestals shall be protected as necessary to prevent damage by automobiles; and
    - d. The EVCS pedestals shall be designed to minimize potential damage by vandalism and to be safe for use in inclement weather; and

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- e. Complete instructions and appropriate warnings concerning the use of the EVCS shall be posted on a sign in a prominent location on each station for use by the operator; and
  - f. One standard non-illuminated sign, not to exceed 4 square feet in area and 10 feet in height, may be posted for the purpose of identifying the location of each cluster of EVCSs; and
  - g. The EVCS may be on a timer that limits the use of the station to the normal business hours of the use(s) which it serves to preclude unauthorized use after business hours.
2. Electric vehicle charging stations for private use shall:
- a. Be located in a manner which will not allow public access to the charging station; and
  - b. Comply with subsections C.1.c., d. and e. of this section.

(Ord. No. 947, § 1, 7-13-2010)

### **17.20.330 Temporary uses.**

The following uses are considered as temporary uses in the Pk zone:

- A. Building materials, storage of, used in the construction of a building or building project, during the construction and 30 days thereafter, including the contractor's temporary office provided that any lot or parcel of land so used shall be part of the building project, or on property adjoining the construction site.

(Ord. No. 947, § 1, 7-13-2010)

### **17.20.340 Uses subject to director's review and approval.**

If site plans or other pertinent information for the proposed use are first submitted to and approved by the director in accordance with Article VI of Chapter 17.32, premises in the Pk zone may be used for the following uses:

- A. Access to property lawfully used for a purpose not permitted in the Pk zone, provided no other practical access to such property is available, and such access will not alter the character of the premises in respect to permitted uses in the Pk zone;
- B. Carnivals, subject to the provisions of Chapter 9.46;
- C. Signs, as provided in Section 17.20.260.

(Ord. No. 947, § 1, 7-13-2010; Ord. No. 999, § 7, 8-26-2014)

### **17.20.350 Uses subject to permits.**

- A. The following uses are permitted in the Pk zone; provided, a conditional use has first been obtained as provided in Article I of Chapter 17.32, and while such permit is in full force and effect in conformity with conditions of such permit for:
  - 1. Arboretum;
  - 2. Archery range;
  - 3. Athletic range;

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4. Botanical garden;
  5. Campgrounds, publicly or privately owned or operated, containing overnight camping facilities for tents, travel trailers, camper trucks or other recreational vehicles;
  6. Fishing and casting ponds, recreational;
  7. Golf courses, including the customary clubhouse and appurtenant facilities;
  8. Golf or baseball driving ranges;
  9. Open spaces as a part of an RPD development, public;
  10. Parks;
  11. Picnic grounds;
  12. Playgrounds;
  13. Polo grounds;
  14. Radio and television stations and towers including studios. Existing stations may expand their building floor area up to 50 percent without obtaining a conditional use permit;
  15. Riding, hiking, bicycle trails but not including trails for motor-driven vehicles;
  16. Swimming pool, public;
  17. Utilities, minor, public and private; including telephone repeater stations and microwave stations.

(Ord. No. 947, § 1, 7-13-2010)

#### **17.20.360 Height regulations.**

No building in the Pk zone shall exceed a height of 40 feet. This section does not apply to uses subject to permit which shall be subject to Article I of Chapter 17.32. (See Article XII of Chapter 17.40 for general exceptions.)

(Ord. No. 947, § 1, 7-13-2010)

#### **17.20.370 Exception for solar systems.**

Solar collectors may exceed the height limit when mounted on the roof of a legal, conforming building. The right to exceed the height limit shall be exercised only in the event that: there is no practical means or location for achieving an efficient placement on the building or site in question; such collectors may exceed the height limit only to the extent necessary to achieve efficient placement; in no case shall such solar collectors (or related equipment) encroach more than 5 feet beyond the limit. Also the placement of a solar collector shall not shade or otherwise diminish the efficiency of existing solar collectors on neighboring property, or preclude such property from sufficient solar access to successfully operate a solar energy system sufficient to serve the household needs of the occupants or the intended use.

(Ord. No. 947, § 1, 7-13-2010)

#### **17.20.380 Site plan required.**

A site plan drawn to scale shall be required of any person seeking to erect new buildings or structures, make additions to any existing buildings or structures, or otherwise improve or develop any lot or portion thereof for a permitted use prior to the issuance of any building permit. The director or his designated representative shall

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review the site plan for conformance with the provisions of this title. The site plan shall demonstrate conformance with height regulations (Section 17.20.350), property development regulations (Section 17.20.380), sign regulations (Section 17.20.390), off-street parking requirements (Section 17.20.400), design requirements (Section 17.20.410) and any other requirements as established for the Pk zone. In addition to the requirements set forth in the Pk zone, the director may place conditions on the approval of the site plan where he finds that such action is necessary to protect the public health, safety, and welfare. At such time as the site plan complies with the intent of this title, the site plan may be approved by the director or his designated representative. The site plan approval shall be valid for one year from the date of approval. A one-year extension of the approval may be granted by the director or his designated representative. In the event the site plan is denied, the applicant may appeal the decision in accordance with Section 17.36.030.

(Ord. No. 947, § 1, 7-13-2010)

### **17.20.390 Property development regulations.**

- A. No new building shall be erected, constructed, moved onto, or established on an existing legal lot or parcel of land unless said building shall comply with all of the regulations set forth in this section which are pertinent to its placement on said lot or parcel.
- B. No existing building located on an existing legal lot or parcel of land shall be converted, enlarged or moved unless said building, or addition thereto, shall comply with all of the regulations set forth in this section which are pertinent to this placement on said lot or parcel.
- C. No new lot shall be created, or any building, or portion thereof, existing on such new lot be used unless said lot and said building location shall comply with all of the regulations set forth in this section which are pertinent to the area and dimensions for new lots and buildings on said lot.
- D. O zone:
  - 1. Minimum lot area: 10,000 square feet (see Sections 17.40.093, 17.40.095 and 17.40.097 in the event of lot area, width or depth reduction for highway purposes or public use);
  - 2. Yard requirements (see Section 17.28.030 for special provisions concerning yards):  
(See Sections 17.40.093, 17.40.095 and 17.40.097 in the event yard requirements must be reduced for street widening or transit stops.)
    - a. Front yard: 20 feet,
    - b. Interior side yard: 20 feet,
    - c. Street side yard: 20 feet,
    - d. Rear yard\*: 20 feet;
  - 3. Lot coverage\*\*:
    - a. Maximum lot coverage: 10 percent of the lot area;
  - 4. Open space\*\*: 70 percent of the lot area;
  - 5. Landscaping: no landscaping shall be placed in a manner which shades or would ultimately shade any existing solar energy system from the sun on a contiguous lot.  
  
\*EXCEPTION: Solar energy systems are permitted in rear yards and not counted against lot coverage.  
  
\*\*EXCEPTION: Public community or recreation buildings are exempted from lot coverage and open space requirements.

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(Ord. No. 947, § 1, 7-13-2010)

#### **17.20.400 Signs.**

A person shall not use any sign except as specifically permitted in this section and subject to all regulations and conditions set forth in accordance with Article VI of Chapter 17.32, Director's review. The following signs are permitted in the Pk zone:

- A. Address. Street numbers of all buildings shall be prominently located and of sufficient size to be easily read from the street by public safety personnel (i.e., police, fire, ambulance).
- B. Monument Sign. Twenty-five square feet plus 0.25 square feet for each foot of frontage over 100 feet up to a maximum of 50 square feet.
- C. Wall Sign. One square foot per linear foot of building frontage.
- D. Freestanding signs shall be not less than 25 feet from an interior property line and shall be at least 100 feet from any other freestanding sign.

(Ord. No. 947, § 1, 7-13-2010)

#### **17.20.410 Off-street parking.**

- A. The automobile parking facilities required by Section 17.12.220 of this title shall be provided and permanently maintained as such unless and until a substitute has been provided which is in full compliance with the provisions of this title.
- B. Parking in required yards is prohibited.

(Ord. No. 947, § 1, 7-13-2010)

#### **17.20.420 Design requirements.**

The following design requirements shall be met by development in the Pk zone:

- A. Existing topography, hydrology, soil, drainage and vegetation conditions shall be retained on undeveloped land in order to retain the visual appeal and function of the undisturbed open space area. No vehicle, equipment or materials will be operated, stored or placed on the undisturbed area.
- B. All buildings shall be designed to enclose or otherwise screen from view all rooftop mechanical equipment, ducts, tanks, etc., including solar systems. This requirement does not include windpowered turbines used for ventilation.
- C. A wall of not less than 5 feet nor greater than 6 feet in height measured from the highest ground elevation on either side of the wall (except where specified otherwise in Section 17.28.030C) may be required by the director to be constructed along all or a portion of the perimeter of the premises as necessary to protect adjoining property.
- D. Where multistory buildings are to be utilized on lots abutting property in the R zone, such buildings shall be located or oriented in a manner which will minimize the visual intrusion into neighboring single-family property. (This may be accomplished by setting the building back from the abutting property line beyond the distance required by the yard, orienting the building in a manner which will not give a view into the back yard of their neighbors, or by other design consideration.)

(Ord. No. 947, § 1, 7-13-2010)

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(Supp. No. 10-24, Upd 1)



## ***Article VI. Cemetery (Ce) Zone***

### **17.20.430 Purpose and intent.**

The purpose and intent of the Cemetery (Ce) zone is to implement the cemetery requirements as set forth in the Lancaster Municipal Code. As used in this title, "cemetery" means a place for the permanent interment of dead human bodies or the cremated remains thereof, including a crematory. It may be either a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination of one or more thereof. Properties designated with the Cemetery zone shall conform to the requirements of Section 17.20.430 through 17.20.570.

(Ord. No. 947, § 1, 7-13-2010)

### **17.20.440 Uses subject to permits.**

The following uses may be permitted provided the specified permit has first been obtained, and while such permit is in full force and effect in conformity with the conditions of such permit for:

- A. Cemeteries, including columbariums, crematoriums and mausoleums, as provided in Sections 17.20.430 through 17.20.570.

(Ord. No. 947, § 1, 7-13-2010)

### **17.20.450 When deemed established.**

- A. A cemetery shall be deemed to be established or maintained or extended where the interment of one or more dead human bodies or cremated remains is made in or upon any property, whether or not the same has been duly and regularly dedicated for cemetery purposes under the laws of the state of California, and which at the date this article takes effect was not included within the boundaries of a legally existing cemetery.
- B. Any person who makes or causes to be made any interment in or upon such property, and any person having the right of possession of any such property who knowingly permits the interment of a dead body or cremated remains therein or thereupon shall be deemed to have established, or maintained, or extended a cemetery within the meaning of the provisions of this title.

(Ord. No. 947, § 1, 7-13-2010)

### **17.20.460 Permit required.**

A person shall not establish or maintain any cemetery or extend the boundaries of any existing cemetery at any place within the unincorporated territory of the county of Los Angeles without a permit first having been applied for and obtained from the commission. This section does not prevent the maintenance, development and operation within their present boundaries of cemeteries which were legally established on the date this article takes effect.

(Ord. No. 947, § 1, 7-13-2010)

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#### **17.20.470 Application for permit.**

Any person desiring to obtain a permit required by this article shall file a written application therefore with the director.

(Ord. No. 947, § 1, 7-13-2010)

#### **17.20.480 Verification of application.**

The president and secretary of the corporation which will be in charge of the operation of the proposed cemetery and the owner of the land to be included therein shall sign the application for a permit required by this article. Such persons shall also verify the application as provided by the Code of Civil Procedure of the state of California for the verification of pleadings in civil actions.

(Ord. No. 947, § 1, 7-13-2010)

#### **17.20.490 Contents of application.**

An application for a permit required by this article shall set forth in separate paragraphs or in exhibits attached thereto the following information:

- A. A list certified to be correct by affidavit or by statement under penalty of perjury pursuant to Section 2015.5. of the Code of Civil Procedure of names and addresses of:
  - 1. All persons owning any part of the property proposed to be used as a cemetery, and
  - 2. All persons owning property within a distance of 1½ miles of said proposed cemetery or extension of an existing cemetery where there are 50 or more buildings used either for residence or business within such distance as shown on the latest available assessment roll of the county of Los Angeles;
- B. The names and addresses of the officers and directors of the corporation which will be in charge of the operation of the cemetery;
- C. A map showing the exact location, exterior boundaries and legal description of the property which it is proposed to use for a cemetery and the location of all buildings, whether public or private, located within a distance of 1½ miles from the exterior boundaries of said premises, and the location and depth of all wells in said area from which domestic or irrigating water is obtained. The map shall also show the location and names of all public highways located within a distance of 1½ miles from the exterior boundaries of the said premises, and if no public highways are located within said distance then said map shall show the location and at least ½ mile of the extent of the 3 public highways having a length of at least ½ mile which are located nearest to said premises. The map shall further show the elevation in feet above sea level of the highest and lowest points in the said premises and the width, depth and location of all natural watercourses and artificial drains or conduits for the drainage of storm water located upon the said premises or within 2,000 feet from the exterior boundary thereof in any direction;
- D. A financial statement of applicant showing the financial ability of applicant to establish, care for, and maintain the proposed cemetery in such a manner as to prevent the same from being a public nuisance;
- E. A statement setting forth whether the said cemetery is to be established as a perpetual care or nonperpetual care cemetery, and if a perpetual care fund is to be or has been created, the amount

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then on hand and the method, scheme or plan of continuing and adding to the same in full details sufficient to show that said cemetery will be maintained so as not to become a public nuisance.

(Ord. No. 947, § 1, 7-13-2010)

#### **17.20.500 Filing fee.**

When an application is filed it shall be accompanied by the filing fee required by resolution of the city council.

(Ord. No. 947, § 1, 7-13-2010)

#### **17.20.510 Scheduling of hearings.**

The commission shall hold 2 public hearings on an application for a cemetery permit. The first such hearing shall be held within 60 days from the date the application is filed.

(Ord. No. 947, § 1, 7-13-2010)

#### **17.20.520 Notice of hearings.**

Not less than 20 days prior to the date of a hearing on an application for a cemetery permit, the director shall:

- A. Cause a copy of such notice to be published in a newspaper of general circulation in the county of Los Angeles, the first such publication appearing at least 20 days prior to the date of hearing as follows:
  - 1. Ten publications within such period if in a daily newspaper, or
  - 2. Three publications if in a weekly newspaper;
- B. Cause notices of said hearing to be posted conspicuously along the exterior boundary line of said proposed cemetery, or extension of an existing cemetery, not more than 300 feet apart and at each change of direction of the said boundary line, and also in the same manner along both sides of all public highways within 1½ miles of such exterior boundaries, and in such manner as will reasonably give notice to passersby of the matters contained in such notice. The notices referred to in this subsection shall contain a copy of the notice of hearing, a rough sketch showing the boundaries of the proposed cemetery or extension of an existing cemetery, and all public highways within a distance of 1½ miles of such exterior boundaries and a statement in black face letters not less than one inch high: "NOTICE OF PROPOSAL TO ESTABLISH CEMETERY";
- C. Where there are 50 or more buildings used either for residence or business purposes within a distance of 1½ miles from such exterior boundaries of said proposed cemetery or extension of an existing cemetery, he shall cause a notice of the said hearing to be mailed by first class mail, postage prepaid, to all persons whose names and addresses appear on the verified lists of property owners required to be submitted by the applicant.

(Ord. No. 947, § 1, 7-13-2010)

#### **17.20.530 Denial of permit.**

A permit may be denied if it is found that:

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- A. The establishment or maintenance of the proposed cemetery or the extension of an existing cemetery will or may jeopardize or adversely affect the public health, safety, comfort or welfare; or
  - B. Such establishment, maintenance or extension will or may reasonably be expected to be a public nuisance; or
  - C. Such establishment, maintenance or extension will tend to interfere with the free movement of traffic or with the proper protection of the public through interference with the movement of police, ambulance or fire equipment, and thus interfere with the convenience of the public or the protection of lives and property of the public; or
  - D. That the applicant through the proposed perpetual care fund or otherwise cannot demonstrate adequate financial ability to establish and maintain the proposed cemetery so as to prevent the proposed cemetery from becoming a public nuisance.

(Ord. No. 947, § 1, 7-13-2010)

#### **17.20.540 Dedication of highways.**

Before taking final action either the commission or the city council may require of the applicant any reasonable dedication of public streets or highways through the premises proposed to be used for the proposed cemetery or extension of an existing cemetery so as to prevent the same from jeopardizing the public safety, comfort or welfare, and if the time required by the commission or the city council for compliance with such conditions having been met, the commission or the city council may deny the permit.

(Ord. No. 947, § 1, 7-13-2010)

#### **17.20.550 Repeated applications.**

In the event that the commission or the city council shall have denied its approval of any application heretofore or hereafter made for any permit provided for herein no new or further applications for any such permit shall be made to establish or extend a cemetery upon the same premises, or any portion thereof, as described in such previous applications, until the expiration of one year from and after the date of the denial of such approval.

(Ord. No. 947, § 1, 7-13-2010)

#### **17.20.560 Assignment.**

No permit granted as a result of any such application shall be assignable prior to the actual establishment of such cemetery or extension of any existing cemetery, nor shall such permit be used by any other person than applicant in the establishment of such cemetery or extension of an existing cemetery.

(Ord. No. 947, § 1, 7-13-2010)

#### **17.20.570 Minor expansion.**

Where an application is filed requesting a cemetery permit for the expansion of the boundaries of an existing cemetery and the area of such proposed expansion: (1) will not exceed the lesser of 10 percent of the area of the existing cemetery, or 5 acres; and (2) was owned by the cemetery association at the time the existing cemetery was established; and (3) will not extend beyond natural or constructed barriers such as streets and highways,

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watercourses, drainage channels, and ravines; and (4) no previous expansion has been approved for the existing cemetery utilizing the modified application and notification requirements of this section, the applicant may:

- A. Substitute a distance of 700 feet in lieu of the 1½ mile distance for the certified list of names and addresses required to be submitted by subsection A.2. of Section 17.32.460; and
- B. Substitute a distance of 700 feet in lieu of the 1½ mile distance for maps required by subsection C of Section 17.32.460; and
- C. Substitute a distance of 700 feet in lieu of the 1½ mile distance for posting notices of hearing along public highways as required by subsection B of Section 17.32.490; and
- D. Where there are 50 or more buildings used either for residence or business purposes within a distance of 1½ miles from such exterior boundaries of said proposed expansion, the applicant shall cause a notice of the said hearing to be mailed by first class mail postage prepaid, to all persons whose names and addresses appear on the verified lists of owners of property within 700 feet of such expansion, which list is required to be submitted by the applicant.

(Ord. No. 947, § 1, 7-13-2010)

#### **17.20.580 Reduction in boundaries.**

Where an application is filed requesting a cemetery permit for a reduction in boundaries of an existing cemetery never used the applicant may:

- A. Substitute a distance of 700 feet for filing and application requirements as provided in the case of minor expansions by subsections A, B, C, and D of Section 17.20.560; and
- B. Delete the information required by subsections D and E of Section 17.20.480.

(Ord. No. 947, § 1, 7-13-2010)

### ***Article VII. Specific Plan (SP) Zone***

#### **17.20.590 Purpose and intent.**

The purpose and intent of the SP zone is to provide the means necessary to implement the city general plan; whether it is solely the SP designation, or in conjunction with any other general plan land use designation as set forth in the text of the general plan, and as delineated on the general plan map. The specific plan zone is intended to be in accordance with applicable goals, objectives, policies and specific actions set forth by the plan. It is the intent of the SP zone that specific plans be prepared to regulate the use and development of property prior to, or in conjunction with, the review of development and subdivision proposals. It is intended that these specific plans be comprehensive and cover a logical planning area so that development in the SP zone occurs in a coordinated fashion, with adequate public/private services and infrastructure, rather than as a series of isolated individual projects. It is further intended that these specific plans provide the opportunity for unique and creative designs that are not possible under the city's typical development regulations.

Where so specified on the general plan map, the land use category shall determine the type of land use permitted and/or the density range for the specific plan. Where the SP zone is specified without a land use designation on the general plan map, the specific plan shall include a comprehensive proposal for development, which may include but is not limited to, a variety of mixed land uses and standards to enhance and protect the physical features of the site and surrounding areas.

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It shall also be the intent of the SP zone to allow certain individual uses on property where no specific plan has been adopted when such uses will not adversely affect the surrounding area or the city's ability to adopt a future specific plan for the area.

(Ord. No. 947, § 1, 7-13-2010)

### **17.20.600 Prohibition.**

A person shall not use any premises in the SP zone except as hereafter permitted in this title and subject to all regulations and conditions enumerated in this title. Where a specific plan has been adopted by the city, it shall supersede all regulations contained in this article.

(Ord. No. 947, § 1, 7-13-2010)

### **17.20.610 Permitted uses.**

The following uses are permitted within the SP zone:

- A. Agricultural crop production, including necessary on-site processing, sales and storage facilities; provided, that no sludge or biosolid material shall be applied to any land as a soil amendment;
- B. Continued operation of existing uses, including residences, which were legally established prior to the adoption of the SP zone on August 3, 1992. Residences in the C, LI, or HI general plan land use designations may be expanded by a maximum cumulative total of 500 square feet of living area. This size limit does not apply accessory dwelling units and junior accessory dwelling units subject to Chapter 17.41, Article I. Residences within the UR, MDR or HDR land use designations may be expanded without limitation provided that all applicable property development regulations are met.
- C. Mobilehome on an existing vacant legal lot, in accordance with the design standards as established in Section 17.08.370, with a general plan land use designation of UR, MDR or HDR.
- D. Single-family residence on an existing vacant legal lot, including all typical accessory uses and structures, with a general plan land use designation of UR, MDR or HDR.
- E. Public and quasi-public facilities necessary for the health, safety and welfare of the public, including but not limited to communication facilities, fire stations and utilities.
- F. Re-use of existing vacant premises with new use consistent with the land use designation, including site or structural improvements necessary to meet current codes.

(Ord. No. 947, § 1, 7-13-2010; Ord. No. 1106, § 4(Exh. A), 10-10-2023)

### **17.20.620 Uses subject to director's review and approval.**

If site plans or other pertinent information for the proposed use are first submitted to and approved by the director in accordance with Article I of Chapter 17.32 and Section 17.20.680, premises in the SP zone may be used for the following uses:

- A. Establishment of a new use that is not consistent with the underlying land use designation only when:
  - 1. The use will occupy an existing developed site that is appropriate for the use; and
  - 2. The use will not be detrimental to other uses or property in the surrounding area.

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- B. Expansion of a legally established commercial or industrial use where the use is consistent with the general plan land use designation of C, LI or HI.
  - C. Home occupation subject to the provisions of Section 17.08.320.
  - D. One dwelling unit, in accordance with Section 17.16.040, used for residence by a caretaker and his immediate family, where there is a legally operating use that requires continuous supervision on a site with a general plan land use designation of LI or HI.
  - E. Raising, training, breeding of animals, including all necessary facilities; slaughtering and packaging operations may be allowed only where the underlying land use is HI provided that no sludge or biosolid material shall be applied to any land as a soil amendment.

(Ord. No. 947, § 1, 7-13-2010)

### **17.20.630 Uses subject to conditional use permit.**

Property within the SP zone may be used for the following uses provided that a conditional use permit has first been obtained in accordance with Article I of Chapter 17.32 and Section 17.20.680:

- A. Churches, temples, or other places used exclusively for religious worship, including incidental education and social activities on a lot with a general plan land use designation of UR, MDR, HDR or C;
- B. Day care center;
- C. Schools, through grade 12 on a site with a general plan land use designation of UR, MDR or HDR;
- D. Recreational facilities, including parks;
- E. Warehousing and mini-storage, including outdoor storage and construction yards subject to screening standards of the corresponding zone on a lot with a general plan land use designation of LI or HI.

(Ord. No. 947, § 1, 7-13-2010; Ord. No. 1106, § 4(Exh. A), 10-10-2023)

### **17.20.640 Interpretation.**

Where a conflict in interpretation occurs regarding application of Section 17.20.600, 17.20.610, 17.20.620 or 17.20.640 to any specific case the director shall determine the interpretation.

(Ord. No. 947, § 1, 7-13-2010)

### **17.20.650 Specific plan required.**

An applicant seeking to subdivide property, or to develop or use property in an SP zone except as otherwise allowed by this title, shall present a proposal to the Department of Community Development for a specific plan which complies with the specific plan provisions of California Government Code, Article 8, Section 65450 et seq. An application for a specific plan shall be filed with the Department of Community Development on a form prescribed by the director and shall include such information, maps and data as determined necessary by the director to afford a complete analysis of the proposal and to be in conformance with state law.

(Ord. No. 947, § 1, 7-13-2010)

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### **17.20.660 Fee required.**

When an application is filed for a specific plan it shall be accompanied by the filing fee established for a zone change by resolution of the city council.

(Ord. No. 947, § 1, 7-13-2010)

### **17.20.670 Property development regulations.**

- A. Any development within the SP zone, including establishment or enlargement of uses, buildings or structures, shall comply with the property development regulations of the zoning classification that corresponds to the general plan land use designation on the site.
- B. Residential projects and mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use shall be subject to the objective design standards in Chapter 17.41, Article IV and those objective design standards contained within an applicable master plan or specific plan. If there is a conflict between the objective design standards in Chapter 17.41, Article IV and those in the applicable master plan or specific plan, the standards of the master plan or specific plan shall prevail.

(Ord. No. 947, § 1, 7-13-2010; Ord. No. 1106, § 4(Exh. A), 10-10-2023)

### **17.20.680 Signs.**

Signs shall be allowed within the SP zone subject to the requirements of the zoning classification that corresponds with the general plan land use designation of the site. Off-premises advertising signs, including billboard relocations, are strictly prohibited in the SP zone. Uses subject to conditional use permit shall be required to prepare a comprehensive sign plan to regulate the placement of signage.

(Ord. No. 947, § 1, 7-13-2010)

### **17.20.690 Findings for director's review and conditional use permit.**

In approving an application for director's review or conditional use permit, the following findings shall be made in addition to the findings specified elsewhere in this title:

- A. The proposed use will not adversely affect the ability of the city to adopt a comprehensive specific plan on, or in the vicinity of, the subject property.
- B. The proposed use will not result in further subdivision of the subject property.

(Ord. No. 947, § 1, 7-13-2010)

## ***Article VIII. Senior Mobilehome Park Overlay (MHP-S) Zone***

### **17.20.700 Purpose and intent.**

The purpose and intent of the MHP-S overlay zone is to implement the senior mobilehome park requirements as set forth in Section 17.08.305 of the Lancaster Municipal Code. Properties designated with the MHP-S overlay zone shall conform to the requirements of Section 17.08.305 of the Lancaster Municipal Code and



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related requirements applicable to senior mobilehome parks as set forth in Title 17 of the Lancaster Municipal Code.

(Ord. No. 947, § 1, 7-13-2010)

#### **17.20.710 Prohibition.**

A person shall not use any premises in the MHP-S zone except as hereafter permitted in this title and subject to all regulations and conditions enumerated in this title.

(Ord. No. 947, § 1, 7-13-2010)

#### **17.20.720 Permitted uses.**

The following uses are permitted in the MHP-S zone subject to stated regulations and conditions:

- A. Senior mobilehome park as defined in Section 17.04.240 and subject to all requirements as set forth in Section 17.08.305.

(Ord. No. 947, § 1, 7-13-2010)

### ***Article IX. Housing Density Overlay (HD-O) Zone***

#### **17.20.730 Purpose and intent.**

The purpose and intent of the Housing Density Overlay Zone (HD-O) is to provide flexibility and opportunities for additional housing types by providing means to achieve a higher maximum allowed density than would otherwise be allowed by the underlying zoning.

(Ord. No. 1090, § 3(Exh. A), 6-28-2022)

#### **17.20.740 Applicability of standards.**

The Housing Density Overlay Zone standards apply only to locations designated on the zoning map with a Housing Density Overlay Zone. A Housing Density Overlay Zone may only be applied to properties within the HDR, C, and CPD zones, upon application by a project proponent or the City, consistent with the provisions of Chapter 17.24.

(Ord. No. 1090, § 3(Exh. A), 6-28-2022)

#### **17.20.750 Development regulations.**

Properties designated with the Housing Density Overlay zone shall conform to all standards established within the underlying zone where the overlay is applied, with the following exception:

- 1. Maximum Density. Residential density shall not exceed fifty (50) dwelling units per acre.

(Ord. No. 1090, § 3(Exh. A), 6-28-2022)

### ***Article X. East Side Overlay Zone (EOZ) District***

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### 17.20.760 In general.

As used in this title "East Side Overlay Zone District" applies to property designated on the zoning map by reference letters "EOZ" after the reference letter(s) identifying the base zoning district.

The base district is zoned Rural Residential-2.5 (RR-2.5), intended for rural single-family residential use, allowing one dwelling unit per minimum net area of 100,000 square feet.

(Ord. No. 1105, § 4(Exh. A), 9-12-2023)

### 17.20.770 Purpose and intent.

The purpose and intent of the EOZ District is to establish allowed use provisions and requirements for areas of the city where the specified light industrial uses and rural residential are compatible. The purpose and intent of the EOZ District is also to provide the means necessary to implement the City of Lancaster general plan, specifically: the "light industry" category, where compatible with the base district rural residential uses, the "non-urban residential" category (zoned RR-2.5).

(Ord. No. 1105, § 4(Exh. A), 9-12-2023)

### 17.20.780 Permitted uses—East Side Overlay zone.

Permitted uses for the East Side Overlay are listed below. In the event of a conflict between allowed uses for this district and the allowed uses of the underlying base zoning district, the allowed uses for the East Side Overlay Zone District shall apply. Uses which do not fall into any other category, and are not temporary or accessory uses, uses subject to director's review, or uses subject to permit in this EOZ District, that are consistent with the purpose and intent of this overlay and similar to other uses permitted herein shall be determined by the director.

East Side Overlay—Uses Matrix	
Definition P = Permitted Use; DR = Director's Review; C = Conditional Use Permit; N/A = Not Allowed	
<b>A. Permitted Uses.</b>	
Permitted Use (P), Director's Review (DR) and Conditional Use Permit (CUP) include those listed within the RR-2.5 Zone (Section 17.08.050), unless specifically addressed within the East Side Overlay District.	
Alcohol Production - Brewery, Winery, or Distillery	P
Contractor Storage Yard - Indoor and Outdoor	P
Research and Development	P
<b>B. Accessory Uses.</b>	
Permitted Use (P) and Director's Review (DR) Accessory Uses include those listed within the RR-2.5 Zone (Section 17.08.050), unless specifically addressed within the East Side Overlay District.	
<b>C. Temporary Uses.</b>	
Permitted (P) and Director's Review (DR) Temporary Uses include those listed within the RR-2.5 Zone (Section 17.08.050), unless specifically addressed within the East Side Overlay District.	
<b>D. Other Uses.</b>	
This category includes those uses which do not fall into any other category, and are not temporary or accessory uses, uses subject to the Director's Review, or uses subject to permit in this zone, which the Director deems the use consistent with the purpose and intent of this overlay and similar to other uses permitted herein.	To be determined by the Director
<b>E. Uses Subject to Conditional Use Permits.</b>	

Alternative Energy Uses	C
Automobile, Boat, Equipment, Motorcycle, Truck, Tractor, Service, Repair, Accessories and Parts	C
Buildings and Structures over 50 feet in height (any use)	C
Building Trades and Related Uses	C
Distribution	C
Food Manufacturing, Processing, Wholesale Sales and Storage	C
Light Manufacturing	C
Warehousing	C
<b>F. Prohibited Uses.</b>	
Commercial Cannabis Facilities	N/A

(Ord. No. 1105, § 4(Exh. A), 9-12-2023)

### 17.20.790 Use descriptions.

All uses are subject to any stated exceptions, development requirements, and standard city approval process.

*Alcohol Production - Brewery, Winery or Distillery.* This category includes establishments where beer, wine, and/or other spirits are prepared, bottled, stored, and sold for on- or off-site consumption. Tasting rooms or seating areas may be provided on-site. Tasting room/seating areas shall be limited up to 25% of the floor space area.

*Alternative Energy Uses.* This category includes both solar photovoltaic electric generation facility (solar farms), hydrogen production and generation facilities and other similar uses. Solar uses in the EOZ District must comply with regulations set forth in Section 17.08.290, Solar Farms. All hydrogen production, storage, and transport activities must comply with federal and state regulations.

*Automobile, Boat, Equipment, Motorcycle, Truck, Tractor, Service, Repair, Accessories and Parts.* This category includes, but is not limited to body and frame shops, auto upholstery shops, brake shops, muffler shops, radiator shops, repair shops. All activities shall be conducted within an enclosed building.

*Building Trades and Related Uses.* This category includes, but is not limited to cabinet making, carpenter shop, engineers and surveyors, and landscape materials (including nurseries). This land use excludes batch plants and concrete transit mix uses.

*Contractor Storage Yards.* This category includes outdoor storage area used for the storage of the equipment, vehicles, or other materials while not in use. Contractor storage yards may include administrative offices and other accessory uses directly related to the business on the property.

*Distribution.* Includes facilities primarily engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including transshipment by air, rail or motor vehicle, but excludes truck terminals. All storage activities shall be conducted within an enclosed building.

*Food Manufacturing, Processing, Wholesale Sales and Storage.* This category includes but is not limited to breweries, coffee roasting, dairy products, fruit and produce, malt products, meat processing, oleomargarine, sodium glutamate, soft drinks, vitamin tablets, and similar uses. All such uses shall be conducted within an enclosed building. This category does not include dairies, lard manufacturing, pickles, sausage, sauerkraut, slaughter houses, distillation of vinegar, or the canning of other fish or meats and similar uses; these uses are specifically excluded. All such uses shall be conducted within an enclosed building.

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*Light Manufacturing.* This category includes any kind of manufacturing, processing, or treating of products which are not obnoxious or offensive by reason of the emission of odor, dust, smoke, gas, noise, or other causes. Typical uses include, but are not limited to, cabinet/carpenter shops, garment manufacturing, machine shops, and textile manufacturing. All activities shall be conducted within an enclosed building.

*Research and Development.* This category includes but is not limited to laboratories and facilities for scientific research, development, and testing, including use of hazardous materials in compliance with local, state, and federal regulations. Ancillary administrative offices are permitted. Agricultural and biological research involving sludge or biosolid material shall be conducted only within an enclosed building or suitable containment vessel.

*Warehousing.* Includes facilities primarily engaged in the storage of goods and materials in a building and does not include the assembly or manufacture of goods and materials.

(Ord. No. 1105, § 4(Exh. A), 9-12-2023)

### **17.20.800 Parking requirements.**

The automobile parking facilities required by this section shall be provided and permanently maintained as such. The following parking requirements shall be complied within the East Side Overlay zone:

Use	Parking
Base Zone Use (including permitted, Director's Review, and conditional uses) Uses shall include, but are not limited to the uses within the RR-2.5 zone Section 17.08.050, unless specifically addressed within the Overlay	Refer to Section 17.08.100
Alternative Energy Uses	To be determined by the Director with consideration for the number of employees and visitors reasonably expected for the particular use, as sufficiently demonstrated in the applicable land use application
Automobile, Boat, Equipment, Motorcycle, Truck, Tractor, Service, Repair, Accessories and Parts	1 parking space for each 400 square feet and 4 parking spaces for each service bay
Building Trades and Related Uses	1 parking space for each 400 square feet
Distribution	A minimum of 5 parking spaces for warehouses with a gross floor area up to 25,000 square feet; and for warehouses with a gross floor area in excess of 25,000 square feet, a minimum of 5 parking spaces plus one additional space for each 5,000 square feet or fraction thereof over and above 25,000 square feet
Food Manufacturing, Processing, Wholesale Sales and Storage	1 parking space for each 400 square feet
Light Manufacturing	1 parking space for each 400 square feet
Research and Development	1 parking space for each 250 square feet of gross floor area
Warehousing	A minimum of 5 parking spaces for warehouses with a gross floor area up to 25,000 square feet; and for warehouses with a gross floor area in excess of 25,000 square feet, a minimum of 5 parking spaces plus one additional space for each 5,000 square feet or fraction thereof over and above 25,000 square feet

<b>Other Uses</b> This category includes those uses which do not fall into any other category, and are not temporary uses, uses subject to Director's Review, or uses subject to permit in this zone, which the director deems the use consistent with the purpose and intent of this overlay and similar to other uses permitted herein	To be determined by the director with consideration for the number of employees and visitors reasonably expected for the particular use, as sufficiently demonstrated in the applicable land use application
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*Reduction in Parking.* Reduction in the number of parking spaces required by this code may be permitted with approval of the director. The developer, property owner, or authorized agent shall determine the number of parking spaces sufficient for the proposed use and shall provide justification acceptable to the director of and/or the planning commission to support the determination.

(Ord. No. 1105, § 4(Exh. A), 9-12-2023)

## 17.20.810 Development standards.

- A. General Development Standards. Property in the EOZ shall be subject to the following general development standards:

Front Yard Setback	20 feet
Interior Side Yard Setback	10 feet
Street Side Yard Setback	20 feet
Rear Yard Setback	10 feet
Maximum height of structure without a CUP	50 feet
Maximum Floor Area Ratio (F.A.R.)	.50

1. No building may be constructed which would shade any existing active solar energy system on adjoining property without the consent of the affected property owner (Refer to Section 17.04.240).
  2. Buildings and structures over 50 feet in height shall be subject to a conditional use permit.
  3. Proposed projects within 100 feet of an existing residential use shall be required to mitigate detrimental or potentially detrimental impacts to the reasonable use of the residential property, to the satisfaction of the director. Additional requirements based on proximity to existing residential uses are outlined in Section I, below.
- B. Paving. Required parking areas, as well as the maneuvering areas and driveways used for access thereto shall be paved with: (NOTE: Permits are required for any work done in the public right-of-way.)
1. Concrete surfacing to a minimum thickness of 3½ inches with expansion joints as necessary; or
  2. Asphalt surfacing, rolled to a smooth, hard surface having a minimum thickness of 2 inches after compaction, and laid over a base of crushed rock, gravel or other similar material compacted to a minimum thickness of 4 inches.
  3. For commercial and industrial truck parking and drive aisles, asphalt surfacing rolled to a smooth hard surface having a minimum thickness of 3 inches after compaction and, at a minimum, designed to accommodate a traffic index (TI) of 6.5 as calculated in accordance with the latest edition of the CalTrans Highway Design Manual. Large industrial projects may need a greater TI based upon their use.

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4. Other alternative material that will provide at least the equivalent in dust-free service, life and appearance of the materials and standards which would be employed for development.
  5. The director shall review and report on the adequacy of paving where modification of base is proposed, or where alternative materials are proposed. The director may approve such modification or such alternative materials.
  3. No parking shall occur in the first 10 feet of a required front or street side yard.
  4. Where parking abuts an alley, the improved alley may be used as an aisle subject to approval of the parking lot design.
  5. For parallel parking, minimum aisles are 12 feet and minimum parking space dimensions are 8 feet by 24 feet.

D. Landscaping.

1. Landscape designs shall be consistent throughout a project site. A combination of landscape materials should be arranged in a harmonious manner as an integral part of project design to enhance building design, public view, and interior spaces and provide buffers and transitions as needed. Unrelated and random choice or placement of plant materials shall be avoided; however, variety may be employed to intensify distinction between spaces or to strengthen a sense of place or movement, or to promote energy and water conservation and mitigate erosion.
2. The type, scale and proportion of landscape materials shall be appropriate to the site and/or structures to which they relate.
3. Plant material shall be selected for interest in its structure, texture, color, ultimate growth and water efficiency. Plants that are native or climate adaptive to the high desert area of Lancaster and/or others that will be hardy, harmonious with project design, and of good appearance, shall be used. Drought-resistant varieties of plants shall be used wherever feasible. Turf shall not be permitted. Drought-resistant varieties of plants shall be used in accordance with Title 8, Chapter 8.50, Landscaping Installation and Maintenance of the Lancaster Municipal Code.
4. Landscaped areas shall be irrigated by an automatic system with separate stations for each hydrozone. The irrigation system shall be designed and equipped to incorporate water conservation techniques such as drip systems, moisture sensors and anti-drain valves. Sprinkler systems shall be designed to prevent water from falling onto impervious surfaces. The system shall comply with Title 8, Chapter 8.50, Landscaping Installation and Maintenance of the Lancaster Municipal Code.
5. All areas within the site which are not needed for buildings, sidewalks, vehicle access or parking, shall be landscaped.
6. All landscaped planter areas shall be completely bordered by a 6-inch P.C.C. curbing to prevent irrigation runoff and act as a wheel stop where necessary. Where used as a wheel stop, the 6-inch curb may be counted toward the required length of the parking space.
7. All interior areas of parking lots shall be landscaped with a minimum of one shade tree plus one shade tree for each 4 parking spaces along with the other plant materials.
8. Not less than 10% of the lot area remaining after the area to be covered by buildings has been subtracted from the total lot area, shall be landscaped.

E. Wall and Fences.

1. Wall and fences shall not exceed 6 feet in height. A fence or wall may be constructed to a height in excess of 6 feet with a director's review.

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2. Prohibited Materials. Fiberglass sheeting, bamboo sheeting, black or green fabric, barbed wire, razor ribbon, or other similar temporary material shall not be permitted as a fencing material. In the case of temporary construction fencing for properties with an active building permit in good standing, black, green or other colored fabric may be installed to the satisfaction of the director.
- F. Signs.
1. Comprehensive sign programs for multi-tenant projects or an individual sign plan for single-tenant projects must be submitted to and approved by the director. Sign plans must be fully dimensioned including the proposed sign location(s), elevations, colors, and materials.
  2. Prohibited signs include those listed in Section 17.16.150, Signs—General Provisions. Off-premises outdoor advertising signs are also prohibited.
  3. Signs should comply with the standards set forth in the following sections:
    - Section 17.16.150, Signs—General Provisions
    - Section 17.16.160, Business Signs
    - Section 17.16.170, Building Identification Signs
    - Section 17.16.180, Temporary Signs
    - Section 17.16.190, Directional and/or Information Signs
    - Section 17.16.200, Special Purpose Signs
- G. Height regulations. The height of buildings or structures shall be as follows:
1. No building or structure shall exceed a height of 50 feet;
  2. No building may be constructed which would shade any existing active solar energy system on adjoining property without the consent of the affected property owner. (See subsection 1 in the definition of solar energy system in Section 17.04.240.)
- H. Noise. Uses which generate noise by the nature of their function and/or processes shall be required to demonstrate that the noise levels emitted from the use shall not exceed 65 dBA at any property line. A detailed noise attenuation study by a qualified acoustical engineer may be required by the director or his designated representative to determine appropriate mitigation and methods to incorporate same into project design. Site design methods which may be utilized to reduce noise include:
1. The use of building setbacks and dedication of noise easements to increase the distance between the noise source and receiver;
  2. The location of uses and orientation of buildings which are compatible with higher noise levels adjacent to noise generators or in clusters to shield more noise-sensitive areas and uses;
  3. The placement of noise-tolerant land uses, such as parking areas, between the noise source and receiver;
  4. The placement of noise-tolerant structures, such as garages or carports, to shield noise-sensitive areas;
  5. Clustering of office or commercial structures to reduce interior open space noise levels.
- I. Additional Standards—Adjacent to Residential Use.
1. When abutting or adjacent to an existing residential use, the following requirements shall also be applied:
    1. Artificial lighting used to illuminate the premises shall be directed away from adjacent residential use.

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2. No signs shall be placed in a manner which visually intrudes into adjoining residential use.
  3. Trees shall be utilized as a means of improving the interface between commercial and residential uses where appropriate.
  4. A minimum 10-foot wide landscape setback shall be required along property lines abutting or adjacent to a residential use.
  5. Where multi-story buildings or buildings taller than 35 feet are to be utilized on lots abutting an existing residential use property, such buildings shall be located or oriented in a manner which will minimize visual intrusion into neighboring residential use property.
  6. Noise generating elements including loading docks shall be oriented away from residential uses and may require additional setbacks.
  7. When abutting or adjacent to an existing residential use, the following additional setback requirements shall also be applied:
    - a. An additional 10-foot setback from the property line abutting or adjacent to residential uses;
    - b. Multi-story buildings or buildings taller than 35 feet along the property line abutting or adjacent to the residential uses shall include an additional 5-foot setback for every story or every additional 5 feet in height.

(Ord. No. 1105, § 4(Exh. A), 9-12-2023)

#### **17.20.820 Additional standards.**

- A. All uses shall comply with the air quality standards of the Air Quality Management District (AQMD) or the City of Lancaster, whichever is more restrictive.
- B. Light industrial uses within the "East Side Overlay Zone District" shall be compatible with adjacent existing uses through proper site planning, building design, and landscaping.

(Ord. No. 1105, § 4(Exh. A), 9-12-2023)

## **Chapter 17.24 ZONE CHANGES AND ZONE MAP**

### **17.24.010 Highways.**

Whenever the zoning maps, whether added thereto before or after the effective date of this section, show any lot or area within any particular zone, such zone shall extend to the center of every adjoining road, street, alley, parkway, or highway. While such road, street, alley, parkway or highway remains a public highway, street, alley, parkway or road used in a manner similar to a public highway, it may be used for any compatible use.

The parking of any commercial vehicle as defined in the Vehicle Code weighing more than 6,000 pounds unladen in any residential zone for more than 2 hours at any one time is not a compatible highway use except for:

- A. Necessary loading and unloading;
- B. Vehicles engaged in performing a service activity on the adjacent lot or parcel of land;
- C. Vehicles used in conjunction with a lawful commercial use on the adjacent lot or parcel of land;
- D. Vehicles used during the construction of buildings or structures on the adjacent lot or parcel of land;



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E. Vehicles engaged in construction or maintenance within the street, alley, parkway or highway.  
(Prior zoning ord. § 302)

#### **17.24.020 Savings and loan certificates.**

If any provision of this title requires the filing of any bond as a prerequisite to any particular use of any property, the person making or proposing to make such use may in lieu of such bond deposit with the city clerk and assign to the city savings and loan certificates or shares equal in amount to the required amount of the bond. Such deposit and assignment shall comply with all of the provisions and conditions of said Article III E of said Ordinance No. 4099.

(Prior zoning ord. § 305)

#### **17.24.030 Satisfaction of final judgment.**

If any provision of this title requires the filing of any bond as a prerequisite to any particular use of any property, and either requires that such bond include as obligee a person other than, and in addition to the city or that a policy of insurance be filed and no policy of insurance is filed, or that such bond include as obligee a person other than, and in addition to the city with no alternative, a person who deposits and assigns savings and loan certificates or shares in lieu of such bond also shall file a written agreement with the city council that the city may satisfy, either in whole or in part, from such certificates or shares, any final judgment, the payment of which would have been guaranteed by such bond or policy of insurance.

(Prior zoning ord. § 305.1)

#### **17.24.040 Zone changes and amendments—Authority for.**

Zone changes and amendments may be initiated to change zones, to alter the boundaries of districts, to impose regulations not previously imposed, and to remove or modify any regulation already imposed, whenever the city council finds that the public convenience, the general welfare, or good zoning practice justifies such action. All such zone changes and amendments shall be made pursuant to the provisions of this and Title 7 of the Government Code.

(Prior zoning ord. § 306)

#### **17.24.050 Zone changes and amendments—Initiation of.**

Hearings of zone changes or amendments may be initiated:

- A. If the city council instructs the commission to set the matter for a hearing, report and recommendation;
- B. Upon the initiative of the commission; or
- C. In the case of a zone change, upon the filing of a petition as provided in Sections 17.24.060—17.24.090.

(Prior zoning ord. § 307)

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#### **17.24.060 Zone change—Petition for.**

Any person owning or having such other interest in property as specified in subsection B of Section 17.24.070 may file a petition for a change of zone with the director, except that a person may not file, and the director shall not accept a petition which is the same as, or substantially the same as, a petition upon which final action has been taken either by the commission or by the city council within one year prior thereto.

(Prior zoning ord. § 308)

#### **17.24.070 Zone change—Contents of petition.**

A petition for a change of zone shall contain the following information and such other information as is requested by the director.

The director may reject any petition that does not supply the information requested herein:

- A. Name and address of the applicant;
- B. Evidence that the applicant:
  - 1. Is an owner of all or a portion of the property involved, or
  - 2. Has written permission of an owner of all or a portion of the property involved to make such application, or
  - 3. Is or will be the plaintiff in an action in eminent domain to acquire the premises involved, or any portion thereof, or
  - 4. In the case of a public agency, is negotiating to acquire a portion of the premises involved;
- C. Location of subject property (address or vicinity);
- D. Legal description of the property, including a statement of total area involved;
- E. Zone or zones requested;
- F. With each petition the applicant shall also file:
  - 1. Maps in the number prescribed and drawn to a scale specified by the director, showing the location of all property included in the request for action, the location of all highways, streets, alleys and the location and dimensions of all lots or parcels of land within a distance of 700 feet from the exterior boundaries of the property described in the petition,
  - 2. One copy of the said map shall indicate the uses established on every lot or parcel of land shown within the said 700 foot radius,
  - 3. A list, certified to be correct by an affidavit or by a statement under penalty of perjury pursuant to Section 2015.5. of the Code of Civil Procedure, of the names and addresses of all persons who are shown on the latest available assessment roll of the county of Los Angeles as owners of the subject property and as owning property within a distance of 500 feet from the exterior boundaries of the property described in the petition. One copy of the map shall indicate the ownership of said lots or parcels of land;
- G. Indicate the conditions which warrant the change of zone;
- H. If the change of zone as requested will permit any uses prohibited by the existing zoning, will such change of zone result in a need for a greater water supply for adequate fire protection and what are the existing proposed sources of such an adequate water supply;

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- I. Such other information as the director may require.

The accuracy of all information, maps and lists submitted shall be the responsibility of the applicants.

(Prior zoning ord. § 308.3)

#### **17.24.075 Zone change—Existing mobilehome park.**

Any petition for a change of zone that will result in the closure or conversion of an existing mobilehome park to another use shall comply with the requirements of Section 65863.7 of the Government Code of state of California and Chapter 11.12 of this code.

(Ord. 879 § 1 (part), 2007)

#### **17.24.080 Zone change—Burden of proof.**

In addition to the information required in the petition by Section 17.24.070, the applicant shall substantiate to the satisfaction of the commission the following facts:

- A. That modified conditions warrant a revision in the zoning plan as it pertains to the area or district under consideration; and
- B. That a need for the proposed zone classification exists within such area or district; and
- C. That the particular property under consideration is a proper location for said zone classification within such area or district; and
- D. That placement of the proposed zone at such location will be in the interest of public health, safety and general welfare and in conformity with good zoning practice.

(Prior zoning ord. § 308.5)

#### **17.24.090 Zone change—Fee.**

Each petition for a change of zone shall be accompanied by the filing fee required by resolution of the city council.

(Prior zoning ord. § 308.7)

#### **17.24.100 Zone change—Study of additional area.**

Where a petition is filed requesting a change of zone the director or the commission may elect to include additional property within the boundaries of the area to be studied when, in his/its opinion, good zoning practice justifies action.

(Prior zoning ord. § 308.8)

#### **17.24.110 Zone changes and amendments—Commission hearing.**

In all cases where a zone change or amendment is initiated, the commission shall hold a public hearing and shall give notice of such public hearing pursuant to the procedure provided by Section 17.36.020A.

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(Prior zoning ord. § 309)

#### **17.24.120 Zone change—Commission findings and decision.**

In making its recommendation relative to a proposed change of zone the commission shall consider the following principles and standards:

- A. That modified conditions warrant a revision in the zoning plan as it pertains to the area or district under consideration; and
- B. That a need for the proposed zone classification exists within such area or district; and
- C. That the particular property under consideration is a proper location for said zone classification within such area or district; and
- D. That placement of the proposed zone at such location will be in the interest of public health, safety and general welfare and in conformity with good zoning practice.

The commission shall recommend approval or denial where the information submitted by the applicant and/or presented at public hearings substantiates or fails to substantiate such findings to the satisfaction of the commission.

(Prior zoning ord. § 309.1)

#### **17.24.130 Zone change—Water supply.**

In addition to the principles and standards enumerated in Section 17.24.120, the commission, in determining its recommendation for a change of zone, shall consider whether or not the change of zone under consideration if adopted will result in a need for a greater water supply for adequate fire protection and, if so, what are the existing and proposed sources of such an adequate water supply. The commission may request that the forester and fire warden or county engineer, or both, supply it with all facts, opinions, suggestions and advice which may be material to reaching a decision on any or all matters mentioned in this section.

(Prior zoning ord. § 309.3)

#### **17.24.140 Amendments—Commission findings and decision.**

In making its recommendation relative to a proposed amendment other than a zone change, the commission may recommend approval where the information presented at public hearing shows that such amendment is necessary to implement the general plan and/or that the public convenience, the general welfare or good zoning practice justifies such action.

(Prior zoning ord. § 309.5)

#### **17.24.150 Zone changes and amendments— Commission recommendation.**

A recommendation by the commission relative to a zone change or amendment shall be by resolution carried by the affirmative vote of not less than 3 of its members. Such recommendation is final and conclusive and may not be reconsidered by the commission except upon a referral by the city council.

(Prior zoning ord. § 309.7)

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#### **17.24.160 Zone changes and amendments— Notice of commission action.**

The commission shall serve a notice of its action in the manner prescribed by Section 17.36.020C.

(Prior zoning ord. § 309.9)

#### **17.24.170 Zone changes and amendments— Council hearing.**

After receipt of the commission's recommendation, the city council shall hold a public hearing and shall give notice of such public hearing pursuant to the procedure set forth in Section 17.36.020A, provided, however, that if the planning commission has recommended against the approval of an amendment other than a zone change, the city council shall not be required to take further action. In the case of a change of zone where the commission has recommended denial, the action of the commission shall become final unless an interested party appeals the commission's decision in accordance with Section 17.36.030 to the city council.

(Prior zoning ord. § 310)

#### **17.24.180 Zone changes and amendments— Modification of commission's recommendation.**

Before changing or modifying a commission recommendation involving a zone change or amendment, the city council shall refer the proposed modification to the commission for report and recommendation. Failure of the commission to report within 40 days after such referral or such longer period of time designated by the city council, shall be deemed to be approved by the commission of the proposed modification.

(Prior zoning ord. § 310.3)

#### **17.24.190 Zone changes and amendments— Notice of council decision.**

The city council shall serve a notice of its action in the manner prescribed by Section 17.36.020C.

(Prior zoning ord. § 310.5)

#### **17.24.200 Zoning map.**

- A. Title. The zoning map shall be known as the "Zoning Map of the City of Lancaster" hereinafter referred to as the "zoning map."
- B. Purpose. It shall be the purpose of the zoning map of the city to graphically represent the geographical location and appropriate designation of the zones listed in Section 17.04.100.
- C. Zone Designations. Zone designations used to identify specific zones on the zoning map shall be in the form of symbols as listed in Section 17.04.100 (i.e., the rural residential zones are represented by the symbols SRR, RR-1 and RR-2.5).
- D. Zone Boundaries. Unless otherwise specified zone boundaries shall utilize section lines, lot or property lines, right-of-way lines, centerlines of streets, city limit lines, or extensions of such lines. Centerlines of streets shall be the preferred boundary when properties on opposing sides of a street are not within the same zone.
- E. Lots Located Within More Than One Zone. Where a lot is located in more than one zone, the director shall determine which zone shall apply to the entire lot.

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- F. Establishment of the Zoning Map. The zone designations and boundaries are established as shown on the map(s) entitled "Zoning Map of the City of Lancaster," dated with the effective date of the establishing ordinance and signed by the mayor and the city clerk.
- G. Zoning Map Changes. Changes to the zoning map shall be consistent with the goals, objectives, policies, classifications, standards and programs of the adopted city general plan and the general plan map. Such changes shall be accomplished by ordinance as specified by Sections 17.24.040—17.24.190.

Once a change has been approved by the city council, the director shall cause the zoning map to be modified in accordance with the amending ordinance. The number of the case file and the date of adoption shall be endorsed on the margin of the zoning map.

(Ord. 839 § 1 (Exh. A § 7), 2005; Ord. 651 § 8, 1993; prior zoning ord. §§ 320.000—320.060)

## **Chapter 17.28 YARDS AND HIGHWAY LINES**

### **17.28.020 Yards and highway lines.**

- A. Intent and Purpose. In order to provide for adequate open spaces and the admission thereto of light and air, and to provide adequate visibility to the operators of motor and other vehicles along streets, highways and parkways, and at the intersection thereof, the yards provided in Chapters 17.08 through 17.20, and the yards and highway lines provided for in this chapter, are created and established as part of a comprehensive system of yard and highway lines covering the unincorporated territory of the county.
- B. Prohibition. A person shall not use any building, structure, equipment or obstruction within any yard or highway line except as hereinafter specifically permitted in this title and subject to all regulations and conditions enumerated in this title.

(Prior zoning ord. §§ 451—451.2)

### **17.28.030 Yards.**

- A. To Exclude Drainage Easements. Where a lot or parcel of land includes a portion of a required drainage channel easement, any required yard which would normally fall within such easement shall be located outside of and abutting the easement within the lot or parcel.
- B. Projections Permitted in Yards. The following projections are permitted in required yards subject to the provisions of this title and of Ordinance No. 2225 (Building code). Projections specified are permitted only where also authorized by said Building Code.
1. Eaves and cantilevered roofs may project a maximum distance of 2½ feet into any required yard provided:
    - a. That such eaves or cantilevered roofs are not closer than 2 1/2 feet to any lot or highway line; and
    - b. That no portion of such eaves or cantilevered roofs is less than 8 feet above grade; and
    - c. That there are no vertical supports or members within the required yard.
  2. Fireplace structures, not wider than 8 feet measured in the general direction of the wall of which it is a part, buttresses and wing walls may project a maximum distance of 2½ feet into any required yard provided:

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- a. That all walls of such structures are of one-hour fire resistant construction; and
    - b. That such structures are not closer than 2½ feet to any lot or highway line; and
    - c. That such structures shall not be utilized to provide closets or otherwise usable floor area.
  3. Uncovered porches, platforms, landings and decks, including access stairs thereto, exceeding an average height of one foot which do not extend above the level of the first floor may project a maximum distance of 3 feet into required interior side yards, and a maximum distance of 5 feet into required front, rear and corner side yards provided:
    - a. That such porches, platforms, landings and decks shall not be closer than 2 feet to any lot or highway line; and
    - b. That such porches, platforms, landings and decks are open and unenclosed, provided, however, that an open-work railing not to exceed 3½ feet in height may be installed.
  4. Rain conductors, spouts, utility service risers, shutoff valves, water tables, sills, capitals, bases, cornices and belt courses may project a maximum distance of one foot into any required yard.
  5. Awnings or canopies may project a maximum distance of 2½ feet into required interior side yard and 5 feet into required front, rear and corner side yard provided:
    - a. That such awnings or canopies are not closer than 2½ feet to any lot or highway line; and
    - b. That such awnings or canopies have no vertical support within such yard; and
    - c. That such awnings or canopies extend only over the windows or doors to be protected and for not more than one foot on either side thereof.
  6. Water heaters, water softeners and gas or electric meters, including service conduits and pipes, enclosed or in the open, may project a maximum distance of 2½ feet into a required interior side or rear yard provided that such structures or equipment are not closer than 2½ feet to any lot line. Gas meters, if enclosed or adequately screened from view by a structure permitted in the yard, may project a maximum distance of 2½ feet into a required front or corner side yard provided that such equipment is not closer than 2½ feet to any lot or highway line.
  7. Stairways and balconies above the level of the first floor may project a maximum distance of 2 feet into a required interior or corner side yard or 4 feet into a required front or rear yard provided:
    - a. That such stairways and balconies shall not be closer than 3 feet to any lot or highway line; and
    - b. That such stairways and balconies are open and unenclosed; and
    - c. That such stairways and balconies are not covered by a roof or canopy except as otherwise provided by subsection B.5. of this section.
  8. Wall and window mounted air conditioners, coolers and fans may be used in any required yard provided that such equipment is not closer than 2½ feet to any lot line.
  - C. Fences and Walls Permitted. Fences and walls may be erected and maintained in required yards subject to the requirements in Section 17.12.130.B.2 for the C zone and Section 17.16.220.A.8 for the I zone.
  - D. Landscaping in Required Yards. Trees, shrubs, flowers and plants may be placed in any required yard provided that all height restrictions applying to fences and walls shall also apply to hedges planted within yards and forming a barrier serving the same purpose as a fence or wall.
  - E. Public Use Exceptions. The commission, without notice of hearing, may grant a modification of yard and setback regulations for public sites unless such modification would be incompatible with adjoining development.
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(Prior zoning ord. §§ 452.8.2, 452.9, § 452.13—452.15)

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

#### **17.28.040 Establishment of highway lines.**

In all zones highway lines are established parallel to the centerline established by the city engineer for the regional arterial, primary arterial, secondary arterial, and other streets in accordance with the standards set forth in Section 16.20.050 of this code.

(Ord. 711 § 37, 1995; prior zoning ord. § 467)

#### **17.28.050 Highway lines—Corner cutoffs.**

In all zones on the intersections of parkways, major and secondary highways and streets:

- A. A person shall not use any building or structure within those triangles formed by the intersections of the highway lines on such parkway, major and secondary highways and streets for a distance of 17 feet from such intersection on each of such lines and a line connecting the end of such lines, except as permitted within a yard by subsection B.1. of Section 17.28.030, and provided that such structures do not constitute a visual obstruction between 3½ feet and 8 feet above the level of the ground.

(Ord. 711 § 38, 1995; prior zoning ord. § 468)

#### **17.28.060 Streets.**

- A. Exceptions. This section does not apply to the following buildings or structures which, if they comply with all other provisions of this title, may be used without complying with any provision of this section:
  - 1. Accessory agricultural buildings where used primarily for agricultural purposes including but not limited to: barns, silos, chicken houses, rabbit hutches and roadside stands;
  - 2. Gas measurement, distribution and meter control stations;
  - 3. Outdoor advertising;
  - 4. Residences, single-family (see Chapter 12.12, Streets, Curbs and Sidewalks, of this code);
  - 5. Temporary carnivals and revival meetings;
  - 6. Other similar uses which, in the opinion of the commission, will not generate a greater volume of traffic than the uses enumerated in this section.
- B. Existing Structures. This section does not apply to the use, alteration or enlargement of an existing building or structure or the erection of one or more buildings or structures accessory thereto, or both, on the same lot or parcel of land, if the total value of such alteration, enlargement or construction does not exceed ½ of the current market value (as determined by the assessor's records, appraisal or other method acceptable to the director) of all existing buildings or structures on such lot or parcel of land.
- C. Adequate Streets Adjacent to Structures. Except as otherwise provided in subsections A and B of this section, a building or structure shall not be used on any lot or parcel of land any portion of which abuts upon a street unless said street which abuts such lot or parcel of land has been dedicated and improved as provided in Article II of Chapter 16.20 of this code.

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(Supp. No. 10-24, Upd 1)

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- D. Dedication Standards. Regional arterial, primary arterial, secondary arterial, and other streets shall be dedicated to the width from centerline as specified in Section 16.20.050 of this code including corner cutoffs as specified by the city engineer or director of public works, except that dedication in any case shall not be required to such an extent as to reduce the area or width of any parcel of land to less than that specified in Section 17.40.080 or 17.40.090.
  - E. Improvements. Before a structure subject to the provisions of this section may be used, curbs, gutters, pavement, sidewalks, and drainage structures shall be constructed at the grade and at the location specified by the city engineer or the director of public works per the typical street cross sections as specified in Section 16.20.050 of this code. Such curbs, gutters, pavement, sidewalks, and drainage structures shall comply with the standards of the city engineer or director of public works.
  - F. Variance to Requirements of This Section. Any person deeming himself aggrieved may apply for a variance from any provision of this section pursuant to Article II of Chapter 17.32 whether he has applied for a modification or not.

(Ord. 711 § 39, 1995; prior zoning ord. §§ 490.000—490.090)

## **Chapter 17.32 VARIANCES, CONDITIONAL USE PERMITS, NONCONFORMING USES, DIRECTOR'S REVIEW**

### ***Article I. Conditional Use Permits***

#### **17.32.010 Purpose of.**

A conditional use as defined by this title means a use which:

- A. Because of characteristics peculiar to it; or
- B. Because of size, technological process or type of equipment; or
- C. Because of the location with reference to surroundings, street or highway width, traffic generation or other demands upon public facilities, required special consideration relative to placement at specific locations in the zone or zones where classified to insure proper integration with other existing or permitted uses in the same zone or zones.

(Prior zoning ord. § 501.1)

#### **17.32.020 Filing of application.**

Any person desiring a conditional use permit required by or provided for in this title may file an application with the director except that no application shall be filed or accepted if final action has been taken within one year prior thereto by either the commission or city council on an application requesting the same, or substantially the same permit.

(Prior zoning ord. § 501.2)

#### **17.32.030 Contents of application.**

An application for a conditional use permit shall contain the following information:

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- A. Name and address of the applicant and of all persons owning any or all of the property proposed to be used;
  - B. Evidence that the applicant:
    - 1. Is the owner of the premises involved, or
    - 2. Has written permission of the owner or owners to make such application, or
    - 3. Is or will be the plaintiff in an action in eminent domain to acquire the premises involved, or any portion thereof, or
    - 4. In the case of a public agency, is negotiating to acquire a portion of the premises involved;
  - C. Location of subject property (address or vicinity);
  - D. Legal description of the property involved;
  - E. The nature of the requested use, indicating the business, occupation or purpose for which such building, structure, or improvement is to be erected, constructed, altered, enlarged, moved, occupied or used;
  - F. Indicate the nature, condition and development of adjacent uses, buildings and structures; and
  - G. Provide a site plan drawn to a scale satisfactory to and in the number of copies prescribed by the director indicating:
    - 1. The area and dimensions of proposed site for the requested use,
    - 2. The location and dimensions of all structures, yards, walls, fences, parking and loading facilities, landscaping, and other development features;
  - H. Indicate the dimensions and state of improvement of the adjoining streets and highways providing access to the proposed site of the requested use;
  - I. Indicate other permits and approvals secured in compliance with the provisions of other applicable ordinances;
  - J. With each application the applicant shall also file:
    - 1. Maps in the number prescribed and drawn to a scale specified by the director, showing the location of all property included in the request, the location of all highways, streets, alleys and the location and dimensions of all lots or parcels of land within a distance of 700 feet from the exterior boundaries of such proposed use,
    - 2. One copy of said map shall indicate the uses established on every lot and parcel of land shown within said 700 foot radius,
    - 3. A list, certified to be correct by affidavit or by a statement under penalty of perjury pursuant to Section 2015.5 of the Code of Civil Procedure, of the names and addresses of all persons who are shown on the latest available assessment roll of the county of Los Angeles as owners of the subject property and as owning property within a distance of 500 feet from the exterior boundaries of the area actually to be occupied by the use. One copy of said map shall indicate where such ownership are located,
    - 4. Proof satisfactory to the director that water will be available in quantities and pressures required by said Ordinance No. 7834, the Water Ordinance, or by a variance granted pursuant to said Ordinance No. 7834. The director may accept as such proof a certificate from the person who is to supply water that he can supply water as required by said Ordinance No. 7834, also stating the

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amount and pressure, which certificate also shall be signed by the forester and fire warden, or a certificate from the county engineer that such water will be available,

5. The director may waive the filing of one or more of the above items;
- K. Such other information as the director may require.

The accuracy of all information, maps and lists submitted shall be the responsibility of the applicant.

(Prior zoning ord. § 501.3)

#### **17.32.040 Burden of proof.**

In addition to the information required in the application by Section 17.32.030, the applicant shall substantiate to the satisfaction of the commission the following facts:

- A. That the requested use at the location proposed will not:
  1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
  2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
  3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- C. That the proposed site is adequately served:
  1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
  2. By other public or private service facilities as are required.

(Prior zoning ord. § 501.4)

#### **17.32.050 Fees required.**

When an application is filed, it shall be accompanied by the filing fee required by resolution of the city council.

(Prior zoning ord. § 501.5)

#### **17.32.060 Denial of inadequate application.**

The commission may recommend denial, and the commission may deny, without a public hearing, an application for a conditional use permit if such application does not contain the information required by Sections 17.32.030 and 17.32.040. The commission may permit the applicant to amend such application.

(Prior zoning ord. § 501.6)

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### **17.32.070 Hearing.**

In all cases where an application for a conditional use permit is filed and the commission does not grant a request for ex parte consideration, the commission shall hold a public hearing pursuant to the procedure provided in this chapter.

(Prior zoning ord. § 501.7)

### **17.32.080 Ex parte consideration.**

Where the commission finds that the use requested, subject to such conditions as it deems necessary, will comply with the findings required by Section 17.32.090, it may grant such permit without a public hearing except that:

- A. This section does not apply to an application for the following:
  - 1. Airports;
  - 2. Amusement and entertainment enterprises and concessions, including all structural devices and contrivances designed and operated for patron participation and pleasure;
  - 3. Primary or incidental alcohol sales establishments as defined under Chapter 17.42;
  - 4. Circus winter quarters;
  - 5. Colleges and universities;
  - 6. Communication equipment buildings;
  - 7. Correctional institutions;
  - 8. Day nurseries;
  - 9. Earth stations;
  - 10. Electrical distribution substations;
  - 11. Electric transmission substations;
  - 12. Electric generating plants;
  - 13. Golf courses including the customary clubhouse and appurtenant facilities;
  - 14. Golf driving ranges;
  - 15. Guest ranches;
  - 16. Heliports;
  - 17. Helistops;
  - 18. Hospitals;
  - 19. Institutions for the aged, private;
  - 20. Institutions for children, private;
  - 21. Juvenile halls;
  - 22. Land reclamation projects;
  - 23. Landing strips;

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24. Mobilehome parks;
  25. Motor recreational facilities for the driving, testing and racing of automobiles, dune buggies, motorcycles, trail bikes or similar vehicles including appurtenant facilities in conjunction therewith;
  26. Nudist camps;
  27. Oil wells;
  28. Outdoor festivals;
  29. Parking buildings;
  30. Public utility service centers;
  31. Race tracks;
  32. Radio and television stations and towers;
  33. Recreation clubs, private;
  34. Rifle, pistol, skeet or trap ranges;
  35. Sewage treatment plants.

(Ord. 896 § 1 (Exh. A § 26), 2008; prior zoning ord. § 501.8)

### **17.32.090 Findings and decision.**

The commission may approve an application for a conditional use permit where the information submitted by the applicant and/or presented at public hearing substantiates the following findings:

- A. That the proposed use will not be in substantial conflict with the adopted general plan for the area. Where no general plan has been adopted, this subsection shall not apply;
- B. That the requested use at the location proposed will not:
  1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
  2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
  3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served:
  1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
  2. By other public or private service facilities as are required.

The commission shall deny the application where the information submitted by the applicant and/or presented at public hearing fails to substantiate such findings to the satisfaction of the commission.

(Prior zoning ord. § 501.9)

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### **17.32.100 Building bulk provisions.**

The building bulk provisions prescribed in the various zones shall not apply to uses permitted by conditional use permit. In granting a conditional use permit, the commission shall prescribe the height limit, maximum lot coverage, or floor-area ratio for the use approved. Where the commission fails to specify said height limit, maximum lot coverage, or floor-area ratio, those provisions applicable to principal permitted uses in the specific zone shall be deemed to be so specified.

(Prior zoning ord. § 501.10)

### **17.32.110 Adequate water supply.**

If it appears that the use requested will require a greater water supply for adequate fire protection than does either the existing use or any use permitted without a conditional use permit in the same zone and will not comply with the provisions of said Ordinance No. 7834, such facts shall be prima facie evidence that such requested use will adversely affect and be materially detrimental to adjacent uses, buildings and structures and will not comply with the provisions of Section 17.32.090. If the water appeals board grants a variance pursuant to any provision of Article 4 of Chapter 1 of said Ordinance No. 7834, permitting the proposed use with the existing or proposed water supply, this section shall not apply.

(Prior zoning ord. § 501.11)

### **17.32.120 Conditions.**

The commission in approving an application for a conditional use permit may impose such conditions as it deems necessary to insure that such use will be in accord with the findings required by Section 17.32.090. Conditions imposed by the commission may involve any pertinent factors affecting the establishment, operation and maintenance of the requested use, including, but not limited to:

- A. Special yards, open spaces and buffer areas;
- B. Fences and walls;
- C. Parking facilities, including vehicular ingress and egress and the surfacing of parking areas and driveways to specified standards;
- D. Street and highway dedications and improvements including sidewalks, curbs and gutters;
- E. Water supply and fire protection in accordance with the provisions of Ordinance No. 7834;
- F. Landscaping and maintenance of grounds;
- G. Regulation of nuisance factors such as noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances and radiation;
- H. Regulation of operating hours for activities affecting normal neighborhood schedules and functions;
- I. Regulation of signs including outdoor advertising;
- J. A specified validation period limiting the time in which development may begin;
- K. Provisions for a bond or other surety that the proposed conditional use will be removed on or before a specified date;
- L. A site plan indicating all details and data as prescribed in this title;

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- M. Such other conditions as will make possible the development of the proposed conditional use in an orderly and efficient manner and in general accord with all elements of the general plan and the intent and purpose of this title.

The commission may also approve the requested permit contingent upon compliance with applicable provisions of other ordinances.

(Prior zoning ord. § 501.12)

### **17.32.130 Project grading.**

A person shall not engage in project grading in any zone if such project grading requires the removal from, or importation to, a lot or parcel land of more than 10,000 cubic yards of dirt, soil, sand, gravel, rock, clay, decomposed granite or other similar material if more than 20 occupied dwelling units in one-family, two-family, or multiple structures, or in occupied mobilehomes within a mobilehome park, or any combination thereof, or if a hospital or accredited public or private school offering instruction required to be taught in the public schools by the Education Code of the state of California are located within a parallel corridor 300 feet wide on each side of and measured from the edge of the existing right-of-way of the streets or highways forming the proposed transport route, and within a distance equal to the extent of such route, or within a distance of 2,640 feet, whichever is less, measured from the proposed point of access to such project unless:

- A. If not more than 100,000 cubic yards of material is to be moved, such person either:
1. Obtains a conditional use permit; or
  2. Submits a site plan to the director, who approves the plan upon finding that the proposed use will comply with the requirements of this section and Section 17.32.140. The director may approve the plan which approval shall be valid for the time stated by the director. If no time is stated such approval shall be good for one year. If the director or county engineer finds that there is good cause shown, and that the applicant in moving of material pursuant to such approval has not violated this or any other ordinance or statute, he may extend the duration of such approval for not more than one year if the applicant files a request for such extension prior to the expiration of his original approval. Only one extension may be granted.
- B. Where more than 100,000 cubic yards of material are to be moved, such person obtains a conditional use permit.

(Prior zoning ord. § 501.13)

### **17.32.140 Conditions for project grading.**

Project grading subject to the provisions of Section 17.12.130 shall comply with the following requirements:

- A. A grading permit, when required, shall first be obtained as provided in said Ordinance 2225 (Building Code), before the commencement of any project grading.
- B. The application to the director or for a conditional use permit as the case may be shall contain statements setting forth the following information:
1. The names and addresses of all persons owning all or any part of the property from which such material is proposed to be removed from and transported to;
  2. The names and addresses of the person or persons who will be conducting the operations proposed;

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3. The ultimate proposed use of the lot or parcel of land;
  4. Such other information as the director finds necessary in order to determine whether the application should be granted;
  5. In the case of an application for a conditional use permit the information required by Section 17.32.030.
- C. The applicant shall submit a map showing in sufficient detail the location of the site from which such material is proposed to be removed, the proposed route over streets and highways, and the location to which such material is to be imported.
  - D. All hauling as approved under this section shall be restricted to a route approved by the road commissioner.
  - E. Compliance shall be made with all applicable requirements of other county departments and other governmental agencies.
  - F. If any condition of this section is violated, or if any law, statute or ordinance is violated, the privileges granted herein shall lapse and such approval shall be suspended.
  - G. Neither the provisions of this section nor the granting of any permit provided for in this title authorizes or legalizes the maintenance of a public or private nuisance.

(Prior zoning ord. § 501.14)

#### **17.32.150 Public construction.**

A conditional use permit shall not be required pursuant to Section 17.32.130 if such use is in conjunction with:

- A. Any work of construction or repair by the county or city, or any district of which the board of supervisors of the county is ex officio the governing body; or
- B. Construction or repair by the county or city or such district performed by force account; or
- C. Construction, maintenance or repair of any "state water facilities" as defined in Section 12934 of the State Water Code.

(Prior zoning ord. § 501.15)

#### **17.32.160 Temporary war uses.**

Premises in any zone may be temporarily used for uses necessary to the prosecution of any war in which the United States may be engaged, if a conditional use permit for such use is granted pursuant to the provisions of this title, and provided:

- A. That the United States is at war declared by the Congress of the United States and engaged in actual physical hostilities; and
- B. That such permit shall expire not later than 6 months after the cessation of such physical hostilities.

As used in the section, "cessation of physical hostilities" means a date comparable to November 11, 1918, or August 15, 1945.

(Prior zoning ord. § 501.16)



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### **17.32.170 Expiration where not used.**

A permit issued on or after January 21, 1937, which is not used within the time specified in such permit, or, if no time is specified, within one year after the granting of the permit, becomes null and void and of no effect except:

- A. Except as provided in Section 17.32.175, an approved conditional use permit shall expire twenty-four (24) months from the date of planning commission or city council approval. Conditional use permits may be granted time extensions prior to the expiration of the project not to exceed three one-year extensions. Any extension granted shall be conditioned to comply with the city's current design guidelines as adopted by the city council, unless the applicant can demonstrate to the planning commission's satisfaction that such compliance will impose an undue hardship on the project. The applicant is required to file for an extension sixty (60) days prior to such expiration date.
- B. That in the case of a permit for a rock quarry, sand or gravel pit, rock crushing plant, or any apparatus for the manufacture or production of rock, sand, or gravel, or any excavation for the purpose of obtaining clay, decomposed granite or similar material, no time limit shall apply to utilization of such permit if within such year or such other time the property is posted and remains posted with signs not less than 500 feet apart and at each change of direction of the said outer boundary line, in such manner as will reasonably give notice to passersby of the matters contained in such notice, stating, in letters not less than 4 inches in height: "ROCK QUARRY PROPERTY," and stating, in letters not less than one inch in height: "Permission has been granted to use this property at any time for rock quarry, sand, gravel or clay pit or rock crushing plant";
- C. That in the case of a permit for a publicly owned use no time limit shall apply to utilization of such permit provided that the public agency:
  - 1. Within two years of the date of such approval, either acquires the property involved or commences legal proceedings for its acquisition; and
  - 2. Immediately after the acquisition of, or the commencement of legal proceedings for the acquisition of the property, posts such property with signs, having an area of not less than 20 square feet nor more than 40 square feet in area per face indicating the agency and the purpose of which it is to be developed. One such sign shall be placed facing and located within 50 feet of each street, highway or parkway bordering the property. Where the property in question is not bounded by a street, highway or parkway, the agency shall erect one sign facing the street, highway or parkway nearest the property.

A conditional use permit shall be considered used within the intent of this section when construction or other development authorized by such permit has commenced that would be prohibited in the zone if no permit had been granted.

(Prior zoning ord. § 501.17)

(Ord. No. 924, § 1, 8-25-09; Ord. No. 995, § 2, 12-10-13)

### **17.32.175 Exceptions to expiration dates.**

A conditional use permit approved in conjunction with a tentative map shall have the same expiration date as the approved tentative map or any extension of the map, unless a specific expiration date is specified in the approval of the conditional use permit.

(Ord. No. 995, § 1, 12-10-13)

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### **17.32.180 Date of grant where appealed.**

Where an appeal is filed relative to any conditional use permit, the date of decision by the city council of such appeal shall be deemed the date of grant in determining said expiration date.

(Prior zoning ord. § 501.18)

### **17.32.190 Cessation of use.**

A conditional use permit granted by action of the commission, shall automatically cease to be of any force and effect if the use for which such conditional use permit was granted has ceased or has been suspended for a consecutive period of 2 or more years. This provision shall not apply to permits granted for alcohol sales establishments pursuant to Chapter 17.42, which shall be subject to the requirements of Section 17.42.130.

(Ord. 896 § 1 (Exh. A § 27), 2008; prior zoning ord. § 501.19)

### **17.32.200 Nuisances.**

Neither the provisions of this title nor the granting of any permit provided for in this title authorizes or legalizes the maintenance of any public or private nuisance.

(Prior zoning ord. § 501.20)

### **17.32.210 Effective date.**

The decision of the commission shall become final and effective 10 working days after the commission's action, provided no appeal of the action taken has been filed with the city clerk pursuant to Section 17.36.030 within said 10 working days.

(Prior zoning ord. § 501.21)

### **17.32.220 Applicability of regulations in the zone.**

Unless specifically modified by a conditional use permit, all regulations prescribed in the zone in which such conditional use permit is granted shall apply.

(Prior zoning ord. § 501.22)

### **17.32.230 Continuing validity.**

A conditional use permit that is valid and in effect, and was granted pursuant to the provisions of this title, shall adhere to the land and continue to be valid upon change of ownership of the land or any lawfully existing building or structure on said land.

(Prior zoning ord. § 501.23)

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### **17.32.240 Signs.**

The sign provisions prescribed in residential zones shall not apply to uses granted by conditional use permit. In granting a conditional use permit, the commission may approve signing which it deems appropriate for such use provided, however, that no sign or signs may be authorized that would exceed a sign area of 25 square feet or a total sign area of 50 square feet or a height of 12 feet in residential zones or exceed 100 square feet of sign area or 200 square feet of total sign area in commercial zones, except as otherwise provided in the CPD zone. Where the commission fails to specifically approve such signs, those provisions applicable to principal permitted uses in the specific zone in which the use is located shall be deemed to have been specified.

(Prior zoning ord. § 501.24)

## ***Article II. Variances***

### **17.32.250 Purpose of.**

The variance procedure is established to permit modification of development standards as they apply to particular uses when practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this title, develop through the strict literal interpretation and enforcement of such provisions. A variance may be granted to permit modification of:

- A. Building line setbacks, yards, open space and buffer areas;
- B. Height, lot coverage, density and bulk regulations;
- C. Off-street parking spaces, maneuvering areas and driveway width, and paving standards;
- D. Landscaping requirements;
- E. Wall, fencing and screening requirements;
- F. Street and highway dedication and improvement standards;
- G. Lot area, depth, and width requirements;
- H. Operating conditions such as hours of days of operation, number of employees, and equipment limitations;
- I. Sign regulations other than outdoor advertising.

(Prior zoning ord. § 502.1)

### **17.32.260 Filing of application.**

Any person desiring any permit required by or provided for in this title, may file an application therefor with the director, except that no application shall be filed or accepted if final action has been taken within one year prior thereto by either the commission or city council on an application requesting the same, or substantially the same permit.

(Prior zoning ord. § 502.2)

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### **17.32.270 Contents of application.**

An application for a variance shall contain the information required by Section 17.32.030.

(Prior zoning ord. § 502.3)

### **17.32.280 Burden of proof.**

In addition to the information required in the application by Section 17.32.270, the applicant shall substantiate to the satisfaction of the commission the following facts:

- A. That there are special circumstances or exceptional characteristics applicable to the property involved, such as size, shape, topography, location or surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification; and
- B. That such variance is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity and zone; and
- C. That the granting of the variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone.

(Prior zoning ord. § 502.4)

### **17.32.290 Filing fees required.**

When an application is filed it shall be accompanied by the filing fee required by resolution of the city council.

(Prior zoning ord. § 502.5)

### **17.32.300 Denial of inadequate petition.**

The commission may deny, without a public hearing, an application of a variance if such application does not contain the information required by Sections 17.32.270 and 17.32.280. The commission may permit the applicant to amend such application.

(Prior zoning ord. § 502.6)

### **17.32.310 Hearing.**

In all cases where an application is filed for a variance the commission shall hold a public hearing pursuant to the procedure provided by Article V of this chapter.

(Prior zoning ord. § 502.7)

### **17.32.320 Findings and decision.**

The commission may approve an application for a variance where the information submitted by the applicant and/or presented at public hearing substantiates the following findings:

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- A. That because of special circumstances or exceptional characteristics applicable to the property, the strict application of this title deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification; and
  - B. That the adjustment authorized will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated; and
  - C. That strict application of zoning regulations as they apply to such property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations and standards; and
  - D. That such adjustment will not be materially detrimental to the public health, safety or general welfare, or to the use, enjoyment or valuation of property of other persons located in the vicinity.

The commission shall deny the application where the information submitted by the applicant and/or presented at public hearing fails to substantiate such findings to the satisfaction of the commission.

(Prior zoning ord. § 502.8)

### **17.32.330 Adequate water supply.**

If it appears that the variance requested will require a greater water supply for adequate fire protection than does either the existing use or any use permitted in the same zone without a variance, and will not comply with the provisions of said Ordinance No. 7834, such facts shall be prima facie evidence that such requested variance will adversely affect and be materially detrimental to adjacent uses, buildings and structures and will not comply with the provisions of Section 17.32.320.

(Prior zoning ord. § 502.9)

### **17.32.340 Conditions.**

The commission in approving an application for a variance may impose such conditions as it deems necessary to insure that the adjustment will be in accord with the findings required by Section 17.32.320. Conditions imposed by the commission may involve any pertinent factors affecting the establishment, operation and maintenance of the use for which such variance is requested, including, but not limited to those specified in Section 17.32.360.

(Prior zoning ord. § 502.10)

### **17.32.350 Expiration where not used.**

A variance which is not used within the time specified in such variance, or, if no time is specified, within one year after the granting of the variance, becomes null and void and of no effect except:

- A. That in all cases the commission may extend such time for a period of not to exceed one year, provided an application requesting such extension is filed prior to such expiration date. In the case of a nonprofit corporation organized to provide low-income housing for the poor or elderly, the commission may grant an additional one-year extension provided that an application requesting such extension is filed prior to the expiration of the first such extension.
- B. That in the case of an exception granted prior to November 23, 1970, for a rock quarry, sand or gravel pit, rock crushing plant, or any apparatus for the manufacture or production of rock, sand or gravel, or any excavation for the purpose of obtaining clay, decomposed granite or similar material, no time limit

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shall apply to utilization of such exception if within such year or such other time the property is posted and remains posted with signs not less than 500 feet apart and at each change of direction of the said outer boundary line, in such manner as will reasonably give notice to passersby of the matters contained in such notice stating in letters not less than 4 inches in height: "ROCK QUARRY PROPERTY," and stating, in letters not less than one inch in height "Permission has been granted to use this property at any time for rock quarry, sand, gravel or clay pit or rock crushing plant."

(Prior zoning ord. § 502.11)

#### **17.32.360 Date of grant where appealed.**

Where an appeal is filed relative to any variance, the date of decision by the city council of such appeal shall be deemed the date of grant in determining said expiration date.

(Prior zoning ord. § 502.12)

#### **17.32.370 Nuisances.**

Neither the provisions of this title nor the granting of any permit provided for in this title authorizes or legalizes the maintenance of any public or private nuisance.

(Prior zoning ord. § 502.13)

#### **17.32.380 Effective date.**

The decision of the commission shall become final and effective 10 working days after the commission's action, provided no appeal of the action taken has been filed with the city clerk pursuant to Section 17.36.030 within said 10 working days.

(Prior zoning ord. § 502.14)

#### **17.32.390 Applicability of regulation in the zone.**

Unless specifically modified by a variance, all regulations prescribed in the zone in which such variance is granted shall apply.

(Prior zoning ord. § 502.15)

#### **17.32.400 Continuing validity.**

A variance that is valid and in effect, and was granted pursuant to the provisions of this title, shall adhere to the land and continue to be valid upon change of ownership of the land or any lawfully existing building or structure on said land.

(Prior zoning ord. § 502.16)

### ***Article III. Adjustment Permits***

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### **17.32.410 Purpose of.**

The adjustment procedure is established to permit modification of development standards as they apply to particular uses when practical difficulties or results inconsistent with the general purposes of this title develop through the strict literal interpretation and enforcement of such provisions. An adjustment may be granted to permit modification of:

- A. Building height, lot coverage, and FAR limitations, with an increase up to 25%;
- B. Wall, fence, and screening height limitations, with an increase up to 25%;
- C. Corner lot width requirements, which may be reduced to the minimum established for an interior lot under the subject zoning designation;
- D. Setbacks, with a reduction up to 25%, so long as the resulting setback is sufficient for fire safety;
- E. Sign regulations other than those applicable to off-site signs.

### **17.32.420 Filing of application.**

Any person desiring any permit required by or provided for in this title, may file an application therefor with the director, except that no application shall be filed or accepted if final action has been taken within one year prior thereto by either the commission or city council on an application requesting the same, or substantially the same permit.

### **17.32.430 Contents of application.**

An application for an adjustment shall contain the information:

- A. Name and address of the applicant and of all persons owning any or all of the property proposed to be used;
- B. Evidence that the applicant:
  - 1. Is the owner of the premises involved, or
  - 2. Has written permission of the owner or owners to make such application, or
  - 3. Is or will be the plaintiff in an action in eminent domain to acquire the premises involved, or any portion thereof, or
  - 4. In the case of a public agency, is negotiating to acquire a portion of the premises involved;
- C. Location of subject property (address or vicinity);
- D. Legal description of the property involved;
- E. The nature of the requested use, indicating the business, occupation or purpose for which such building, structure, or improvement is to be erected, constructed, altered, enlarged, moved, occupied or used;
- F. Indicate the nature, condition and development of adjacent uses, buildings and structures; and
- G. Provide a site plan drawn to a scale satisfactory to and in the number of copies prescribed by the director indicating:
  - 1. The area and dimensions of proposed site for the requested use,
  - 2. The location and dimensions of all structures, yards, walls, fences, parking and loading facilities, landscaping, and other development features;

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- H. Indicate the dimensions and state of improvement of the adjoining streets and highways providing access to the proposed site of the requested use;
  - I. Indicate other permits and approvals secured in compliance with the provisions of other applicable ordinances;
  - J. Project Notice. A notice for an adjustment permit shall be mailed 10 calendar days before the scheduled action to the following, unless stated otherwise in this code:
    - 1. Owner(s) and applicant;
    - 2. All owners of property located adjacent to the exterior boundaries of the subject site, as shown on the county's last equalized assessment roll. If the project site abuts a street, all property owners on the other side of the street shall be mailed the notice. If the project site is located within a multiple tenant commercial or industrial center, all tenants or property owners, if different, within the center shall be mailed the notice;
    - 3. Persons Requesting Notice. A person who has filed a written request for notice with the director of development services within one year prior to the action.
    - 4. The development services director may require additional notification requirements such as site posting and increased notification radius based upon the possible impacts of the project.
  - K. Such other information as the director may require.

The accuracy of all information, maps and lists submitted shall be the responsibility of the applicant.

#### **17.32.440 Filing fees required.**

When an application is filed it shall be accompanied by the filing fee required by resolution of the city council.

#### **17.32.450 Denial of inadequate application.**

The director may deny an application of an adjustment if such application does not contain the information required by Sections 17.32.430 and 17.32.440. The director may permit the applicant to amend such application.

#### **17.32.460 Findings and decision.**

The director may approve an application for an adjustment where the information submitted by the applicant substantiates the following findings:

- A. The adjustment will not constitute a grant of special privilege inconsistent with the limitations on other properties in the same vicinity with the same zoning.
- B. The adjustment is not detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such vicinity and zone in which the property is located.
- C. The adjustment is generally consistent with surrounding development and general plan and zoning designations.

Any reduction or increase greater than those specified in Section 17.32.410 shall require a variance. The director shall deny the application where the information submitted by the applicant fails to substantiate such findings to the satisfaction of the director.



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### **17.32.470 Conditions.**

The director in approving an application for an adjustment may impose such conditions as they deem necessary to ensure that the adjustment will be in accord with the findings required by Section 17.32.460. Conditions imposed by the director may involve any pertinent factors affecting the establishment, operation, and maintenance of the use for which such adjustment is requested.

### **17.32.480 Expiration where not used.**

An adjustment which is not used within the time specified in such adjustment, or, if no time is specified, within two years after the granting of the adjustment, becomes null and void and of no effect except in all cases the director may extend such time for a period of not to exceed one year, provided an application requesting such extension is filed prior to such expiration date.

### **17.32.490 Date of grant where appealed.**

Where an appeal is filed relative to any adjustment, the date of decision by the city council of such appeal shall be deemed the date of grant in determining said expiration date.

### **17.32.500 Nuisances.**

Neither the provisions of this title nor the granting of any permit provided for in this title authorizes or legalizes the maintenance of any public or private nuisance.

### **17.32.510 Effective date.**

The decision of the director shall become final and effective 10 working days after the director's action, provided no appeal of the action taken has been filed with the city clerk pursuant to Section 17.36.030 within said 10 working days.

### **17.32.520 Applicability of regulation in the zone.**

Unless specifically modified by an adjustment, all regulations prescribed in the zone in which such adjustment is granted shall apply.

### **17.32.530 Continuing validity.**

An adjustment that is valid and in effect, and was granted pursuant to the provisions of this title, shall adhere to the land and continue to be valid upon change of ownership of the land or any lawfully existing building or structure on said land.

## ***Article IV. Explosives Permits***

### **17.32.560 Definition.**

- A. The terms "explosive" and "explosives" whenever used in this title shall mean any substance or combination of substances that is commonly used for the purpose of detonation and which, upon exposure to any

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external force or condition, is capable of a relatively instantaneous release of gas and heat. These terms shall include, but shall not necessarily be limited to, all of the following:

1. Substances determined to be Class A and Class B explosives as classified by the United States Department of Transportation;
  2. Nitrocarbonitrate substances (blasting agent) as classified by the United States Department of Transportation;
  3. Any material designated as an explosive by the State Fire Marshal;
  4. Certain Class C explosives as designated by the United States Department of Transportation when listed in regulations adopted by the State Fire Marshal.
- B. The terms "explosive" and "explosives" whenever used in this title shall not include the following:
1. Small arms ammunition of .75 caliber or less when designated as a Class C explosive by the United States Department of Transportation;
  2. Fireworks regulated under Part 2 (commencing with Section 12500) of Division 11 of the Health and Safety Code.

(Prior zoning ord. § 505.1)

#### **17.32.570 Permits required.**

No quantity of explosives other than gunpowder in excess of 100 pounds, or gunpowder in excess of 750 pounds, shall be stored or kept in any place, house or building in the county of Los Angeles without a permit therefor from the commission and unless said explosives are contained in a magazine situated, constructed, operated and maintained in the manner described in Part 1 of Division 11 of the Health and Safety Code.

(Prior zoning ord. § 505.2)

#### **17.32.580 Application for permit.**

Any person proposing to store or keep any quantity of gunpowder in excess of 750 pounds or any other explosives in excess of 100 pounds in any place, house or building in the unincorporated territory of the county of Los Angeles shall file application for a permit with the director, accompanied by the filing fee as required by resolution of the city council. Such application shall also verify that the applicant has submitted such data as is required by the county forester and fire warden.

(Prior zoning ord. § 505.3)

#### **17.32.590 Temporary storage.**

If the application is for a permit to store explosives for not more than 3 months and there is no permit in force for that location, the commission may grant the permit without a public hearing provided:

- A. That the applicant has submitted such data as is required to the county forester and fire warden for approval prior to consideration by the commission; and
- B. That said county forester and fire warden has indicated his approval in writing stating that such explosives may be safely stored at the proposed location.

(Prior zoning ord. § 505.5)

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### **17.32.600 Hearing required.**

Unless an application is approved pursuant to Section 17.32.590 the commission shall hold a public hearing.  
(Prior zoning ord. § 505.6)

### **17.32.610 Notification of county forester and fire warden.**

The director shall immediately notify the county forester and fire warden of every application for a permit to keep or store explosives. Where a public hearing is to be held the director shall notify the county forester and fire warden of the time and place thereof.

(Prior zoning ord. § 505.7)

### **17.32.620 Duties of county forester and fire warden.**

The county forester and fire warden, within 10 days after receipt of a copy of the application for a permit, shall furnish to the commission a report thereon as to whether or not in his opinion explosives in the amounts and kinds mentioned in the application can be kept at the place proposed without danger of serious injury to persons other than those employed in or about the magazine, or to property other than that of the applicant.

(Prior zoning ord. § 505.8)

### **17.32.630 Findings and decision.**

At the time and place fixed for the hearing on the application the commission shall hear the same and any protests thereto, and upon the evidence and other matters brought to its attention during hearing, including the report of the county forester and fire warden, may approve such permit where the findings indicate that explosives in the amounts and kinds mentioned in the application can be kept at the place proposed without danger of serious injury to persons other than those employed in or about the magazine, or to property other than that of the applicant.

Where no hearing is required, the commission shall make similar findings based upon its investigation or the investigation of its staff, and upon the report of the county forester and fire warden, of the place where it is proposed to keep the explosives.

(Prior zoning ord. § 505.10)

### **17.32.640 Conditions for approval.**

The commission shall consider and may impose such conditions as it deems necessary to protect the public health, safety and general welfare, and to prevent material detriment to the property of other persons located in the vicinity of such proposed use. The commission may also approve the permit contingent upon compliance with applicable provisions of other ordinances.

(Prior zoning ord. § 505.11)

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### **17.32.650 Application of article.**

Nothing contained in this article shall apply to any explosive in transit in railway cars or other vehicles, or to any explosive awaiting transportation in or delivery from a railway car or other vehicle, or to the transfer of any such explosive from a car of one railway company to a car of a connecting railway company, provided that the car or other vehicle in which said explosive is being transported or is awaiting transportation or delivery, shall be kept locked or guarded; and provided further that the time during which such explosive is kept waiting transportation or delivery shall not exceed 24 hours.

(Prior zoning ord. § 505.12)

## ***Article V. Public Hearing Procedures for Permits, Variances and Nonconforming Uses or Structures Review***

### **17.32.660 Initiation of.**

Hearings on permits, variances or nonconforming uses or structures review may be initiated:

- A. If the city council instructs the commission to set the matter for a public hearing in the case of a conditional use permit, (animal permit), variance or nonconforming use or structure review; or
- B. Upon the initiative of the commission in the case of a conditional use permit, (animal permit), variance or nonconforming use or structure review; or
- C. Upon the filing of an application.

(Prior zoning ord. § 507.1)

### **17.32.670 Scheduling of.**

Upon the filing of an application accompanied by the required fee and/or deposit, or other initiation pursuant to this chapter, the director shall fix a time and place for a public hearing as required by this title.

(Prior zoning ord. § 507.2)

### **17.32.680 Notice of.**

Where a public hearing is required by this title, notice of such hearing shall be provided in accordance with the provisions of Section 17.36.020A.

(Prior zoning ord. § 507.3)

### **17.32.690 Responsibility for.**

When a verified application is filed for a permit or variance and a hearing is required by this title, the commission shall hold such hearing.

(Prior zoning ord. § 507.4)

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**17.32.700 Reserved.**

(Prior zoning ord. § 507.5)

**17.32.710 Reserved.**

(Prior zoning ord. § 507.6)

**17.32.720 Reserved.**

(Prior zoning ord. § 507.7)

**17.32.730 Reserved.**

(Prior zoning ord. § 507.8)

**17.32.740 Cases considered concurrently.**

Where an application for a conditional use permit and an application for a variance are concurrently heard and considered, the commission shall in making their findings consider each case individually as if separately filed.

(Prior zoning ord. § 507.9)

**17.32.750 Notice of action.**

Notice of the action taken by the commission on an application for a permit or variance shall be made in accordance with the provisions of Section 17.36.020C.

(Prior zoning ord. § 507.10)

***Article VI. Director's Review***

**17.32.760 Intent and purpose.**

Director's review is established to facilitate substantiation and corroboration of facts and testimony vital to the administration of this title and is required or may be used for:

- A. Determination of whether or not a proposed development will properly comply with the provisions and development standards prescribed in this title or as prescribed by the commission or director;
- B. Indication of compliance, or plans and intentions to comply with the regulations and standards prescribed in this title.

Where a site plan is required in an application for a permit, variance, nonconforming use or structure review, said site plan shall be considered a part of said application and shall not require separate approval under the provisions of this article.

(Prior zoning ord. § 508.1)

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### **17.32.770 Authority.**

The director may:

- A. Require a site plan review for any use, development of land, structure, building or modification of standards that involves the approval of the director;
- B. Require such other forms and documents as are necessary to determine compliance with the provisions of this title or any conditions that may be specified in granting an approval of the requested use, development or modification;
- C. Require such supplemental information or material as may be necessary, including revised or corrected copies of any site plan or other document previously presented.

(Prior zoning ord. § 508.2)

### **17.32.780 Application for.**

Any application for director's review shall contain the following information and documents as are required by the director and be accompanied by the filing fee required by resolution of the city council:

- A. Name and address of the applicant and of all persons owning any or all of the property proposed to be used;
- B. Evidence that the applicant:
  - 1. Is the owner of the premises involved, or
  - 2. Has written permission of the owner or owners to make such application, or
  - 3. Is or will be the plaintiff in an action in eminent domain to acquire the premises involved, or any portion thereof, or
  - 4. In the case of a public agency, is negotiating to acquire a portion of the premises involved;
- C. Location of subject property (address or vicinity);
- D. Legal description of property;
- E. Proposed facility or use;
- F. The use, location and size of all buildings and structures, yards, driveways, access and parking areas, landscaping, walls or fences, and other similar features;
- G. Such other data including plans, drawings, diagrams or pictures as may be required to determine compliance with the provisions of this title.

(Prior zoning ord. § 508.3)

### **17.32.790 Findings and decision.**

The director in acting upon any site plan offered for review as provided in this title shall either approve, approve with conditions, or deny the proposed use, development or modification as requested in the application and as indicated in the required site plan based on the following principles and standards:

- A. That the use, development of land and/or application of development standards is in compliance with all applicable provisions of this title;

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- B. That the use, development of land and/or application of development standards, when considered on the basis of the suitability of the site for the particular use or development intended, is so arranged as to avoid traffic congestion, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice;
  - C. That the use, development of land and/or application of development standards is suitable from the standpoint of functional developmental design.
  - D. Those development proposals, which pursuant to state law can only be subject to objective standards, shall not be subject to subsections B and C, above, but shall be subject to the following standards:
    - 1. Public facilities and utilities are available to serve the proposed development in accordance with adopted city standards or will be made available at the time of development.
    - 2. Proposed plans for vehicle circulation and access have been approved by the city engineer and impacts to the city's transportation network have been mitigated to the extent necessary to maintain the city's adopted transportation level of service.

(Prior zoning ord. § 508.4)

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

### **17.32.800 Reserved.**

(Prior zoning ord. § 508.6)

### **17.32.810 Notice of action.**

The director shall notify the applicant of a request for a site plan approval of the action taken on the application, by first class mail, postage prepaid, or other means deemed appropriate by the commission. Such notification may also be hand delivered to the applicant when appropriate.

(Prior zoning ord. § 508.7)

### **17.32.820 Appeal.**

An appeal may be made by the applicant or an interested citizen in the event that he is dissatisfied with the action taken by the director on a site plan. Such appeal shall be filed with the city clerk in accordance with Section 17.36.030.

(Prior zoning ord. § 508.8)

## ***Article VII. Nonconforming Uses and Structures<sup>5</sup>***

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<sup>5</sup>Editor's note(s)—Ord. No. 1070, Exh. A, adopted Jan. 14, 2020, repealed the former Art. VII, §§ 17.32.830—17.32.880, and enacted a new Art. VII as set out herein. The former Art. VII pertained to similar subject matter and derived from Prior zoning ord. §§ 509.1—509.6; Ord. 651 § 9, adopted 1993; Ord. 900 § 8, adopted 2008.

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### **17.32.830 Purpose.**

This article is intended to allow for the continuation, maintenance, and limited expansion of uses, lots, and structures established in compliance with development codes in effect at the time of establishment of the use of structure, but not incompliance with current development codes.

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

### **17.32.840 Establishment of lawful nonconforming uses, structures and lots.**

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

- A. Nonconformities, Generally. A nonconformity may result from any inconsistency with the requirements of this title including, but not limited to location, density, floor area, height, yard, usable open space, buffering, performance standards, or the lack of an approved permit of other required authorization.
- B. Nonconforming Lots. Any lot that is smaller than the minimum lot size required by this title or does not meet any of the applicable dimensional requirements shall be considered a lawful nonconforming lot if it is described in the official record on filed in the office of the Los Angeles County Recorder as a lot of record under one ownership. A nonconforming lot may be used as a building site subject to compliance with all applicable requirements, unless a variance or other modification or exception is approved as provided in this title.

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

### **17.32.850 Continuation and maintenance of nonconforming uses and structures.**

- A. A use legally occupying a structure or site, as of the effective date of this code, that does not conform with the use regulations or the standards in the zone in which the use is located shall be deemed to be a legal nonconforming use and may be continued in perpetuity.
- B. A structure legally occupying a site as of the effective date of this code that does not conform with the property development standards for required yards, height, coverage, distances between structures, or other standards for the zone in which the structure is located shall be deemed to be a legally nonconforming structure and may be used and maintained in perpetuity.
- C. It shall not be the intent of this section to render previously legally created building lots or legally constructed buildings which do not comply with the new property development regulations or other requirements of this title to be nonconforming where these lots or buildings complied with the ordinances in effect at the time of construction. However, proof of compliance with ordinances in effect at the time of creation or construction shall be the sole burden of the applicant or property owner. Such proof may include building permits, minutes of council or commission action, case files, or other documentation.
- D. Routine maintenance and repairs may be performed on a structure or site, the use of which is legal nonconforming.
- E. When interpreting setbacks for a residential use in a residential zone that are legal nonconforming, new construction shall be permitted to maintain/continue the existing setback, provided the structure does not further encroach into the existing setback area by either further reducing the existing setback.



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- F. Any nonconforming publicly owned use, including but not limited to, schools, colleges, parks, libraries, fire stations, sheriff stations and other public sites, may be added to, extended or altered if such additions, extensions or alterations do not extend beyond the boundaries of the original site established prior to the time approval was required. Nothing in this title pertaining to nonconforming structures shall be construed to require the termination, discontinuance or removal of such uses except as provided in Section 17.32.900.
  - G. Any nonconforming public utility building, structure, equipment or facility necessary for operating purposes, but excluding offices, service centers or yards, may be added to, extended or altered, provided there is no change in use or enlargement of the original site established prior to the time such approval was required. Nothing in this ordinance pertaining to nonconforming structures shall be construed to require the termination, discontinuance or removal of such uses except as provided in Section 17.32.900.

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

### **17.32.860 Restoration of damaged structure.**

- A. Whenever a structure which does not comply with the property development standards prescribed in the zone in which the structure is located is destroyed by fire or other calamity to the extent of fifty percent (50%) or more, the structure may be restored and the legal nonconforming use may be resumed; provided, that restoration is started within two (2) years from the date of the calamity and diligently pursued to completion. The new structure may be restored to its original height or the maximum height permitted in the zone in which it is located, whichever is greater, and must be in full conformity with the parking, setback, and landscaping standards for that zone in effect at the time of reestablishment.
- B. The extent of damage shall be based upon the ratio of the estimated cost of restoring the structure to its condition prior to such damage to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be made by or shall be reviewed and approved by the Building Official and shall be based on the minimum cost of construction in compliance with the Building Code. In the case of a use with multiple structures, the damage ratio shall be determined by comparing the cost of restoring the damaged structure(s) to its (their) condition(s) prior to such damage to the estimated cost of duplicating all structures associated with such use.
- C. Whenever a structure is damaged less than fifty percent (50%), the structure shall be replaced to its legal nonconforming status or replaced with a structure in conformance with the code.

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

### **17.32.870 Zoning Compliance Review.**

- A. Uses and structures established in compliance with zoning codes in effect at the time of establishment of the use or structure but not in compliance with current zoning codes may obtain a certificate of zoning compliance through a Director's Review. A certificate of zoning compliance shall require a final occupancy review. The applicant must show, to the satisfaction of the Director, that the structure or use in question is in compliance with the original permit and/or codes in effect at the time the structure was constructed or the use was initiated

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

## ***Article VIII. Revocations or Modifications***

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### **17.32.890 Grounds for.**

After a public hearing as provided for in this article, the commission may revoke or modify any nonconforming use or revoke or modify any permit, variance or other approval which has been granted by either the city council or the commission, pursuant to either the provisions of the ordinance codified in this title or of any ordinance superseded by the ordinance codified in this title on any one or more of the following grounds:

- A. That such approval was obtained by fraud;
- B. That the use for which such approval was granted is not being exercised;
- C. That the use for which such approval was granted has ceased or has been suspended for one year or more.

This subsection does not apply to an exception (granted prior to November 23, 1970), or permit for a rock quarry, sand or gravel pit, rock crushing plant, or any apparatus for the manufacture or production of rock, sand or gravel, or any excavation for the purpose of obtaining clay, decomposed granite, or similar material, if from the cessation of use the outer boundaries of the premises have been continuously posted with signs not less than 500 feet apart and at each change of direction of the said outer boundary line, in such manner as will reasonably give notice to passersby of the matters contained in such notice, stating, in letters not less than 4 inches in height: "ROCK QUARRY PROPERTY," and stating, in letters not less than one inch in height: "Permission has been granted to use this property at any time for rock quarry, sand, gravel or clay pit or rock crushing plant";

- D. Except in case of a dedicated cemetery that any person making use of or relying upon the permit, variance, or other approval, is violating or has violated any conditions of such permit, variance or other approval, or that the use for which the permit, variance, or other approval was granted is being, or recently has been exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation;
- E. Except in the case of a dedicated cemetery, that the use for which the approval was granted is so exercised as to be detrimental to the public health or safety, or so as to be a nuisance.

(Prior zoning ord. § 510.1)

### **17.32.900 Additional grounds for nonconforming uses and structures.**

In addition to the grounds for revocation or modification contained in Section 17.32.890, a nonconforming use or structure may be revoked or modified after a public hearing if the commission finds:

- A. That the condition of the improvements, if any, on the property are such that to require the property to be used only for those uses permitted in the zone where it is located would not impair the constitutional rights of any person;
- B. That the nature of the improvements are such that they can be altered so as to be used in conformity with the uses permitted in the zone in which such property is located without impairing the constitutional rights of any person.

(Prior zoning ord. § 510.2)

### **17.32.910 Initiation of.**

Hearings on revocations or modifications of permits, variances or nonconforming uses or structures may be initiated:

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- A. If the city council instructs the commission to set the matter for a public hearing; or
  - B. Upon the initiative of the commission.

(Prior zoning ord. § 510.3)

#### **17.32.920 Notice of public hearing.**

Notice of a public hearing on a revocation or modification shall be provided as follows:

- A. To the same persons and in the same manner as required for a public hearing before the commission pursuant to 17.36.020; and
- B. By such other additional means that the commission deems necessary.

(Prior zoning ord. § 510.4)

#### **17.32.930 Continuance.**

If for any reason, the testimony of any case set for public hearing cannot be completed on the appointed day, the chairman of such hearing may before adjournment or recess, publicly announce the time and place at which said hearing will be continued and no further notice thereof shall be required.

(Prior zoning ord. § 510.5)

#### **17.32.940 Notice of action.**

Notice of the action taken by the commission shall be provided in accordance with the provisions of Section 17.36.020C.

(Prior zoning ord. § 510.6)

#### **17.32.950 Effective date.**

An order by the commission revoking or modifying a permit, variance, or nonconforming use or structure shall become final and effective 10 working days after the commission's action, provided no appeal of the action taken has been filed with the city clerk pursuant to Section 17.36.030 within said 10 working days.

(Prior zoning ord. § 510.7)

## **Chapter 17.36 ADMINISTRATION**

#### **17.36.010 Procedure for application.**

- A. **Withdrawal of.** An applicant or petitioner for any permit, variance, nonconforming use or structure review, or zone change provided for in this title may withdraw their application at any time before hearing or before ex parte action by the commission by filing with the commission a request in writing signed by all persons who signed the original application or petition, or their successors in interest.
- B. **Filing Fees and Deposits.** For the purpose of defraying the expense involved in connection with any application or petition required or authorized by this title the city council shall establish by resolution fees

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which shall accompany the application or petition at the time of filing with the city. The council may amend such fees at any time as it deems a change to be necessary in accordance with state law.

- C. Fee Waiver. In those instances where the city council by resolution determines it in the public interest to accept applications or petitions without filing fee, the director shall accept such applications or petitions subject to the requirements specified in said resolution.
- D. Deficiencies and Refunds of Fees and Deposits.
  - 1. If any application or petition is withdrawn as provided in subsection A of this section prior to publication of notice of hearing or prior to ex parte action by the commission, the city shall refund the filing fee and all deposits, if any.
  - 2. In the case of an application for a cemetery permit if the actual cost of publication and posting of notice is more than the amount deposited by the applicant, such applicant shall deposit the deficiency; if less the city shall refund any deposit.
  - 3. In all other cases there shall be no refund after the notice of hearing has been published.
- E. Accounting for Fees and Deposits. The director shall keep a permanent and accurate account of all deposits received, giving the name of the applicant upon whose account the same was deposited, the date and amount thereof, together with the location of the premises to which they relate.
- F. Inactive Application. An application may be deemed administratively withdrawn by staff if an applicant has not provided a formal response, revision, or is not actively pursuing the proposed project after a period of one year from the last date of formal comments by the city.

(Prior zoning ord. §§ 620—623)

### **17.36.020 Public hearings procedure.**

- A. Notice of. No less than 10 days prior to the date of any hearing other than a hearing on an application to grant a cemetery permit, the Director shall:
  - 1. Cause a copy of a notice of the time and place of such hearing to be published as follows:
    - a. Hearings on general amendments to the ordinance shall be published once in a newspaper of general circulation in the city of Lancaster;
    - b. Hearings on permits, variances, nonconforming uses or structure review, or zone changes shall be published once in a newspaper of general circulation in the city of Lancaster except that, conditional use permits for a rock quarry, sand, gravel, or any excavation for the purpose of obtaining clay, decomposed granite or similar material shall be published in 2 newspapers of general circulation at least one of which is a newspaper available in the community in which such use is proposed to be established. Such publications if made in a daily newspaper, shall be for a period of not less than 5 consecutive publications of such newspaper, and if made in a weekly newspaper, shall be for a period of not less than 2 consecutive publications of such paper the first publication in either case appearing not less than 20 days before the date of the hearing;
  - 2. Cause a notice to be mailed by first class mail, postage prepaid, to:
    - a. The applicant and all persons listed in the application or petition as owners of the property under consideration, and
    - b. All persons whose names and addresses appear on the verified lists of property owners required to be submitted by the applicant, and

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- c. Such other persons whose property might in his judgment be affected by such application or permit;
  3. Cause a notice of the time and place of such hearing to be sent to such public officers, departments, bureaus or agencies who, in the opinion of the Director, might be interested, requesting a report thereon;
  4. If for a revocation, also serve upon every person, if any, in real or apparent charge and control of the premises involved, the record owner, the holder of any mortgage, trust deed or other lien or encumbrance of record, the holder of any lease of record, the record holder of any other estate or interest in or to the premises or any part thereof, written notice of the time and place of such hearing either in the manner required by law for the service of summons, or by registered mail, postage prepaid;
  5. If the Director finds that the publication and mailing required by subsections A.1. and 2. of this section will not give sufficient notice to those persons who may be affected, he also shall post at such locations as he deems best suited to inform such persons, notices of the time and place of such hearing.
  6. For centers with two or more tenant spaces, each tenant within the center shall be notified of the public hearing notice.
- B. Continuance of. If for any reason, the testimony on any case set for public hearing cannot be completed on the appointed day, the chairman of such hearing may before adjournment or recess, publicly announce the time and place at which said hearing will be continued and no further notice thereof shall be required.
- C. Notice of Action. The commission shall serve notice of its action upon:
1. The applicant for a permit, variance, nonconforming use or structure review, or zone change, or the person owning and/or operating a use for which the revocation of a permit, variance, or nonconforming use or structure is under consideration as required by law for the service of summons or by registered or certified mail, postage prepaid, return receipt requested; and
  2. The following persons by first class mail, postage prepaid:
    - a. The first 3 protestants testifying or speaking at the public hearing, except at a hearing for the revocation or modification of any permit, variance, or nonconforming use or structure,
    - b. The first 3 persons testifying or speaking at a public hearing in favor of the revocation or modification of any permit, variance, or nonconforming use or structure,
    - c. Any other persons testifying or speaking at a public hearing that request such notification from the chairman at the hearing.

(Prior zoning ord. §§ 631—633)

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

### **17.36.030 Appeal to the city council from action of city official, board or commission.**

Whenever an applicant or an interested citizen of the city desires to appeal to the city council an adverse determination made by a city official, board or commission he shall follow the uniform appeal procedures as outlined in Chapter 2.44 of this code. All inquiries regarding appeals shall be directed to the city clerk's office.

(Prior zoning ord. § 641)

## **Chapter 17.40 GENERAL REGULATIONS**

## ***Article I. General Regulations***

### **17.40.010 Buildings moved.**

No building or structure shall be moved from one lot or premises to another unless such building or structure shall thereupon be made to conform to all the provisions of this title relative to buildings or structures hereafter erected upon the lot or premises to which such building or structure shall have been moved, and shall be made to conform to the general character of the existing buildings in the neighborhood or better.

(Prior zoning ord. § 701.2)

### **17.40.020 Buildings converted or altered.**

No building or structure existing at the time of the effective date of the ordinance codified in this title or any amendment thereof which is designed, arranged, intended for or devoted to a use not permitted in the zone in which such building or structure is located, shall be enlarged, extended, reconstructed, built upon or structurally altered unless the use of such building or structure is changed to a use permitted in the zone in which such building or structure is located.

(Prior zoning ord. § 701.3)

### **17.40.030 Temporary housing in disaster areas.**

Notwithstanding any other provision of this title, where an existing residence is damaged or destroyed by a major disaster such as fire, flood or earthquake so declared by the Governor of the state of California during the previous 6 months, a mobilehome may be used as a residence on the same lot or parcel of land by the owner and his family for a period not to exceed one year. This section authorizes only the temporary replacement of a damaged or destroyed residence and not an increase in the number of living quarters permitted on the property.

(Prior zoning ord. § 701.4)

### **17.40.040 Prohibition, general.**

A person shall not use or cause or permit to be used any building, structure, improvement or premises located in any zone described in this title contrary to the provisions of this title.

(Prior zoning ord. § 701.5)

## ***Article II. Required Area***

### **17.40.050 Defined.**

See definition in Section 17.04.240.

(Prior zoning ord. § 702.1)

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#### **17.40.060 Undersized sections.**

If as a result of the normal division of an undersized section of land, a parcel of land would be created having less than the required area, such parcel of land shall be considered as having the required area provided:

- A. That in no event shall more parcels be created under this section than would result from the breakdown of a normal section of land in the same zone; and
- B. That this section shall apply only to parcels of land when division of a normal section would create parcels of land having not less than a minimum gross area of 2½ acres; and
- C. That the total reduction of all parcels in a division of an undersized section shall not exceed 10%; and
- D. That no lot or parcel of land shall be created which contains less than a minimum gross area of 2¼ acres; and
- E. That the creation of such parcels shall meet all the requirements of Ordinance 4478 entitled "Subdivision Ordinance," adopted March 19, 1945.

(Prior zoning ord. § 702.2)

#### **17.40.070 Required area reduced by public use.**

If a lot or parcel of land has not less than the required area and after creation of such lot or parcel of land a part thereof is acquired for public use other than for highway purposes, in any manner including dedication, condemnation or purchase, and if the remainder of such lot or parcel has not less than the 80% of the required area, such remainder shall be considered as having the required area.

(Prior zoning ord. § 702.3)

#### **17.40.080 Required area reduced for highway purposes.**

If a lot or parcel of land has not less than the required area, as defined in Section 17.40.050, and after the creation of such lot or parcel of land a part thereof is acquired for highway purposes exclusively in any manner including dedication, condemnation or purchase, and if the remainder of such lot or parcel has not less than 75% of the required area, then such remainder shall be considered as having the required area, provided the remaining portion of said lot or parcel of land has an area of less than 2,500 square feet, or an area as is otherwise provided herein. The director, without notice or hearing, may approve a reduction of lot area to 75% of the required area where the remaining parcel would have less than 2,500 square feet, but not less than 2,000 square feet, where topographic features, subdivision design or other conditions create an unnecessary hardship or unreasonable limitation making it obviously impractical to comply with the stated minimum.

(Prior zoning ord. § 702.4)

#### **17.40.090 Required width of depth reduced by public use.**

- A. If a lot or parcel of land has not less than the required width and after the creation of such lot or parcel of land a part thereof is acquired for public use in any manner including dedication, condemnation or purchase if the remainder of such lot has a width of not less than 40 feet, such remainder shall be considered as having the required width.
- B. If a lot or parcel of land has not less than the required depth and after the creation of such lot or parcel of land a part thereof is acquired for public use in any manner including dedication, condemnation or purchase,

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if the remainder of such lot or parcel has not less than 75% of the required depth, then such remainder shall be considered as having the required depth.

(Prior zoning ord. § 702.5)

#### **17.40.093 Reduction of required yards for street widening.**

Where the provisions of Section 17.40.070, 17.40.080 or 17.40.090 are applied on a property adjoining any arterial street, the director may reduce the amount of yard required on a 1:1 basis, provided that the yard may not be reduced to less than 10 feet.

(Ord. 711 § 40, 1995; prior zoning ord. § 702.6)

#### **17.40.095 Reduction of required yards to accommodate transit stops.**

Where the city has deemed it necessary to locate a transit stop within a turnout which requires an additional easement or right-of-way, the director may reduce the amount of yard required on a 1:1 basis, provided that the yard may not be reduced to less than 10 feet.

(Ord. 711 § 41, 1995; prior zoning ord. § 702.7)

#### **17.40.097 Reduction of required yards where widening of an arterial street exceeds city standards.**

Where the city has deemed it necessary to widen an arterial street in excess of the city standard, the director may reduce the amount of yard required as necessary, provided that the yard may not be reduced to less than 5 feet.

(Ord. 711 § 42, 1995; prior zoning ord. § 702.8)

#### **17.40.100 Contiguous narrow lots.**

Where, prior to the territory being zoned R-1, R-2, R-A, A-1, A-2 or A-2-H, lots exist not less than 100 feet deep but less than 50 feet wide, if 2 or more such contiguous lots, or one or more such contiguous lots and one or more lots also contiguous thereto which have a depth of not less than 100 feet, have a total frontage of not less than 50 feet, such lots may be treated and considered as one parcel.

If such parcel is in the RR, SRR or R zones, 2 single-family residences may be constructed thereon and so used. If such parcel is in zone MDR, 2 single-family dwellings or 2 2-family dwellings or one single-family dwelling and one 2-family dwelling may be constructed thereon and so used.

(Prior zoning ord. § 702.13)

#### **17.40.110 Sale.**

Where a portion of a lot or parcel of land is sold or transferred and as a result of such sale or transfer one or more parcels are created of such an area that the number and location of the buildings thereon no longer conform to the requirements of this article, then, in the determination of the permissible number and location of any buildings on any other parcel so created by such sale or transfer, the portion sold or transferred and the remainder shall be considered as one parcel.



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(Prior zoning ord. § 702.16)

**17.40.120 Area or width diminished by public use.**

Where a building or structure is lawfully located on property acquired for public use (by condemnation, purchase or otherwise) such building or structure may be relocated on the same lot or parcel of land, although such building or structure is existing as nonconforming use or although the area or width regulations of this title or both cannot be complied with. Where any part of such building or structure is acquired for public use, the remainder of such building or structure may be repaired, reconstructed or remodeled, with the same or similar kind of materials as used in the existing buildings.

(Prior zoning ord. § 702.18)

**17.40.130 Reduction of lot area or width.**

Except for a conveyance for public use, a person shall not divide any lot or parcel of land or any portion thereof, if as a result of such division or conveyance the area, depth or width of any lot or parcel of land is so reduced, or a lot or parcel of land is created, which lot or parcel of land has an area, depth or width less than the required minimum lot area, depth or width specified for the zone in which the property is located and except for public use no such reduction shall occur in a residential planned development or commercial planned development, without a new public hearing on the case. If the zone does not specify a minimum lot area, depth, or width then the minimum lot area shall be 5,000 square feet, the minimum lot depth shall be 100 feet, and the minimum lot width shall be 50 feet.

(Prior zoning ord. § 702.19)

**17.40.140 Rescission.**

Any deed of conveyance, sale or contract to sell made contrary to the provisions of this article is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative, or trustee in insolvency or bankruptcy within one year after the date of execution of, the deed or conveyance, sale or contract to sell, but the deed of conveyance, sale or contract to sell is binding upon any assignee or transferee of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor or person contracting to sell, his assignee, heir or devisee.

(Prior zoning ord. § 702.20)

***Article III. Flood Damage Prevention***

**17.40.150 Statutory authorization, findings of fact, purpose and methods.**

- A. Statutory Authorization. The Legislature of the state of California has in Government Code Sections 65302, 65560 and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.
- B. Findings of Fact.
  - 1. The flood hazard areas of the city are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services,

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- extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.
- C. Statement of Purpose. It is the purpose of this article to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:
1. To protect human life and health;
  2. To minimize expenditure of public money for costly flood control projects;
  3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
  4. To minimize prolonged business interruptions;
  5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
  6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
  7. To insure that potential buyers are notified that property is in an area of special flood hazard; and
  8. To insure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- D. Methods of Reducing Flood Losses. In order to accomplish its purpose, this article includes methods and provisions for:
1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion flood heights or velocities;
  2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
  3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers which help accommodate or channel floodwaters;
  4. Controlling fill, grading, dredging, and other development which may increase flood damage; and
  5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

(Prior zoning ord. §§ 705.1—705.1.4)

### **17.40.160 Definitions.**

Unless specifically defined below, words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this article its most reasonable application.

"Alluvial fan" means a geomorphologic feature characterized by a cone- or fan-shaped deposit of boulders, gravel and fine sediments that have been eroded from mountain slopes, transported by flood flows and then

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deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

"Apex" means the point of highest elevation on an alluvial fan which, on undisturbed fans, is generally the point where the major stream that formed the fan emerges from the mountain front.

"Appeal" means a request for a review of the floodplain administrator's interpretation of any provision of this article or a request for a variance.

"Area of shallow flooding" means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to 3 feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard. See "Special flood hazard area."

"Backfill" means the placement of fill material within a specified depression, hole or excavation pit below the surrounding adjacent ground level as a means of improving floodwater conveyance or to restore the land to the natural contours existing prior to excavation.

"Base flood" means the flood having a 1% chance of being equalled or exceeded in any given year (also called the "100 year flood").

Building. See "Structure."

"Critical feature" means an integral and readily identifiable part of a flood protection system without which the flood protection provided by the entire system would be compromised.

"Curvilinear line" means the border on either a flood hazard boundary map or flood insurance rate map that delineates the special flood, mudslide (i.e., mudflow), and/or flood-related erosion hazard areas and consists of a curved or contour line that follows the topography.

"Development" means any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Fill" means the placement of fill material at a specified location to bring the ground surface up to a desired elevation.

"Fill material" can be natural sand, dirt, soil or rock. For the purposes of floodplain management, fill material may include concrete, cement, soil cement, brick or similar material as approved on a case-by-case basis.

"Flood," "flooding" or "floodwater" means:

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1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
    - a. The overflow of inland or tidal waters;
    - b. The unusual and rapid accumulation or runoff of surface waters from any source; and/or
    - c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in subsection 1.b. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas as when earth is carried by a current of water and deposited along the path of the current; and
  2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in subsection 1.a. of this definition.

"Flood elevation determination" means a determination by the administrator of the water surface elevations of the base flood; that is, the flood level that has a 1% or greater chance of occurrence in any given year.

"Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

"Flood Hazard Boundary Map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

"Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

"Floodplain administrator" means the individual appointed to administer and enforce the floodplain management regulations.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage including, but not limited to, emergency preparedness plans, flood control works, and floodplain management regulations.

"Floodplain management regulations" means the zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain management regulations).

"Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

"Flood protection system" means those physical structural works for which funds have been authorized, appropriated and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed to conform with sound engineering standards.

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"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "regulatory floodway."

"Floodway encroachment lines" means the lines marking the limits of floodways on federal, state and local floodplain maps.

"Floodway fringe" means the areas of a floodplain on either side of the designated floodway where encroachment may be permitted.

"Fraud and victimization," related to Section 17.40.200, Variance procedures, means the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the variance board will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for 50 to 100 years. Buildings that are permitted to be constructed below the base flood elevation are subject, during all those years to increased risk of damage from floods while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. It does not include long-term storage or related manufacturing facilities.

"Hardship" as related to Section 17.40.200, Variance procedures, means the hardship that would result from a failure to grant the requested variance. The variance board requires that the variance be exceptional, unusual and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as exceptional hardships. All of these problems can be resolved through other means without granting a variance. This is so, even if the alternative means are more expensive or complicated than building with a variance, or if they require the property owner to put the parcel to a different use than originally intended, or to build elsewhere.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior; or
  - b. Directly by the Secretary of the Interior in states with approved programs.

"Landfill" means a permitted location for the disposal, placement or dumping of garbage, trash, debris, junk or waste material.

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"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this title.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into 2 or more manufactured home lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Flood Insurance Administration of the Federal Emergency Management Agency.

"Mean sea level" means that for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"Minimum necessary" related to Section 17.40.200, Variances procedures, means the minimum necessary to afford relief to the applicant of a variance with minimum deviation from the requirements of this title. In the case of variances to an elevation requirement, this means the variance board need not grant permission for the applicant to build at grade, for example, or even to whatever elevation the applicant proposes, but only that level that the board believes will both provide relief and preserve the integrity of the local ordinance.

"Mudslide" (i.e., mudflow) describes a condition where there is a river, flow or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain.

"New construction," for floodplain management purposes, means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

"Obstruction" means and includes but is not limited to any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water or its likelihood of being carried downstream.

"One hundred year flood" means a flood which has a 1% annual probability of being equalled or exceeded. It is identical to the "base flood" which will be the term used throughout this title.

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"Principal structure" means a structure used for the principal use of the property as distinguished from an accessory use.

"Public safety and nuisances" as related to Section 17.40.200, Variance procedures, means the granting of a variance must not result in additional threats to public safety or create nuisances. This title is intended to help protect the health, safety, well-being and property of the local citizens. This is a long-range community effort made up of a combination of approaches such as adequate drainage systems, warning and evacuation plans, and keeping new property above the flood levels. These long-term goals can only be met if exceptions to the requirements of this title are kept to a bare minimum.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Sheet Flow Area. See "Area of shallow flooding."

"Special flood hazard area (SFHA)" means an area having special flood or flood-related erosion hazards, and shown on an FHBM or FIRM as zone A, AO, A1—A30, AE, A99 or AH.

"Start of construction" means and includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided the alteration will not preclude the structure's continued designation as a "historic structure."

"Variance" means a grant of relief from the requirements of this title which permits construction in a manner that would otherwise be prohibited by this title.

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"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Prior zoning ord. § 705.2)

#### **17.40.170 General provisions.**

- A. Lands to Which this Article Applies. This article shall apply to all areas of special flood hazards within the jurisdiction of the city.
- B. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) dated July 6, 1981, and the Flood Insurance Rate Map (FIRM), dated January 6, 1982, and all subsequent amendments and/or revisions are adopted by reference and declared to be a part of this article. This Flood Insurance Study (FIS) and attendant mapping is the minimum area of applicability of this article and may be supplemented by studies for other areas which allow implementation of this article and which are recommended to the city council by the floodplain administrator. The study and Flood Insurance Rate Maps (FIRMs) are on file at 44933 North Fern Avenue, Lancaster, California 93534.
- C. Compliance. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the term of this article and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the city council from taking such lawful action as is necessary to prevent or remedy any violation.
- D. Abrogation and Greater Restriction. The ordinance codified in this article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- E. Interpretation. In the interpretation and application of this article, all provisions shall be:
  - 1. Considered as minimum requirements;
  - 2. Liberally construed in favor of the governing body; and
  - 3. Deemed neither to limit nor repeal any other powers granted under state statutes.
- F. Warning and Disclaimer of Liability. The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside the areas of special flood hazards, or uses permitted within such areas, will be free from flooding or flood damages. This article shall not create liability on the part of the city council, any officer or employee thereof, the Federal Insurance Administration of the Federal Emergency Management Agency for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.
- G. Severability. This article, and the various parts thereof, are declared to be severable. Should any section of this article be declared by the courts to be unconstitutional or invalid, such decision shall not affect the



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validity of the article as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

(Prior zoning ord. §§ 705.3—705.3.7)

#### **17.40.180 Administration.**

- A. Establishment of Development Permit. A development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in Section 17.40.170B. Application for a development permit shall be made on forms furnished by the floodplain administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:
1. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures. In zone AO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures;
  2. Proposed elevation in relation to mean sea level to which any structure will be flood-proof;
  3. All appropriate certifications listed in subsection C of this section; and
  4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- B. Designation of the Floodplain Administrator. The director of public works is appointed to administer, implement and enforce this article by granting or denying development permits in accord with its provisions.
- C. Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the floodplain administrator shall include, but not be limited to:
1. Permit Review. Review all development permits to determine that the permit requirements of this article have been satisfied;
    - a. All other required state and federal permits have been obtained;
    - b. The site is reasonably safe from flooding; and
    - c. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this article, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.
  2. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 17.40.170 B, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Section 17.40.190. Any such information shall be submitted to the city council for adoption.
  3. Whenever a watercourse is to be altered or relocated:
    - a. Notify adjacent communities and the California Department of Water Resources prior to such alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration of the Federal Emergency Management Agency;
    - b. Require that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

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4. Obtain and maintain for public inspection and make available as needed:
    - a. The certification required by Section 17.40.190A.3.a. (floor elevations);
    - b. The certification required by Section 17.40.190A.3.b. (elevations in areas of shallow flooding);
    - c. The certification required by Section 17.40.190A.3.c.3) (elevation or flood-proofing of nonresidential structures);
    - d. The certification required by Section 17.40.190A.3.d.1) or 2) (wet flood proofing standard);
    - e. The certification of elevation required by Section 17.40.190C.2. (subdivision standards); and
    - f. The certification required by Section 17.40.190F.1. (floodway encroachments).
  5. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards, areas of flood-related erosion hazards or areas of mudslide (i.e., mudflow) (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation to the city council. Take action to remedy violations of this article as specified in Section 17.40.170C.

(Prior zoning ord. §§ 705.4—705.4.3)

#### **17.40.190 Provisions for flood hazard reduction.**

- A. Standard of Construction. In all areas of special flood hazards the following standards are required:
  1. Anchoring.
    - a. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
    - b. All manufactured homes shall meet the anchoring standards of subsection D. of this section.
  2. Construction Materials and Methods.
    - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
    - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
    - c. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding.
    - d. Require within zones AH or AO that adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.
  3. Elevation and Floodproofing.
    - a. New construction and substantial improvements shall have the lowest floor, including basement, elevated to or above the base flood elevation. Nonresidential structures may meet the standards in subsection A.3.c. of this section. Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or

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surveyor, or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the floodplain administrator.

- b. New construction and substantial improvement in zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM, or at least 2 feet if no depth number is specified. Nonresidential structures may meet the standards in subsection A.3.c. of this section. Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or surveyor, or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the floodplain administrator.
  - c. Nonresidential construction shall be either elevated to conform with subsection A.3.a. or b. of this section or together with attendant utility and sanitary facilities:
    - 1) Be floodproof so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
    - 2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
    - 3) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the floodplain administrator.
  - d. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
    - 1) Either a minimum of 2 openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided, the bottom of all openings shall be no higher than one foot above grade (openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater); or
    - 2) Be certified to comply with a local flood proofing standard approved by the Federal Insurance Administration of the Federal Emergency Management Agency.
  - e. Manufactured homes shall also meet the standards in subsection D of this section.
- B. Standards for Utilities.
- 1. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into flood waters.
  - 2. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
  - 3. Other utilities are addressed in subsections A.2. and C.4. of this section.
- C. Standards for Subdivisions.
- 1. All preliminary subdivision proposals shall identify the flood hazards area and the elevation of the base flood.

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2. All subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the final first floor and pad elevations shall be certified by a registered professional engineer or surveyor and provided to the floodplain administrator.
  3. All subdivision proposals shall be consistent with the need to minimize flood damage.
  4. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
  5. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.
- D. Standards for Manufactured Homes.
1. All manufactured homes that are placed or substantially improved within zones A1—30, AH and AE on the community's Flood Insurance Rate Map on sites (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; (d) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood should be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation collapse and lateral movement.
  2. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1—30, AH and AE on the community's Flood Insurance Rate Map that are not subject to the provisions of subsection D.1. of this section will be elevated so that either:
    - a. The lowest floor of the manufactured home is at or above the base flood elevation; or
    - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- E. Standards for Recreational Vehicles. All recreational vehicles placed on sites within zones A1—30, AH and AE on the community's Flood Insurance Rate Map will either:
1. Be on the site for fewer than 180 consecutive days;
  2. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
  3. Meet the permit requirements of Section 17.40.180 and the elevation and anchoring requirements for manufactured homes in subsection D.1. of this section.
- F. Floodways. Located within areas of special flood hazard established in Section 17.40.170B are areas designated as floodways. Since the floodway is an extremely hazardous area, due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:
1. Prohibit encroachments, including fill, new construction, substantial improvement, and other new development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
  2. If subsection F.1. of this section is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of this section.

### **17.40.200 Variance procedures.**

- A. Nature of Variances. The variance criteria set forth in this section are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. Though these standards vary from jurisdiction to jurisdiction, in general, a properly issued variance is granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this article would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners. It is the duty of the planning commission to help protect its citizens from flooding. This need is so compelling, and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. Therefore, the variance guidelines provided in this article are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.
1. In passing upon such applications, the planning commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article, and:
    - a. The danger that materials may be swept onto other lands to the injury of others;
    - b. The danger of life and property due to flooding or erosion damage;
    - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
    - d. The importance of the services provided by the proposed facility to the community;
    - e. The necessity to the facility of a waterfront location, where applicable;
    - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
    - g. The compatibility of the proposed use with existing and anticipated development;
    - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
    - i. The safety of access to the property in time of flood for ordinary and emergency vehicles;
    - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and
    - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water system, and streets and bridges.
  2. Any applicant to whom a variance is granted shall be give written notice over the signature of a community official that:
    - a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and
    - b. Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the floodplain board in the office of the Los Angeles County Recorder

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and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

3. The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration of the Federal Emergency Management Agency.

B. Conditions for Variances.

1. Generally, variances may be issued for new construction, substantial improvement and other proposed new development to be erected on a lot of  $\frac{1}{2}$  acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 17.40.180 and 17.40.190 have been fully considered. As the lot size increases beyond  $\frac{1}{2}$  acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 17.40.160) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances shall not be issued within any designated floodway, if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the "minimum necessary" (as defined in Section 17.40.160), considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
  - a. A showing of good and sufficient cause;
  - b. A determination that failure to grant the variance would result in exceptional "hardship" (as defined in Section 17.40.160), to the applicant; and
  - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create "nuisances" (as defined in Section 17.40.160), cause "fraud or victimization" (as defined in Section 17.40.160) of the public, or conflict with existing local laws or ordinances.
6. Variances may be issued for new construction, substantial improvement and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of subsections B.1.—5. of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
7. Upon consideration of the factors of subsection A.3. of this section and the purposes of this article, the planning commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.
8. A fee may be charged for the variance process as provided for in Resolution No. 91-174.

- C. The city clerk shall certify to the passage of the ordinance codified in this article and shall cause it to be posted or published in a manner required by law.

(Prior zoning ord. §§ 705.6—705.7)

## ***Article IV. Signs***

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#### **17.40.210 Off-premises outdoor advertising signs.**

A. Purposes. The purposes of this section are as follows:

1. To preserve and improve the appearance of the city as a place to live, work, trade, do business and visit; protect the city from the blighting influence of excessive off-premises outdoor advertising signage; and thereby preserve and enhance the economic base of the city, and safeguard property values within the city;
2. To restrict off-premises outdoor advertising signs so as to avoid increasing the hazards to motorists and pedestrians caused by excessive distracting signage;
3. To precisely identify areas and/or zones where the installation of additional off-premises outdoor advertising signs should be prohibited due to the importance of such areas to the environmental and economic development goals and objectives of the city;
4. To provide for the relocation of existing legal off-premises outdoor advertising signs so as to minimize the adverse effects of such signs on the city's goals and objectives, in accordance with Section 5412 of the Business and Professions Code of the State of California;
5. To remove off-premises outdoor advertising signs from the residential areas of the city, in accordance with Section 5412 of the Business and Professions Code of the State of California;
6. To promote the general welfare and temperance of children and minors, and to intend to help reduce the illegal consumption and purchase of tobacco products by children and minors by limiting their exposure to the advertising of tobacco products on certain off-premises signs;
7. To promote the general welfare and temperance of children and minors, and to intend to help reduce the illegal consumption and purchase of alcoholic beverages by children and minors by limiting their exposure to the advertising of alcoholic beverages on certain off-premises signs;
8. To promote the general welfare and temperance of children and minors, and to intend to help reduce the illegal use or purchase of adult telephone messages by children and minors by limiting their exposure to the advertising of adult telephone messages on certain off-premises signs.

B. Definitions. As used in this section, the following words shall have the following respective meanings:

1. "Outdoor advertising sign" means a sign, display or device affixed to the ground or attached to or painted or posted onto any part of a building or similar permanent structure used for the display of an advertisement to the general public when viewed from outside of a building or similar enclosed area.
2. "Commercial advertisement" means any advertisement which has, as its primary purpose, the promotion of the sale of goods or services by a commercial business or enterprise to the public generally or any significant part thereof.
3. "Noncommercial advertisement" means any advertisement other than a commercial advertisement.
4. "On-premises advertisement" means any commercial advertisement which pertains solely to goods or services, which are produced or offered for sale on the premises where the advertisement is displayed.
5. "Off-premises advertisement" means any commercial advertisement other than an on-premises advertisement.
6. "Construct," when used with reference to a sign, means to install, erect or place on the ground or on a building or structure, or to affix, paint or post on or to a building or structure.
7. "Relocate," when used with reference to a sign, means to move a sign from one location to another, or to remove a sign from one location and construct a similar sign at another location.

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8. "Maintenance" means any activity relative to repair, restoration or preservation of an existing sign, display or device intended to keep such sign, display or device in a state similar to that when originally installed or erected.
  9. "Upgrade" means any activity intended to improve the design quality and aesthetic appeal of an existing sign, display or device by modifying structural elements of, or providing substantial cosmetic enhancements to, such sign, display or device, including the change of the sign from conventional copy to a digital advertising display.
  10. "Tobacco product" means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipes, tobacco, snuff, chewing tobacco and dipping tobacco.
  11. "Alcoholic beverage" means any beverage in liquid form that contains not less than one-half of one percent of alcohol by volume and is intended for human consumption.
  12. "Adult telephone messages" means live or recorded telephone messages containing any harmful matter, as defined in Section 313 of the Penal Code of the state of California.
  13. "School" includes any elementary or secondary school, public or private, attendance at which satisfies the compulsory education laws of the state of California.
  14. "Public park" means any park, playground or grounds under the control, direction or management of a public entity.
  15. "Private park" means any park, playground or ground under control, direction or management of a private entity.
  16. "Church" means a development maintained and used exclusively for religious worship, including customary incidental education and social activities in conjunction therewith.
  17. "Child care center" means a facility, other than a family day care home, in which less than 24-hour-per-day nonmedical care and supervision is provided for children in a group setting as defined and licensed under the regulations of the state of California.
  18. "Youth center" means any designated indoor public, private or parochial facility, other than a private residence or a multiple dwelling unit, which contains programs which provide, on a regular basis, activities or services for persons who have not yet reached the age of 18 years, including, but not limited to, community-based programs, after-school programs, weekend programs, violence prevention programs, leadership development programs, vocational programs, substance abuse prevention programs, individual or group counseling, case management, remedial, tutorial, or other educational assistance or enrichment, music, art, dance, and other recreational or cultural activities, physical fitness activities and sports programs.
  19. "Digital advertising display" (DAD) means a display created by light-emitting diodes, liquid crystal displays, display panels, pixel or sub-pixel technology, or other similar means.
  20. "Residential structure" means any building that includes a kitchen and at least one bedroom and bathroom that is being occupied and used as a dwelling unit at the time an application for relocation of a billboard is submitted to the city; and for which the city has on file a current and valid certificate of occupancy for the building as a residential occupancy classification.
- C. Application to Existing Signs. Any off-premises outdoor advertising sign which was constructed in conformance with the requirements of this title as they existed at the time of such construction, but which is not in conformance with the requirements of this section, shall be deemed a legal nonconforming use which must be maintained, and may be upgraded subject to the restrictions and limitations imposed on nonconforming uses by Chapter 17.32. Such signs may be compelled to be removed through eminent domain proceedings subject to the requirements and limitations imposed by Sections 5412 through 5412.4



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of the Business and Professions Code of the state of California, the provisions of which, as they may from time to time be amended, are incorporated herein by this reference.

- D. Fees. The city council may, by resolution, establish fees for any or all of the administrative processes established by this section.
- E. Director's Review. Relocations of and upgrades to off-premises commercial advertising signs are subject to a director's review as set forth in this section.
- F. Preclusions of New or Additional Signs. No new or additional off-premises outdoor advertising signs shall be constructed in any zone district or area of the city after the effective date of the ordinance codified in this title; provided, however, that upon a finding that the purpose(s) of this section would not be served by the application of this prohibition to a particular area within the city, the city council may by resolution designate such area(s) as exempt from the provisions of this paragraph.
- G. Amortization in Residential Zones. No off-premises outdoor advertising sign shall be relocated into any residential zone. Such signs located in any residential zone as of February 6, 1985, shall be removed in accordance with the following amortization schedule:

Fair Market Value of Off-Premises  
Commercial Advertising Sign  
On February 6, 1985

Before Removal	Years Allowed
Under \$1,999.00	2
\$2,000.00 to \$3,999.00	3
\$4,000.00 to \$5,999.00	4
\$6,000.00 to \$7,999.00	5
\$8,000.00 to \$9,999.00	6
\$10,000.00 and over	7

- H. Other Location Restrictions. An off-premises commercial advertising sign may be relocated or upgraded provided that:
  - 1. It is relocated no closer than 500 feet to a previously constructed off-premises commercial advertising sign located on the same or opposite side of the same street; or
  - 2. It is relocated no closer than 200 feet to any a residential structure, school, church or similar place of worship, historical building, cemetery or similar place of interment, private park.
- I. Size Restrictions. No off-premises commercial advertising sign shall be relocated or upgraded unless it complies with the following restrictions:
  - 1. The sign shall not exceed 32 feet in height from ground level.
  - 2. The total area of a single sign face shall not exceed 300 square feet. The total area of a double-faced sign shall not exceed 600 square feet.
  - 3. The size and height restrictions listed in this section may be modified for a digital advertising display relocation or upgrade as provided in subsection (R). The height restrictions for a relocation or upgrade of a conventional advertising display may be modified as provided in subsection (R)2.
- J. Visual and Maintenance Standards. No off-premises outdoor advertising sign shall be relocated or upgraded unless it complies with the following requirements.

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1. The message copy area of the relocated or upgraded sign may be no larger than the message copy area of the original sign or the size restrictions established in subsection (I), whichever is less, unless modified pursuant to subsection (I)3.
  2. Such sign may be relocated to a new site only if the sign at the new site complies with all setback and yard requirements of the underlying land use zone.
  3. Such sign may be relocated to a new site only if the sign at the new site is built with no more than one supporting post.
  4. The sign structure shall be architecturally treated so as to screen the frame, support structures and lighting from public view. A combination of landscaping and other decorative materials can be used to comply with this section. The color and materials of this architectural treatment shall be in conformance with the architectural plan approved pursuant to subsection (K) and subsection (L) and shall be subject to further design review, as may be determined by the community development director.
  5. Utility lines providing electrical power to a relocated sign shall be underground.
  6. The sign shall be continuously maintained in an attractive, clean and safe condition.
  7. Digital advertising displays shall comply with the visual standards contained in subsection (R).
- K. Director's Review Procedures. Relocation of or upgrade to off-premises outdoor advertising signs is subject to a director's review that shall be conducted upon the community development department's receipt of a complete application, which shall, at a minimum, include the following:
1. Elevations. Fully dimensioned and scaled colored elevations of each view (indicating direction as north, east, south, west) of the proposed sign, including height;
  2. Site Plan. A site plan on which the proposed sign is to be relocated, disclosing the location of the sign in relation to other improvements on the site as well as adjacent properties;
  3. Context Aerial Map. An aerial map stating the distances between the proposed sign the nearest off-premises commercial advertising sign, residential structure, school, church or similar place of worship, historical building, cemetery or similar place of interment, and private park;
  4. Visual Simulations. Visual simulations showing photographs of existing sign and photo simulations of proposed sign;
  5. A description of the proposed architectural treatment of the sign structure, disclosing proposed colors and materials.
  6. Such other information as the community development department deems appropriate to determine compliance with the provisions of this section.
- L. Determination of Director's Review. The development services director shall review each application filed under subsection (K) and shall make a decision thereon. If the proposed sign complies with this title and all other requirements of the law, and if the colors and materials of the architectural treatment required by subsection (J) of this section are attractive and suitable for the purpose of providing the required screening, the permit shall be issued based upon application as submitted. If the proposed sign can be brought into such compliance by modifications in the proposal, the permit shall be issued subject to conditions requiring such modifications. Otherwise, the application shall be denied.
- M. Appeal Procedures. An appeal may be filed in accordance with Section 17.32.820. Such appeal shall be filed with the city clerk in accordance with Section 17.36.030.
- N. Relocation Agreements. An off-premises outdoor advertising sign may be relocated within or to the C, LI, or HI zones provided an agreement for such relocation between the sign owner and the city is approved by the

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development services director. The development services director may approve such relocation agreement if the sign will, upon its relocation, comply with the requirements of this section and if, the relocation will promote the purposes of this section. The relocation agreement shall contain such terms and conditions pertaining to the relocation and maintenance of the sign as are consistent with this section and mutually agreeable to the parties thereto.

O. Prohibition.

1. Tobacco Advertising Prohibited in Certain Areas of the City. No person shall place or cause to be placed any advertisement for cigarettes or other tobacco products on any off-premises outdoor advertising sign within 200 feet of a residential zone, or within 1,000 feet of the premises of any school, park, youth center, child care center or church.
2. Alcoholic Beverage Advertising Prohibited in Certain Areas of the City. No person shall place or cause to be placed any advertisement for alcoholic beverages on any off-premises outdoor advertising sign within 200 feet of a residential zone, or within 1,000 feet of the premises of any school, park, youth center, child care center or church. This prohibition shall not apply to outdoor advertising signs located on property adjacent to, and designed to be viewed primarily by, persons traveling on a freeway.
3. Advertising Adult Telephone Message Prohibited in Certain Areas of the City. No person shall place or cause to be placed any advertisement for live or recorded telephone messages containing harmful matter, as defined in Section 313 of the Penal Code, on any off-premises outdoor advertising sign within 200 feet of a residential zone, or within 1,000 feet of the premises of any school, park, youth center, child care center, or church.

P. Digital Advertising Displays (DAD). The installation of a DAD is permissible in conjunction with the upgrade or relocation of an off-premises outdoor advertising sign subject to the following requirements:

1. Modification of Sign Face Size Requirements. Generally, a DAD shall be subject to the same sign face size restrictions as contained in subsection (I). However, given the unique characteristics of DAD's, an applicant may request a modification to the maximum sign face size restrictions under the following conditions:
  - a. The applicant demonstrates, to the satisfaction of the Development Services director, that the larger size is necessary to provide a readable DAD in a cost-effective manner; and
  - b. The maximum sign area for a single-face DAD is 675 square feet, or for a double-face sign is a total of 1,350 square feet (see subsection (P)1.d.); and
  - c. The applicant agrees to remove, or has already removed and agrees to permanently surrender rights to, off-premise outdoor advertising signage with the city that is equal to or greater in square-footage than the excess amount requested beyond the limits established by subsection (I)2. Such signage shall be specifically identified in either the relocation agreement required under subsection (N) or a separate binding agreement between the city and the applicant.
  - d. The maximum size face area listed in subsection (P)1.b. is also allowable for a static display sign face that is the opposite face of a DAD, provided that it is no larger than the DAD.
2. Modification of Height Requirements. Generally, a DAD shall be subject to the same height restrictions as contained in subsection (I). Height restrictions may be modified for a DAD upgrade immediately adjacent to the freeway if the applicant demonstrates that compliance with the 32-foot height limit would impair visibility for a portion of the sign face. Increased height shall only be permitted to the extent necessary to allow reasonable view of the sign face.
3. No DAD shall depict or simulate any motion or video (e.g. video clips, flashing, etc.)

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4. The DAD may be programmed to allow changeable messages, provided that any image shall be displayed for a minimum of 6 seconds, and transitions between slides shall not exceed one second.
  5. Each DAD shall include a photometric sensor that will adjust the intensity of the sign for daytime and nighttime viewing. The nighttime intensity shall be limited to 0.3-foot candles (over ambient levels) as measured at a preset distance as established by the Lewin Report as prepared for the Outdoor Advertising Association of America (OAAA). The city may modify or further restrict the intensity of any DAD display should the lighting create a distraction to drivers or an adverse effect on nearby residential property.
  6. The city may, as part of an upgrade or relocation that results in the installation of a DAD, require that time be available for the posting of public announcements on the DAD, subject to space availability.

(Ord. 757 § 1 (Exh. A), 1999; Ord. 756 § 1 (Exh. A), 1999; Ord. 755 § 1 (Exh. A), 1999; Ord. 668 § 1, 1994; prior zoning ord. §§ 707.6—707.6.16)

(Ord. No. 950, §§ 1, 2, 8-24-2010; Ord. No. 1045, § 3, 7-10-2018)

### **17.40.220 Subdivision sales signs.**

Temporary subdivision sales signs, entry signs and special feature signs shall be accompanied by site plan or other pertinent information and approved by the director in order to be permitted in all zones.

A. Subdivision Sales Signs.

1. One freestanding subdivision shall be pertained per street frontage.
2. Sign Area. The sign face shall not exceed 180 square feet per sign face or 360 square feet in total sign area.
3. Height Permitted. Twelve feet measured vertically from ground level at the base of the sign.
4. Location. Each sign shall be located on the subdivision and be oriented to read from the street or highway where the sign is permitted. The distance between subdivision signs shall be a minimum of 500 feet.
5. Lighting. Subdivision signs may be internally or externally lighted. Continuous or sequential flashing is not allowed.
6. Time Limit. Subdivision sales signs shall be maintained only until all the property is disposed of, or for a period of 3 years from the date of issuance of the first building permit. The approved sales sign shall be removed at the end of the 3-year period. The director may extend the permitted time beyond 3 years, if needed by the owner of the property. The owner must make the request in writing.
7. Copy. All copy shall relate exclusively to the subdivision being offered for sale.

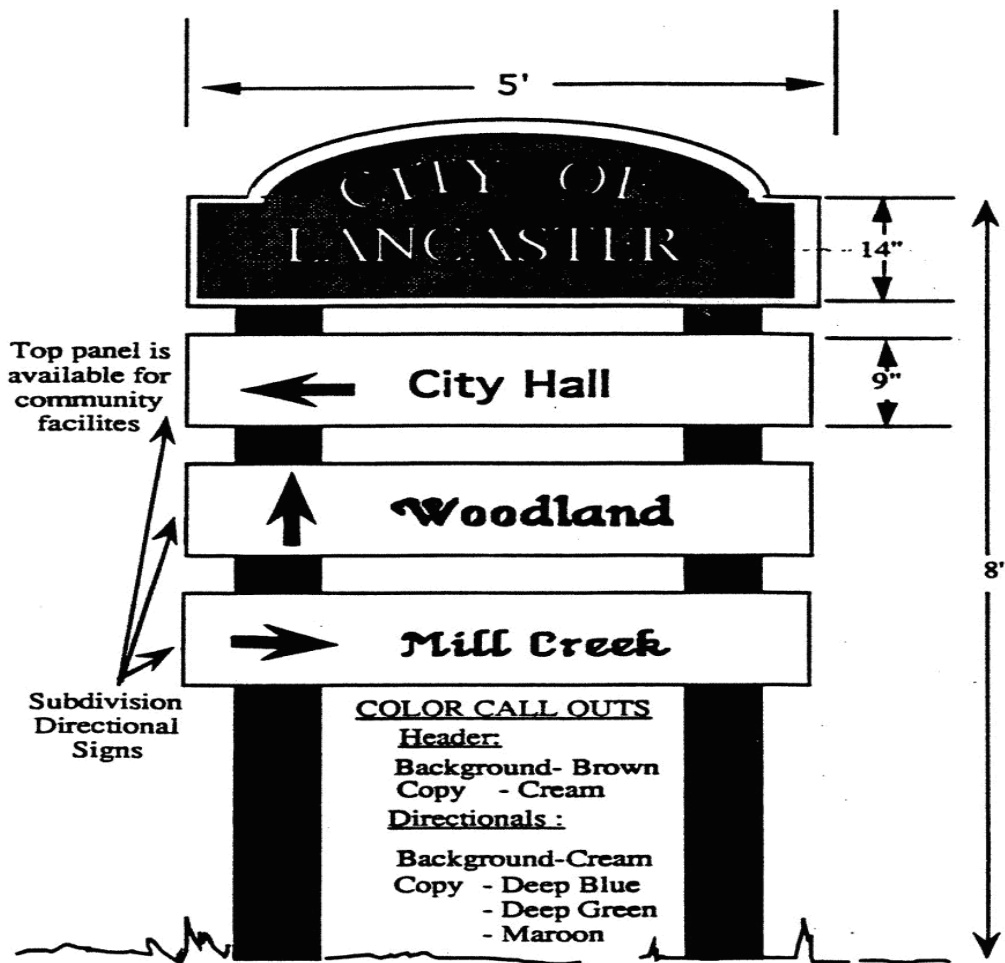
B. Subdivision Entry and Special Feature Signs.

1. Such signs are permitted and shall be located within a subdivision to facilitate entry and movement.
2. Sign Area.
  - a. Subdivision Entry Signs. The sign face shall not exceed 12 square feet per sign face or 24 feet in total sign area.

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- b. Special Feature Signs. The sign face shall not exceed 6 square feet per sign face or 12 feet in total sign area.
  - 3. Height Permitted.
    - a. Subdivision Entry Signs. Shall not exceed a maximum height of 8 feet measured from the base of the sign.
    - b. Special Feature Signs. Shall not exceed 6 square feet in sign area or 12 square feet in total sign area.
  - 4. Lighting. Signs shall be unlighted.
  - 5. Time Limit. Shall have the same time limit as subdivision sales signs approved for the same tract and shall be removed at the end of such period.
  - C. Subdivision Kiosk Signs.
    - 1. Contents of Application. An application for a subdivision kiosk sign shall be filed as a director's review, and shall contain the following information:
      - a. A scale drawing of the proposed sign;
      - b. Proposed location of the sign, including distance from adjacent streets and public sidewalks;
      - c. The proposed colors of the sign.
    - 2. Development Standards. All subdivision kiosk signs shall be of a consistent design and shall comply with the following standards:
      - a. Height. The overall height of the sign shall not exceed 10 feet, measured from the ground level at the base of the sign.
      - b. Width. The overall width of the sign shall not exceed 6 feet.
      - c. Individual Sign Panels. Individual sign panels shall not exceed one foot in width and 6 feet in length. Copy on sign panels shall be limited to the name of the subdivision and/or builder, and a directional arrow.
      - d. Location. Signs may be located on either public or private property, provided that the appropriate agency or property owner has given their written consent. Signs shall not obscure required line of sight visibility for motorists or pedestrians.
      - e. There shall be no additions, tag signs, streamers, flags, banner devices, display boards, or appurtenances added to the signs as originally approved. Further, no other directional signs shall be used, including but not limited to posters or portable outdoor advertising signs.
      - f. Subdivision directional signs may advertise tracts either within the city limits or within that portion of the county of Los Angeles which is within the city's sphere of influence.
    - 3. Approval Process.
      - a. Approval Authority. Application shall be reviewed and approved by the department of community development.
      - b. Building Permit. The applicant shall obtain all necessary construction permits from the department of public works.

- c. Separate Agreement. The city may, at its discretion, enter into an agreement with a private entity for the purpose of erecting and maintaining subdivision kiosk signs. Such agreement shall be consistent with the provisions of this section, but may also establish other requirements not specifically addressed by this section.

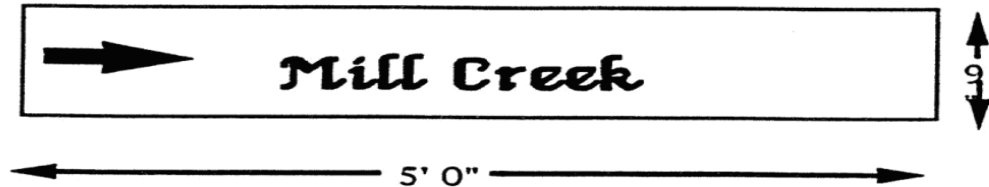
(Ord. 849 § 1 (Exh. A § 2), 2005; prior zoning ord. § 707.15)



Example A

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**SUBDIVISION DIRECTIONAL SIGN**  
(Individual panel)



**Example B**

***Article V. Publicly Visible Art on Private Property***

**17.40.230 Definitions.**

As used in this chapter, the following words and phrases have the meanings set forth below:

"Artist" means an individual or team of individual artists whose body of work and professional activities demonstrate serious ongoing commitment to the fine arts. History of professional art exhibitions, auction record, and reputation in the professional art community are some factors that may assist in making a determination that an artist demonstrates such commitment. An applied artist or tradesperson does not constitute an artist as defined herein and for purposes of this chapter. Members of architectural, engineering, design or landscaping firms retained for the design and construction of a development project covered by this chapter shall not be considered artists for the purpose of meeting the requirement to provide public art.

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"Artwork" or "work of art" means a visual work of art, as distinguished from the performing arts, media art and literary or cultural arts. The works of art may either be permanent or, in some circumstances, temporary, as required by the specific project, and installed in public view. For purposes of this chapter, "artwork" does not include a business-related work, as defined herein.

"Business-related work" means a visual representation of which more than twenty (20) percent of the overall image contains lettering or logo that is related to the business or establishment at which the visual representation is located. Business-related works are subject to the applicable sign permitting and approval provisions set forth in title 17 of the Lancaster Municipal Code.

"City" means the City of Lancaster.

"Code" means the Lancaster Municipal Code.

"Manual" means the art in public places program and manual approved by the city council, and as may be revised from time to time.

"Publicly visible art" means any permanent display of a work of visual art that was specifically designed to be located on private property within the city where it would be accessible to public view. The work of art may include, without limitation, murals, mosaics, sculptures, artist-designed landscape features, streetscape features and earthworks. For purposes of this article, temporary displays of artwork on private property are subject to the procedures and guidelines set forth herein.

(Ord. No. 1057, § 3, 3-26-2019)

#### **17.40.240 Art in public places program; manual.**

- A. The city council has approved the art in public places program and the associated manual. The purpose of the program is to provide publicly accessible works of art for the benefit of the city, its citizens and its visitors, and to increase citizens' appreciation of art, improve the quality of life and enhance and identify the Antelope Valley as a unique community for its residents and visitors.
- B. General guidelines and criteria regarding publicly visible art, the procedure for application, review, approval, and private property owners' responsibilities concerning publicly visible art are set forth in the art in public places manual, as may be revised from time to time.

(Ord. No. 1057, § 3, 3-26-2019)

#### **17.40.250 Public art application fee.**

A private property owner who wishes to install publicly visible art in the city shall submit an application in accordance with the procedures set forth in the program and manual, and shall tender the requisite fee as established by resolution, as may be amended from time to time.

(Ord. No. 1057, § 3, 3-26-2019)

#### **17.40.260 Violation; nuisance.**

The city council declares that it is unlawful for any person to install, erect, maintain or permit the maintenance of publicly visible art in a manner that is in violation of this chapter or the art in public places program and manual. Any such publicly visible art further constitutes a public nuisance subject to abatement in accordance with the procedures set forth in chapter 8.28 of this Code. The procedures for abatement shall not be



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exclusive and shall not limit or restrict the city from pursuing any other remedies available at law, or from abating or causing abatement of public nuisances in any other manner provided by law.

(Ord. No. 1057, § 3, 3-26-2019)

## ***Article VI. Criteria and Standards for Recycling Facilities***

### **17.40.290 In general.**

The following criteria and standards set out in this article shall be applied to each type of recycling facility as appropriate whether the facility is a permitted use or use subject to director's review and approval.

(Prior zoning ord. § 710.000)

### **17.40.300 Reverse vending machines.**

Reverse vending machine(s) located completely within a commercial or industrial building need not comply with the following criteria and standards. Reverse vending machines do not require additional parking space for recycling customers. Such machines outside of a building shall comply with the following standards regardless of the zone in which it is located:

- A. Shall be established in conjunction with a commercial or industrial use or community service facility which is in compliance with this title and city building and fire codes;
- B. Shall be located within 30 feet of the entrance to the commercial structure on a surfaced site and shall not obstruct pedestrian or vehicular circulation;
- C. Shall not occupy parking spaces required by the primary use;
- D. Shall occupy no more than 50 square feet of floor space per installation, including any protective enclosure, and shall be no more than 8 feet in height;
- E. Shall be constructed and maintained with durable waterproof and rust-proof material. The color of the machine shall be compatible with the colors utilized on the site upon which it is located;
- F. Shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative;
- G. Shall have a sign area of a maximum of 4 square feet per machine, exclusive of operating instructions;
- H. Shall be maintained in a clean, litter-free condition on a daily basis;
- I. Operating hours shall be at least the operating hours of the primary use;
- J. Shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn;
- K. Failure to comply with any standard shall be grounds for the director to order removal of the machines.

(Prior zoning ord. § 710.010)

### **17.40.310 Small collection facilities.**

Small collection facilities shall comply with the following standards:

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- A. Shall be established in conjunction with a commercial or industrial use or community service facility which is in compliance with this title and city building and fire codes;
  - B. Shall be no larger than 500 square feet and occupy a surfaced site;
  - C. Shall be set back at least 10 feet from any street line and shall not obstruct pedestrian or vehicular circulation;
  - D. Shall accept only glass, metals, plastic containers, papers and reusable items. Used motor oil may be accepted with written permission of the Los Angeles County department of health services, hazardous materials control program (213-744-3223);
  - E. Shall use no power-driven processing equipment except for reverse vending machines;
  - F. Shall use containers that are constructed and maintained with durable waterproof and rustproof material, the color of the containers shall be compatible with the colors utilized on the site upon which they are located, covered when site is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected and collection schedule;
  - G. Shall store all recyclable material in containers or in the mobile unit vehicle, and shall not leave materials outside of containers when attendant is not present;
  - H. Shall be maintained free of litter and any other undesirable materials, and mobile facilities, at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day;
  - I. Shall not exceed noise levels of 60 dBA as measured at the property line of residentially zoned or occupied property, otherwise shall not exceed 70 dBA;
  - J. Attended facilities located within 100 feet of a property zoned or occupied for residential use shall operate only during the hours between 9 a.m. and 7 p.m.;
  - K. Containers for the 24 hour donation of materials shall be at least 50 feet from any property zoned or occupied for residential use unless there is a recognized service corridor and acoustical shielding between the containers and the residential use;
  - L. Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers;
  - M. Signs may be provided as follows:
    - 1. Recycling facilities may have identification signs with a maximum of 20% per side or 16 square feet, whichever is larger, in addition to informational signs required under subsection L of this section; in the case of a wheeled facility, the side will be measured from the pavement to the top of the container.
    - 2. Signs must be consistent with the character of the location.
    - 3. Directional signs, bearing no advertising message, may be installed with the approval of the director if necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way;
  - N. The facility shall not impair the landscaping required by this title or any permit issued pursuant thereto;
  - O. No additional parking spaces will be required for customers of a small collection facility located at the established parking lot of the primary use. One space will be provided for the attendant, if needed;

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- P. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present;
- Q. Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary use unless all of the following conditions exist:
1. The facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation.
  2. A parking study shows that existing parking capacity is not already fully utilized during the time the recycling facility is expected to be on the site.

A reduction in available parking spaces in an established parking facility may then be allowed as follows:

For a commercial/industrial primary use:

Number of Available Parking Spaces	Maximum Reduction
0—25	0
26—35	2
36—49	3
50—99	4
100+	5

For a community facility primary use:

A maximum 5 spaces reduction will be allowed when not in conflict with parking needs of the primary use;

- R. The following shall be grounds for the director to order the removal of the small collection facility:
1. Failure to comply with any standard set forth in this section,
  2. A parking study shows that existing parking capacity has become fully utilized and the parking occupied by the facility is needed for the customers or clients of the primary use.

(Prior zoning ord. § 710.020)

#### **17.40.320 Large collection facilities.**

A large collection facility is larger than 500 square feet, or is on a separate property not appurtenant to a primary use, and which may have a permanent building. Large collection facilities shall comply with the following standards:

- A. Facility does not abut a property zoned or planned for residential use.
- B. Facility will be screened from the public right-of-way by operating in an enclosed building or:
1. Within a surfaced area enclosed by a masonry wall at least 6 feet in height with a 10 foot landscaped strip;
  2. At least 150 feet from property zoned or planned for residential use;
  3. Meets all applicable noise standards in this section.

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- C. Setbacks and landscape requirements shall be those provided for the zoning district in which the facility is located.
  - D. All exterior storage of material shall be in sturdy containers which are covered, secured and maintained in good condition, or may be baled or strapped to pallets. The color of the containers shall be compatible with the colors utilized on the site upon which they are located. Storage containers for flammable material shall be constructed of nonflammable material. Oil storage must be in containers approved by the fire and health departments. No storage, excluding truck trailers, overseas containers or other enclosed containers, will be visible above the height of the wall.
  - E. Site shall be maintained free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis.
  - F. Space will be provided on site for 6 vehicles or the anticipated peak customer load, whichever is higher, to circulate and to deposit recyclable materials, except where the director determines that allowing overflow traffic above 6 vehicles is compatible with surrounding businesses and public safety.
  - G. One parking space will be provided for each commercial vehicle operated by the recycling facility. Parking requirements will be as provided for in the zone.
  - H. Noise levels shall not exceed 60 dBA as measured at the property line of residentially zoned property, or otherwise shall not exceed 70 dBA.
  - I. If the facility is located within 500 feet of property zoned, planned or occupied for residential use, it shall not be in operation between 7 p.m. and 7 a.m.
  - J. Any containers provided for after-hours donation of recyclable materials will be at least 100 feet from any property zoned or occupied for residential use, shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials.
  - K. Donation areas will be kept free of litter and any other undesirable material, and the containers will be clearly marked to identify the type of material that may be deposited; facility shall display a notice stating that no material shall be left outside the recycling containers.
  - L. Facility will be clearly marked with the name and phone number of the facility operator and the hours of operation; identification and informational signs will meet the standards of the zone; and directional signs, bearing no advertising message, may be installed with the approval of the director, if necessary, to facilitate traffic circulation or if the facility is not visible from the public right-of-way.
  - M. Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material, may be approved at the discretion of the director if noise and other standards are met.
  - N. Failure to comply with any standard set forth in this section shall be grounds for the director to order the closure/removal of the large collection facility.

(Prior zoning ord. § 710.030)

#### **17.40.330 Processing facilities.**

Light (45,000 square feet or less) and heavy (greater than 45,000 square feet) recycling processing facilities shall comply with the following standards:

- A. Facility does not abut a property zoned or planned for residential use.
- B. Processors will operate in a wholly enclosed building except for incidental storage, or:

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1. Within a surfaced area enclosed on all sides by a masonry wall not less than 8 feet in height and landscaped on all street frontages;
  2. Located at least 150 feet from property zoned or planned for residential use.
- C. Power-driven processing shall be permitted, provided all noise level requirements are met. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials.
- D. A light processing facility shall be no larger than 45,000 square feet and shall have no more than an average of 2 outbound truck shipments of material per day and may not shred, compact or bale ferrous metals other than food and beverage containers.
- E. A processing facility may accept used motor oil for recycling from the generator in accordance with Section 25250.11 of the California Health and Safety Code.
- F. Setbacks and landscaping requirements shall be those provided for the zoning district in which the facility is located.
- G. All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured and maintained in good condition. Storage containers for flammable material shall be constructed of nonflammable material. Oil storage must be in containers approved by the fire and health departments. No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing.
- H. Site shall be maintained free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis and will be secured from unauthorized entry and removal of materials when attendants are not present.
- I. Space shall be provided on site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, space will be provided for a minimum of 10 customers or the peak load, whichever is higher, except where the director determines that allowing overflow traffic is compatible with surrounding businesses and public safety.
- J. One parking space will be provided for each commercial vehicle operated by the processing center. Parking requirements will otherwise be as mandated by the zone in which the facility is located.
- K. Noise levels shall not exceed 60 dBA as measured at the property line of residentially zoned or occupied property, or otherwise shall not exceed 70 dBA.
- L. If the facility is located within 500 feet of property zoned or planned for residential use, it shall not be in operation between 7 p.m. and 7 a.m. The facility will be administered by on-site personnel during the hours the facility is open.
- M. Any containers provided for after-hours donation of recyclable materials will be at least 100 feet from any property zoned or occupied for residential use; shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate materials collected; and shall be secure from unauthorized entry or removal of materials.
- N. Donation areas shall be kept free of litter and any other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited. Facility shall display a notice stating that no material shall be left outside the recycling containers.
- O. Sign requirements shall be those provided for the zoning district in which the facility is located. In addition, facility will be clearly marked with the name and phone number of the facility operator and the hours of operation.

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- P. No dust, fumes, smoke, vibration or odor above ambient level may be detectable on neighboring properties.
  - Q. Failure to comply with any standard set forth in this section shall be grounds for the director to order the closure/removal of the processing facility.

(Ord. 711 § 46, 1995; prior zoning ord. § 710.040)

## ***Article VII. Hazardous Waste Facilities***

### **17.40.340 Purpose and intent.**

The purpose of this article is to establish a uniform conditional use permit application and review process for the location, design and maintenance of hazardous waste facilities, and to ensure protection of the health, safety and welfare of the residents of city. All land use decisions made with regard to an application for a hazardous waste facility project shall be consistent with the approved Los Angeles County hazardous waste management plan.

(Prior zoning ord. § 711.010)

### **17.40.350 Prohibition.**

A person shall not use any premises for a hazardous waste facility except as permitted in this article. All hazardous waste facilities are subject to all regulations and conditions enumerated in this article.

(Prior zoning ord. § 711.020)

### **17.40.360 Definitions.**

For the purposes of this article, the following are defined. Additional definitions contained in Health and Safety Code Sections 25100 et seq. are incorporated herein by reference.

"Hazardous waste" is defined in the Health and Safety Code Section 25117.

"Hazardous waste facility" or "facility" is defined in Health and Safety Code Section 25117.1. Unless expressly provided otherwise, "hazardous waste facility" includes a "specified hazardous waste facility."

"Hazardous waste facility project" is defined in Health and Safety Code Section 25199.1(b). Unless expressly provided otherwise, "hazardous waste facility project" includes a "specified hazardous waste facility project."

"Land use decision" means any discretionary decision of the city council or planning commission concerning a hazardous waste facility project.

"Local assessment committee" or "LAC" means a 7-member public body appointed by the city council to represent the interests of the community in the hazardous waste facility project review process. The LAC shall be established and administered in accordance with Health and Safety Code Section 25199.7.

"Specified hazardous waste facility" is defined in Health and Safety Code Section 25199.1(m).

"Specified hazardous waste facility project" is defined in Health and Safety Code Section 25199.1(n).

(Prior zoning ord. § 711.030)

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## 17.40.370 Procedures.

The following procedures are established for all land use decisions relating to any hazardous waste facility project. All hazardous waste facility projects shall require a conditional use permit as set forth in Article I of Chapter 17.32. The planning commission shall act to recommend approval subject to conditions or denial of the conditional use permit to the city council. The city council shall act to approve subject to conditions or deny the conditional use permit.

- A. Specified Hazardous Waste Facility Projects. In addition to the procedures set forth in Health and Safety Code Section 25199 et seq., Public Resources Code Section 21000 et seq., and Government Code Section 65920 et seq., applicants for specified hazardous waste facility projects shall comply with the following requirements.
  - 1. Applicants shall submit to the director of community development (hereinafter referred to as the director) the application required by Section 17.40.380.
  - 2. In addition to the application contents required pursuant to section 17.40.380, all applications shall contain a proposed public education/participation program to be employed during the land use decision making process. Such plan shall be mutually agreeable to the project proponent and the director.
  - 3. A local assessment committee (LAC) shall be formed. In addition to its duties under Section 25199.7(d) of the California State Health and Safety Code, the LAC shall review the application and the environmental documentation, to solicit public comments on the application and recommend conditions to be attached to the conditional use permit. The person or entity preparing the documents required by the California Environmental Quality Act (CEQA) shall not be the same person or entity which acts as a consultant to the LAC.
- B. Hazardous Waste Facility Projects. In addition to the procedures set forth in Public Resources Section 21000 et seq. and Government Code Section 65920 et seq., applicants for hazardous waste facility projects (which are not specified hazardous waste facility projects) shall comply with the following requirements:
  - 1. Applicants shall submit to the director the application required by Section 17.40.380.
  - 2. At the request of the applicant, the director shall, within 90 days after the application has been deemed complete, issue an initial written determination on whether the project is consistent with the general plan, applicable provisions of this title, and has met the local environmental guidelines of the city for implementing CEQA. This determination will not prohibit the city council from making a different determination.
  - 3. A public hearing upon the application shall be set before the planning commission as soon as the director has determined that the application complies with all requirements of this title and all requirements by the city of Lancaster with regard to the CEQA have been met.
  - 4. Not later than one month prior to any public hearing, the applicant shall provide the director with 3 sets of mailing labels indicating all property owners of record (as shown on the latest county equalized assessment roll), residents, businesses, and tenants within a 2,000 foot radius of the boundary of the lot or lots on which the proposed hazardous waste facility will be located.
  - 5. A LAC need not be formed for all proposed on-site facilities. The director shall have 30 working days to make a determination that an application is complete for filing purposes. At the discretion of the city council and upon the recommendation of the director, a LAC may be formed for a proposed on-site storage or recycling facility which does not include an incinerator, or for any on-site facility for which an environmental impact report is not required.

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(Prior zoning ord. § 711.040)

### **17.40.380 Contents of applications.**

Every application for a hazardous waste facility project shall be filed with the director and accompanied by a deposit in the amount set forth in Section 17.40.440. The application shall include, but not be limited to, the following information:

- A. Name(s), address(es) and telephone number(s) of the applicant(s);
- B. Evidence that the applicant is the owner of the premises involved or that the applicant has the written permission of the owner to make such application;
- C. Complete project narrative, demonstrating the need for siting the proposed hazardous waste facility in the specific location identified;
- D. A project analysis, plot plan, and development plan drawn to scale in sufficient detail to clearly illustrate the following:
  - 1. Physical dimensions of the property and structures, both existing and proposed,
  - 2. Site plan, indicating the initial project proposal and the ultimate land use layout and utilization of property,
  - 3. Location of existing and proposed structures,
  - 4. Setbacks and landscaping,
  - 5. Parking and circulation,
  - 6. Ingress and egress,
  - 7. Drainage patterns,
  - 8. Storage and processing areas,
  - 9. The distance to the nearest residences, to properties designated in the general plan for residential use, to proposed or presently zoned residential areas, and to immobile populations,
  - 10. The distance from the project property line to the nearest adjacent structures, and a description and location of such structures,
  - 11. Topographic description of the property and surrounding area within 2,000 feet of the boundary of the lot or lots on which the proposed facility will be located,
  - 12. Proximity of site to the 100-year floodplain boundary as established by FIRM or FEMA,
  - 13. Distance to all ground water supplies, dry washes, and rivers and aquifers,
  - 14. Proximity to pumping water wells or well fields, whether operational or not,
  - 15. Existing and proposed utilities which service or will be required to service the facility;
- E. An analysis of visual, noise and any olfactory impacts associated with the project and recommended mitigation measures;
- F. Identification of all wastewater, treated and untreated, generated by the proposed facility, and the method and place of final discharge;
- G. An analysis of all anticipated air quality impacts associated with the project and proposed mitigation measures to ensure no degradation of air quality occurs in the area;

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- H. Identification of any rare or endangered species of plant or animals within the project site and surrounding area and recommended impact mitigation measures;
  - I. Identification of the amounts (in tons), sources and types of hazardous wastes to be treated, stored or disposed of at the proposed facility, the ultimate disposition of the wastes, and anticipated life of the facility. This information shall be based on an actual survey of the industries to be served by the facility and thereby be representative of the wastes that will be processed at the facility;
  - J. A risk assessment, including health and environmental risks, which analyzes in detail all possibilities and probabilities of accidents or spills involving hazardous materials or wastes to be used or stored at the site, transportation-related accidents from the point of origin to the facility, and other probabilities requested by either the director, the planning commission or the city council. Such analyses shall specify mitigation measures to reduce the identified risks. The risk assessment shall also identify the most probable routes for transporting hazardous waste to the facility, and identify provisions for automatic facility shutdown and resumption of facility operations in the event of adverse meteorological conditions, fire, flood, earthquake or other geologic or natural phenomena. The risk assessment conducted shall include information required under the Los Angeles County hazardous waste management plan and the standards for the use analysis shall be based on standards generally applied on a statewide and regional basis, by the U.S. Environmental Protection Agency, State Department of Health Services, and South Coast Air Quality Management District;
  - K. The monitoring program required by Section 17.40.400. The monitoring program shall also include any monitoring requirements imposed by other permitting agencies including but not limited to, the South Coast Air Quality Management District (SCAQMD), Lahontan Regional Water Quality Control Board and the State Department of Health Services;
  - L. A water consumption report for the project and proposed mitigation measures for water conservation to the city and to the local water purveyor;
  - M. An emergency response plan as approved by the emergency preparedness coordinator which contains, at a minimum, the following information:
    - 1. That the proposed plan is consistent with any and all applicable county and regional emergency response plans and all city, county, state and federal regulatory requirements regarding emergency response procedures,
    - 2. Detailed procedures to be employed at the time of emergency for each and every type of chemical substance and emergency, including contingency procedures,
    - 3. Anticipated impacts on local fire, police and medical services,
    - 4. Names, home and business addresses, and home and business telephone numbers of all management personnel at the facility, and a detailed description of uncontrolled release and emergency situation reporting procedures;
  - N. A completed city environmental assessment questionnaire;
  - O. A land use map which depicts land uses within 2,000 feet of the boundary of the lot or lots on which the proposed facility will be located;
  - P. A title report completed within 60 days of the date of facility application submittal;
  - Q. Financial statements for the applicant including proposed means for financing the development of the facility, and anticipated costs and revenues associated with operation of the facility;
  - R. Detailed information regarding how the applicant will meet state pollution liability insurance and state requirements for funding closure and post closure;

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- S. Vicinity map which indicates, at a minimum, proximity of the facility to schools, parks, residences, hospitals, and other immobile populations, community facilities, and to properties designated by the general plan for residential use;
  - T. A seismic and geological evaluation of the site must be conducted by a certified geologist/ seismologist which shall confirm, at a minimum, the following information:
    - 1. The proximity to earthquake fault zones,
    - 2. Whether or not active faults or lineaments which would suggest the presence of faults are located within 2,000 feet of the proposed site,
    - 3. A preliminary geological study of the property and surrounding area including a soils analysis location and description of known aquifers, regardless of the potability of those aquifers,
    - 4. Information as to whether ground subsidence and liquefaction have occurred or whether they may occur at the proposed site;
  - U. Documentation of how the proposed facility will serve the needs of local producers of hazardous waste, including household hazardous waste.

(Prior zoning ord. § 711.050)

#### **17.40.390 Development standards and locational criteria for hazardous waste facilities.**

All hazardous waste facilities shall comply with the following standards and locational criteria:

- A. Facilities shall be located in areas designated on the general plan land use map as heavy industrial, and shall only be permitted in the HI zone.
- B. No facility shall be permitted within 2,000 feet of residential zoned sites, hospital sites, school sites or sites planned for immobile populations unless the applicant proves through a risk analysis that a 2,000 foot buffer zone is not required to protect public health and safety. A separation greater than 2,000 feet may be required if determined necessary by a risk assessment.
- C. The site on which the facility is located shall be of adequate size and shape to accommodate yards, walls, parking, loading and storage, landscaping and other development requirements prescribed by this title. As a condition of the conditional use permit the proposed use would be required to interface appropriately with surrounding uses.
- D. All setbacks shall be landscaped. The minimum setbacks shall be 20 feet for front and street side yards. Landscape plans shall be subject to approval by the director.
- E. All hazardous waste facilities shall erect a minimum 8-foot high decorative block wall that shall not exceed 15 feet in height. The wall shall be set back at least 20 feet from the property line when located on street or highway frontage. The area between the wall and the sidewalk shall be fully landscaped. The decorative block wall shall be erected along the perimeters of the side and rear property line.
- F. No facility shall be placed within 200 feet of any known active earthquake fault or lineation suggesting the presence of a fault. The facility must be designed in such a manner to ensure structural integrity should a seismic event occur of up to 8.3 on the Richter Scale. If it is demonstrated that ground subsidence and/or liquefaction has occurred or may occur on the site, the proposed facility shall be engineered and designed to ensure structural stability in such an event.
- G. No facility shall be constructed in any area identified as being within a 100 year floodplain boundary established by FIRM or FEMA unless it is designed, constructed, operated and maintained to prevent inundation.

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- H. No facility shall be placed within 500 feet of a dry wash or river, aqueduct, reservoir, supply well, or aquifer recharge area or within any area known or suspected on basis of a geological study to be supplying recharge to an aquifer unless design features are incorporated to avoid any potential for water contamination.
  - I. Facilities generating wastewater shall be located in areas with adequate sewer capacity and treatment capability to accommodate the expected wastewater discharge.
  - J. All facilities shall avoid locating in areas of potential rapid geologic change, or areas with high rate of subsidence and areas subject to liquefaction unless containment structures are designed, constructed and maintained in a manner acceptable to the director of public works and/or the city engineer so as to preclude failure as a result of such changes.
  - K. All facilities shall locate in areas posing minimal threats to the contamination of drinking water supplies contained in reservoirs and aqueducts.
  - L. All facilities shall be prohibited in areas of recreation, cultural or aesthetic value, as determined by the director.
  - M. All facilities shall locate in areas where fire departments are able to quickly respond to hazardous materials accidents and where demonstrated emergency response times are deemed acceptable by the local fire department official. In addition, hazardous materials accident response services at the facility may be required based on the type of wastes handled or the location of the facility.
  - N. All facilities shall be located so that distance traveled on city streets is kept to a minimum, and any routes to and from state or interstate highways to or from the facility are used primarily by trucks, and the number of nonindustrial structures (homes, hospitals, schools, etc.) along such routes is minimal. As part of conditional use permit approval, the city may impose limitations on the use of access routes to and from the facility by vehicles containing hazardous waste. This may include specifying the number and size of vehicles used and the hours of travel.
  - O. All facilities shall comply with the provisions of the CEQA.
  - P. Any modifications of the types and quantities of hazardous wastes to be managed at the proposed facility or significant modifications to the processes employed at the facility which were not considered in the original facility approval by the city, shall be presented to the director in writing. The proposed modifications may, at the discretion of the director, result in the approval of minor modifications to the process, or require revision of the facility's conditional use permit through a public hearing both before the planning commission and the city council, or may require a new application for the facility and a new conditional use permit.

(Prior zoning ord. § 711.060)

#### **17.40.400 Monitoring program.**

All applications for hazardous waste facility projects shall include for approval a monitoring program that complies with the following requirements:

- A. For the purpose of ensuring compliance with all standards, conditions and other requirements, the city or its designated representative may enter the premises on which a hazardous waste facility permit has been granted.
- B. A provision for a periodic general review by the planning commission and/or city council of the applicant's compliance with the facility's conditional use permit, with provisions for modifying the existing conditions or adding new conditions, as appropriate.

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- C. The owner or operator of a hazardous waste facility shall file a written quarterly report with the city, and to the Los Angeles County Department of Public Works. This report shall include, but not be limited to, the amount (in tons), type and disposition of all wastes processed by the facility. The report shall also include copies of all manifests showing the delivery and types of hazardous wastes and include a map showing the exact location by coordinates and elevation of the quantities and types of materials placed in repositories or otherwise stored or disposed of on site. The report shall also include information on hazardous waste releases to the air, water or soil, spills and injuries to facility personnel.
  - D. The owner or operator of a hazardous waste facility shall immediately send copies of all complaints relating to the facility and/or the operation of the facility and copies of all inspection reports made by other local, state or federal agencies to the director who shall distribute copies to the Director of Public Works.
  - E. The emergency response plan shall be updated annually, and all management personnel at the facility shall sign the plan acknowledging familiarity with the plan. The updated plan shall be distributed to all local emergency response agencies which includes, but is not limited to, the Los Angeles County sheriff's department, the Los Angeles County fire department, and to the emergency response staff for the city of Lancaster, the Los Angeles County health department and the Los Angeles County public works department.
  - F. Immediate notification to the city of any unauthorized release to the air, water or soil from any facility.
  - G. Payment of all monitoring costs. Such costs shall include but are not limited to preparation and administration of a CEQA mitigation monitoring program for the facility and administration of the monitoring program provided for in this section.
  - H. The LAC may recommend to the city council that a separate body act as a "standing committee" to serve during the period in which facility is in operation to promote ongoing communication between the owner/operator and the community, and to monitor adherence to the requirements of this article.

(Prior zoning ord. § 711.070)

#### **17.40.410 General conditions.**

- A. Prior to issuance of a certificate of occupancy, the applicant shall demonstrate to the satisfaction of the director that the applicant has met all of the financial responsibility requirements imposed by the state of California Department of Health Services, the city and any other state or federal agency.
- B. The applicant agrees to indemnify, defend, and hold harmless the city, the director, the planning commission, and the city council, and all officers, employees and agents of the city against and from all claims, actions or liabilities relating to the land use decision or arising out of its implementation at the facility location.
- C. All costs of compliance with this article shall be borne by the facility owner/operator.
- D. The city may employ any and all methods permitted by law to enforce this article.
- E. The owner/operator shall keep all equipment, buildings and the site in an orderly condition and in good repair and shall employ technological advances as may be required by the state of California Department of Health Services, the South Coast Air Quality Management District, the Federal Environmental Protection Agency, and any other agency required by law.

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- F. The city council may impose, as necessary, conditions and standards other than those presented, in order to achieve the purposes of this article and to protect the environment and the public health, safety or general welfare.
  - G. All studies, including the risk assessment, shall be made by a third party agreement administered through the city of Lancaster.

(Prior zoning ord. § 711.080)

#### **17.40.420 Duration of land use decision.**

- A. The duration of the land use decision will be determined at the time of conditional use permit approval but shall not exceed 10 years.
- B. The conditional use permit may be renewed for an additional time period not to exceed 10 years, upon the submission of a new application in accordance with Section 17.40.380 and payment of processing and review costs as set forth in Section 17.40.440.
- C. If the applicant fails to commence operation of the facility within 2 years of the date of the land use decision, the conditional use permit shall expire.
- D. A comprehensive review of the facility will be required after every 5 years.
- E. Failure to comply with the conditions contained in the conditional use permit, to conduct the mitigation required by CEQA or failure to comply with the provisions of this article will be considered grounds for permit review and possible revocation at the discretion of the city council.

(Prior zoning ord. § 711.090)

#### **17.40.430 Costs.**

The applicant will pay all costs related to city processing and review of the facility application; the preparation, review and administration of all documentation and programs prepared pursuant to the California Environmental Quality Act (CEQA); and all activities of the local assessment committee (LAC) related to the facility application review and processing.

(Prior zoning ord. § 711.100)

#### **17.40.440 Deposit.**

An initial deposit amount to cover the costs set forth in Section 17.40.430 shall be set by resolution of the city council.

(Prior zoning ord. § 711.110)

#### **17.40.450 Variances.**

No variance shall be granted to the requirements or conditions set forth in this article.

(Prior zoning ord. § 711.120)

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#### **17.40.460 Findings.**

The following findings shall be made in writing prior to the city council making a land use decision which will permit the development of a hazardous waste facility project:

- A. The proposed project is consistent with the city general plan and this title.
- B. The project will not be detrimental to the public health, safety or general welfare.
- C. The proposed facility is or will be served by roads and all other necessary public and private service facilities and utilities of adequate capacity to serve the proposed use. The circulation features serving the proposed facility are adequate in width and location, and are improved and located in such a manner as to provide for the safe transport of hazardous wastes to the proposed facility.
- D. The project has met or exceeded each requirement of this article.
- E. All environmental impacts identified in any environmental document prepared as part of the process to comply with the California Environmental Quality Act and this article are insignificant, have been mitigated, or are acceptable due to a statement of overriding considerations, and the mitigation measures (if any) will be monitored under a mitigation monitoring program.
- F. All the findings set forth in Article I of Chapter 17.32 have been met. Health risk and environmental risk assessments have been conducted for the proposed facility based on well-defined and credible assumptions detailing the results of a "worst-case" scenario as well as all other possible or probable accidents or spills at the proposed facility, which address both the potential threat to public health, safety and the environment posed by the proposed facility.

(Prior zoning ord. § 711.130)

#### **17.40.470 Severability.**

If any section, sentence, clause or phrase of this article is, for any reason, held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this article. The city council declares that it would have passed the ordinance codified in this article and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sentences, clauses or phrases may be declared invalid or unconstitutional.

(Prior zoning ord. § 711.140)

### ***Article VIII. Mobilehome Use by a Caretaker***

#### **17.40.480 Description and purpose.**

The purpose of this article is to provide regulations for the location, design and use of mobilehomes for caretaker purposes.

(Prior zoning ord. § 713.110)

#### **17.40.490 Permit and application procedures.**

- A. Upon the issuance of a conditional use permit and subject to all conditions imposed thereby and to the following regulations, a mobilehome may be used as a caretaker residence in the C, CBD, CPD, H, MPD, LI,

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MI, HI and BP zones, when the planning commission finds the granting of such conditional use permit will not adversely affect properties in the vicinity and will not be contrary to the public interest.

- B. Application. An application for a conditional use permit for a caretaker mobilehome shall include such materials as deemed necessary by the director to enable a complete analysis and appraisal of the proposal.

(Prior zoning ord. § 713.120)

#### **17.40.500 Permitted uses.**

Permitted uses shall be limited to a one-family mobilehome for use by a caretaker and his immediate family on each legal parcel for which a conditional use permit is granted.

(Prior zoning ord. § 713.121)

#### **17.40.510 Accessory uses.**

Accessory uses are limited to awnings, cabanas, ramadas, storage sheds or cabinets, fences or windbreaks, carports and porches.

(Prior zoning ord. § 713.122)

#### **17.40.520 Use and development standards.**

A. Density.

1. A caretaker mobilehome and any accessory structures shall be included in calculating lot coverage by buildings in all commercial and manufacturing zones.

B. Location.

1. The placement of the mobilehome shall be at a location where the erection of residential structures is otherwise permitted by this title.

C. Time Limitation.

1. Any caretaker mobilehome shall be removed from the site prior to the end of 5 years from the date of the conditional use permit approval unless a lesser time period is specified by the commission.

D. Automobile Parking. A garage is not required for a caretaker's mobilehome.

E. Other Regulations.

1. Approval of a conditional use permit for a mobilehome for use by a caretaker shall not relieve the applicant and his successors in interest from complying with all other applicable statutes, ordinances, rules and regulations.

(Prior zoning ord. § 713.150)

#### **17.40.530 Review for compliance.**

Within one year subsequent to the granting of a conditional use permit for a mobilehome caretaker residence, and thereafter as needed, the director shall inspect such caretaker residence to insure compliance with all conditions of approval imposed by the planning commission. Failure of the applicant to comply with said conditions shall provide grounds for initiation of permit revocation procedures by the planning commission.

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(Prior zoning ord. § 713.160)

## ***Article IX. Trailer Parks***

### **17.40.540 Recreational trailer parks.**

Every conditional use permit for a recreational trailer park in the C zone shall be subject to the following conditions. All of the following conditions shall be deemed to be conditions of every conditional use permit granted for a recreational trailer park whether or not such conditions are set forth in the conditional use permit. The commission in granting the conditional use permit may impose additional conditions but may not change or modify any of the following conditions except as provided by Article II of Chapter 17.32.

- A. Area. The recreational trailer park shall have an area of not less than 5 acres.
- B. Density. The density of the recreational trailer park shall not exceed 30 lots per acre.
- C. Minimum Lot Size. No recreational vehicle lot shall have an average area of less than 1,000 square feet.
- D. Signs. Signs shall be in accordance with the requirements of the C zone or as specified by the planning commission.
- E. Duration of Occupancy. Occupancy by any one occupant and party shall be limited to 90 consecutive days within any 6-month period.
- F. Prohibitions.
  - 1. No permanent residency shall be permitted within the recreational trailer park except for a caretaker, manager or employees responsible for maintaining and/or operating the property, as permitted by the zone and authorized by the commission as a part of the conditional use permit approval.
  - 2. A recreational trailer park shall have no dwelling units except that of a caretaker, manager or employees responsible for maintaining and/or operating the property, as permitted by the zone and authorized by the commission as a part of the conditional use permit approval.
  - 3. Facilities within the recreational trailer park shall be used only by the occupants of the park except where otherwise authorized by the commission as part of the conditional use permit approval.
  - 4. Recreational vehicle lots shall not be used for any commercial activity by the occupants.
  - 5. There shall be no principal commercial uses within the recreational trailer park except as permitted by the zone and authorized by the commission as part of the conditional use permit approval. This provision does not prohibit accessory uses where authorized by the commission as part of said conditional use permit approval, including, but not limited to, areas for the storage of unoccupied recreational vehicles.
- G. Other Regulations. Approval of a conditional use permit for a recreational trailer park shall not relieve the applicant and his successors in interest from complying with all other applicable statutes, ordinances, rules and regulations.

(Prior zoning ord. § 713.2)



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#### **17.40.550 Travel trailer parks.**

Every conditional use permit for a travel trailer park in the C zone shall be subject to the following conditions. All of the following conditions shall be deemed to be conditions of every conditional use permit granted for a travel trailer park whether or not such conditions are set forth in the conditional use permit. The commission in granting the conditional use permit may impose additional conditions but may not change or modify any of the following conditions except as provided by Article II of Chapter 17.32.

- A. Density. The density of the travel trailer park shall not exceed 30 lots per acre.
- B. Minimum Lot Size. No travel trailer lot shall have an average area of less than 1,000 square feet.
- C. Location Within Mobilehome Parks. Where a travel trailer is located within a mobilehome park, it shall be a separate designated section of the mobilehome park and shall be so designated.
- D. Signs. Signs shall be in accordance with the requirements of the C zone or as specified by the planning commission.
- E. Duration of Occupancy. Occupancy by any one occupant and party shall be limited to 90 consecutive days in any 6-month period.

(Prior zoning ord. § 713.3)

### ***Article X. Commercial Coaches as Temporary Offices***

#### **17.40.560 Purpose and intent.**

The purpose and intent of this article shall be to establish standards for the use and placement of commercial coaches as temporary offices in the city. These provisions do not apply to temporary construction offices.

(Prior zoning ord. § 716.010)

#### **17.40.570 Applicability.**

These specific standards are applicable for commercial coaches as temporary offices in all zones where they are allowed.

(Prior zoning ord. § 716.030)

#### **17.40.580 Standards.**

When commercial coaches are used as temporary offices, they shall be reviewed by the director and shall meet the following standards:

- A. Commercial coach offices shall not be moved onto the site until building, electrical and plumbing permits have been obtained.
- B. The commercial coach shall have been manufactured after November 23, 1970, and have been issued an insignia of approval by the California Department of Housing and Community Development.
- C. The commercial coach shall not have been altered in violation of applicable codes.

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- D. All commercial coach offices shall be skirted or recessed into the ground.
  - E. All commercial coach offices shall be connected to water, approved sewerage system and other utilities. EXCEPTION: Temporary subdivision sales offices are not required to connect to a water and sewerage system, however, such offices shall be provided with temporary sanitary facilities. The offices and any temporary sanitary facilities shall be removed upon completion of the model home(s) which are used as a sales office for the project or after a period of one year whichever occurs first unless such office is connected to the water and sewerage system. Such offices shall not be eligible for any extensions as provided under subsection K of this section.
  - F. The commercial coach office shall be placed to comply with any yard requirements of the zone in which it is located.
  - G. The required amount of improved parking spaces shall be provided.
  - H. A handicap access ramp shall be provided to all commercial coach offices.
  - I. No accessory structures shall be allowed.
  - J. A moving permit shall be obtained from the city if the commercial coach is moved within the city or from the county if it is moved from the county into the city.
  - K. A time limit of 2 years shall be placed on each commercial coach as a temporary office. One extension of up to one year may be granted by the director.

(Prior zoning ord. § 716.040)

## ***Article XI. Wind Energy Conversion Systems***

### **17.40.590 Purpose and intent.**

In view of the rising costs of fossil fuels and thus electricity, the urgent need for alternative energy resources is a vital concern to the residents of the city. Harnessing the wind's energy is becoming an attractive energy alternative. In consideration of public health, safety and welfare, the eventual construction and siting of wind energy conversion systems, hereafter referred to as WECS, shall meet the standards established in this article.

(Prior zoning ord. § 717.010)

### **17.40.600 Applicability.**

These specific standards are applicable for all wind energy conversion systems in zones in which they are allowed, or allowed subject to the granting of a conditional use permit.

(Prior zoning ord. § 717.020)

### **17.40.610 Standards.**

The following standards shall apply to all wind energy conversion systems:

- A. Automatic Overspeed Control. Any WECS shall have an automatic overspeed control which shall be designed to protect the system from sustaining structural failure, such as thrown blades and the overturning or breaking of towers due to an uncontrolled condition brought on by abnormally high winds.

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- B. Manual Shutdown. The WECS shall have a manually operable method that assures WECS shutdown. Acceptable methods include mechanical or hydraulic brakes or tail-vane deflection systems which turn the rotor out of the wind. (Shutdown is defined to mean a safe condition for WECS which is not its power-producing mode but either protects the WECS from unusual circumstances or protects those working on the machine.)
  - C. Blade Height. The minimum distance between the ground and any protruding blades utilized on a WECS shall be 15 feet for horizontal axis WECS and 10 feet for any vertical axis WECS as measured to the lowest point of blade travel/motion.
  - D. Tower Safety. WECS towers and supporting structures shall be designed and constructed in accordance with accepted engineering standards and applicable city building codes and shall be approved by the city engineer as to safety and suitability.
    - 1. Tower heights of not more than 65 feet shall be allowed on parcels between one and 5 acres and tower heights of not more than 80 feet shall be allowed on parcels of 5 acres or more, provided that the application includes evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system.
    - 2. Roof-Mounted WECS. Devices or towers mounted on buildings may require strengthening of the existing structure to bear the additional weight and stress created by the WECS for which a building permit shall be obtained.
    - 3. Ground-Mounted WECS. Ground-mounted WECS shall not be permitted in required front or side yards (setbacks). WECS in rear yards shall not be counted against lot coverage.
  - E. Tower Access. Climbing access to the ground-mounted WECS tower shall be limited in one of the following ways:
    - 1. By means of a fence or wall not less than 6 feet in height with locking gates enclosing the yard where the tower is located;
    - 2. By means of a fence or wall not less than 6 feet in height with a locking gate around the base of the tower; or
    - 3. By limiting tower climbing apparatus to no lower than 12 feet from the ground for horizontal axis WECS and 10 feet for vertical axis WECS.
  - F. Decibel levels for the WECS shall not exceed 60 decibels (dBA) as measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe wind storms.
  - G. Electro-Magnetic Interference. The WECS shall not cause radio and/or television broadcasting or reception interference to the surrounding area.
  - H. Setbacks. If the structural design is approved by the city engineer as to the safety and stability, the WECS shall not be erected nearer to any lot line than the tower height.
  - I. Guy Wires. For towers which require guy wires, anchor points for guy wires shall be located within property lines and not on or across any above ground electric transmission or distribution line.
  - J. Electrical Safety. The electrical box or any hazardous components of the WECS within ground reach shall be securely locked.
  - K. Signs. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage.

(Ord. 804 (part), 2002; Prior zoning ord. § 717.030)

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### **17.40.620 Required conditions.**

Required conditions of approval for the permit shall include but not be limited to the following:

- A. Required permits shall be obtained from building and engineering services prior to installation of the WECS.
- B. Every WECS shall be insured for an amount sufficient to protect neighboring property owners in the event of mechanical or structural failures.
- C. For utility interconnected WECS, Southern California Edison (SCE) shall be notified in writing of any proposed connection and SCE shall give written approval to such interconnection prior to installation.
- D. Documentation shall be provided from the WECS manufacturer or a recognized testing facility indicating that the system will operate safely in Lancaster, California, atmospheric conditions. Suitable documentation attesting to the ability of the WECS to meet the standards of this section will be determined by the city engineer. Documentation considered suitable includes but is not limited to WECS and tower assembly designs bearing the stamp of a California registered civil or mechanical and electrical engineer attesting to the WECS compliance with the standards of this section.
- E. Any WECS which ceases to be operable for a period of 60 days shall be removed within 6 months of the date it became inoperable.
- F. Any WECS not in compliance with subsection D of this section is subject to a setback from all occupied buildings a distance at least equal to that shown in Figure 1 based on the WECS rotor diameter.
- G. Notice of an application for installation of a WECS shall be provided to property owners within 300 feet of the property on which the system is to be located.
- H. The system shall comply with all applicable Federal Aviation Administration requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports, and the State Aeronautics Act ((Part 1 (commencing with Section 21001) of Division 9 of the Public Utilities Code)).
- I. The application shall include a line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.

(Ord. 804 (part), 2002; Prior zoning ord. § 717.040)

## ***Article XII. Exceptions to Height Regulations***

### **17.40.630 In general.**

Structures such as chimneys, domes, elevator shaft housing, spires, steeples, towers, and similar objects not used for human occupancy are not subject to the height limitations of this title. However, this section does not apply to signs or wind energy conversion systems.

(Prior zoning ord. § 718.000)

## ***Article XIII Wireless Telecommunication Facilities<sup>6</sup>***

### **17.40.640 Purpose and intent.**

- A. The purpose and intent of this article shall be to establish standards for the placement and use of wireless telecommunication facilities in all zones in which they are allowed within the City of Lancaster. These requirements provide incentives for well-designed and well placed telecommunication facilities by simplifying and shortening the review process, where warranted, while at the same time protecting the public interest. It is the City's intent, in establishing these standards, to allow for the development of wireless communication facilities where needed in accordance with the Telecommunications Act of 1996, while maintaining development standards and permitting requirements consistent with state law.

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

### **17.40.650 Applicability.**

These standards are applicable to all wireless telecommunication facilities in all zones and in the public right-of-way where they are allowed. These standards do not apply to noncommercial radio or television antennas, which shall be subject to the specific requirements for the zone in which they are located.

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

### **17.40.660 Permit Requirements.**

- A. Mini, Minor, Stealth and Major wireless communication facilities shall require a Directors Review unless they exceed the allowed height for the zone in which they are located. In the event height is exceeded, a Conditional Use Permit shall be required. All wireless communication facilities shall comply with the development standards and submittal requirements identified within this Article.
- B. Major wireless communication facilities in the residential zones shall require a Conditional Use Permit.
- C. Wireless communication facilities on City property or within the public right-of-way shall comply with the required permitting process as indicated in Lancaster Municipal Code Sections 17.40.665-17.40.666

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

### **17.40.661 Collocations.**

- A. Notwithstanding any other provision of this Chapter, the collocation of a new wireless communication facility on an existing major wireless communication facility that (i) was approved after January 1, 2007, by discretionary permit; (ii) was approved subject to an environmental impact report, negative declaration, or mitigated negative declaration; and (iii) otherwise complies with the requirements of Government Code

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<sup>6</sup>Editor's note(s)—Ord. No. 1070, Exh. A, adopted Jan. 14, 2020, repealed the former Art. XIII, §§ 17.40.640—17.40.681, and enacted a new Art. XIII as set out herein. The former Art. XIII pertained to similar subject matter and derived from Ord. 753 § 1 (Exh. A § 10 (part)), adopted 1999.

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§65850.6(b) for wireless communication collocation facilities shall not be required to obtain another discretionary permit approval, but shall be required to obtain all other applicable non-discretionary permit(s), as specified by this Title and the City-adopted Building Code, provided such collocation does not increase the height or change the location of the existing wireless facility or otherwise change the bulk, size, or other physical attributes of the existing permitted wireless communication facility.

- B. The proposed collocation of a new wireless communication facility on an existing minor or major wireless communication facility that meets all of the requirements stated in the above paragraph may include new appurtenant equipment boxes or shelter units that are colored and/or disguised to match the existing equipment boxes or shelter units and that do not exceed the total volume of equipment boxes utilized by the existing wireless communication collocation facility per Section 6409 (a).
- C. The proposed collocation of a new wireless communication facility on an existing major wireless communication facility that meets all of the requirements stated in the above paragraphs may not include the following:
  - 1. More additional surface area of antennas than is being utilized by the existing wireless communication collocation facility, provided all antennas are colored and/or disguised to match the existing facility.
  - 2. Any additional tower or additional support structure than is shown in plans and specifications to be reasonably necessary to collocate the permitted antenna panels on the existing wireless communication facility. Unless otherwise approved in writing by the Director, and except as provided in this subsection, installation of all collocation accessory equipment and enclosures shall comply with the requirements of this Chapter.
- D. Except as otherwise provided above, a Director's Review may be required when the proposed collocation facility:
  - 1. Increases the height of the existing permitted tower/structure or otherwise changes the bulk, size, location, or any other physical attributes of the existing permitted wireless communication facility; or
  - 2. Adds any microwave dish or other antenna not expressly permitted to be included in a collocation facility by this Section; or
  - 3. Collocates on an existing legally permitted wireless communication facility; or
  - 4. Will serve or be operated by more than one wireless services provider, unless an additional provider has properly obtained a written authorization from the Director after consideration of the factors applicable to administrative approval of collocation facilities set forth above in this Section, the size of the additional, proposed facility, and the potential visual or other impact of the proposed facility.

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

#### **17.40.662 Development Criteria.**

- A. Screening and Site Selection Guidelines. The following screening and site selection guidelines apply to all wireless communication facilities:
  - 1. Stealth facilities and concealed antennas are preferred.
  - 2. Wireless communications facilities shall be located where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening. Where insufficient screening exists, applicants shall provide screening satisfactory to the Development Services Director, or as otherwise required herein.
  - 3. Ground-mounted wireless communications facilities shall be located only in close proximity to existing above-ground utilities, such as electrical towers or utility poles (which are not scheduled for removal or

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undergrounding for at least 18 months after the date of application), light poles, trees of comparable heights, and in areas where they will not detract from the appearance of the City.

- B. Wireless communication facilities shall be located in the following order of preference:
1. Collocated with existing wireless communications facilities.
  2. On existing structures such as buildings, communication towers, or utility facilities.
  3. On an existing signal, power, light, or similar kinds of poles.
  4. In industrial zones.
  5. In commercial zones.
  6. In residential zones, subject to additional restrictions set forth herein.
- C. When located on any existing non-residential building or structure or on any existing utility pole provided such location complies with all of the following:
1. The collocation is in full compliance with the California Public Utilities Commission Joint Pole Association General Order 95, Rule 94, and any other applicable state or federal regulations; and
  2. Existing Major Wireless Communications Facility to be utilized for collocation shall previously be granted with a Conditional Use Permit or a Director's Review approval, including modification of an existing Conditional Use Permit or Director's Review: and
  3. All accessory equipment and enclosures shall be located underground or screened from public view as approved in writing by the Director; and
  4. Unless shown in the submitted application documentation to not be technically and/or commercially feasible, all antennas and/or antenna panels shall be flush mounted and limited in number to that amount necessary to achieve the required coverage described in said documentation.
  5. The proposed facility will replace or modify an existing facility for purposes of collocation.
  6. The proposed facility will be designed and constructed in a manner to allow for future collocation of an additional wireless communication carrier provided the applicant submits written documentation that shows:
- A more preferable location, as determined by reference to Section 17.40.662 (2) cannot be reasonably accommodated by the applicant due to technical requirements of the proposed facility including, but not limited to, coverage requirements imposed by the Federal Communications Commission (FCC) or otherwise by law, or due to other factors beyond the applicant's reasonable control. For the purposes of this Chapter, all distances shall be measured in a straight line without regard to intervening structures, from the nearest point of the proposed Major Wireless Communications Facility to the nearest property line of any residential land use, or to the nearest point of another Major Wireless Communications Facility.
- D. General Development Requirements.
1. As part of the application process, each wireless communications facility applicant may, at the discretion of the Director, be required to provide written documentation demonstrating good faith efforts in locating facilities in accordance with the Site Selection Guidelines (order of preference). Such documentation shall include at minimum a coverage map (before and as proposed) and analysis of alternative sites.
  2. Wireless communications facilities shall not bear any signs or advertising devices other than certification, warning, or other required seals or legally required signage. Advertising of any kind on the facility is prohibited.

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3. All accessory equipment associated with the operation of the wireless communications facility shall be located within a building, enclosure, or underground vault that complies with the development standards of the zone in which the accessory equipment is located, subject to City approval. If the equipment is permitted to be located above ground, it shall be visually compatible with the surrounding buildings and include sufficient landscaping to screen the structure from view.
  4. Wireless communications facilities shall be subdued colors and non-reflective materials, which blend with surrounding materials and colors.
  5. All screening for building-mounted facilities shall be compatible with the existing architecture, color, texture, and/or materials of the building.
  6. Monopoles and antennas shall be no greater in diameter or other cross-sectional dimensions than is necessary for the proper functioning of the wireless communications facility. The applicant shall provide documentation satisfactory to the Director establishing compliance with this subsection.
  7. Proof of Federal Communications Commission and Federal Aviation Administration approvals shall be provided prior to building permit issuance.
  8. Where possible, wireless telecommunication facilities shall be integrated into the design of the existing buildings on-site.
  9. Wireless telecommunication facilities, including equipment buildings and cabinetry shall be treated to match existing buildings on-site.
  10. Wireless telecommunication facilities shall be painted with a non-reflective finish in a color to be determined by the approving authority which best matches the background environment color. Primarily, colors shall be light blue where the predominant background for the structure is above the horizon and beige where the background is the mountains or desert.
  11. Lighting, other than required safety lights, is prohibited.
  12. Construction and operation of a wireless telecommunication facility shall meet the noise standards identified in the City of Lancaster's General Plan (Table 3-1) and adhere to the City's Noise Ordinance (Chapter 8.24 of the Lancaster Municipal Code). A detailed noise study by a qualified acoustical engineer may be required to document that the noise levels meet the required levels and to determine any necessary attenuation measures.
  13. Anti-climbing devices are required.
  14. Any required parking or landscaping displaced by the construction of a wireless telecommunication facility shall be replaced on-site or additional review for off-site parking shall be required. Landscape plans shall be submitted according to the most recent landscape ordinance, as necessary.
  15. Wireless telecommunication facilities shall not be placed where they will cause interference with the operation of other wireless telecommunication facilities, wind energy conversion systems or solar power systems.

The Development Services Director, or their designee, or the Planning Commission, as appropriate, can require additional design criteria or other information as deemed necessary to integrate the proposed wireless telecommunication facilities with the surrounding area.

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)



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#### **17.40.665 Submittal Requirements for Wireless Telecommunication Facilities within the Public Right-of-Way.**

- A. All wireless telecommunication facilities which are installed, erected, co-located, or modified within the City right-of-way following the effective date of the ordinance codified in this chapter shall conform to the following requirements.
- B. All equipment shall be associated with a specific provider and the GPS coordinates of any nodes to be connected to must be provided. No applications will be accepted for equipment if the provider is not identified in advance and the GPS coordinates of the connecting nodes are not provided.
- C. Wireless facilities applications proposed for location in the public right-of-way that conform to the requirements in Section 17.40.675 shall be submitted to the Development Services Department for processing. Any request for a deviation from the requirements shall require the Director of Development Services' review and approval.
- D. Any applicant that seeks approval for five or more wireless telecommunications facilities in the public right-of-way within a 24-month period, either individually or cumulatively, shall submit a Director's Review application. Approved facilities shall require subsequent individual permitting from Building and Safety.
- E. Installation of wireless telecommunications facilities within the City right-of-way will be permitted subject to issuance of a Master Telecommunications Agreement, encroachment permit, and payment of applicable permit fees. The City Engineer or his designee will review and approve encroachment permit applications from carriers which hold a Certificate of Public Convenience and Necessity (CPCN) from the California Public Utilities Commission (CPUC) subject to the criteria contained in this section. A Removal or Relocation Security, and a certificate of general liability insurance and commercial automobile liability insurance in a form and amount acceptable to the City must be submitted prior to issuance of the permit, and maintained for as long as the facilities exist within the City right-of-way.
- F. In addition to the requirements found in this chapter, every wireless telecommunication facility request within the public right-of-way must be accompanied by the following prior to review:
  - 1. Elevations showing the height of the proposed facility, location and placement of any related equipment, and the height of other structures within a 60-foot radius from the proposed location;
  - 2. A completed Master Telecommunications Agreement;
  - 3. Photos of the site with a rendering of the proposed facility taken from a minimum of three directions;
  - 4. A written description and map identifying the location of the proposed facility in relation to all existing and planned facilities within a two (2) mile radius maintained within the City by each of the applicant, operator, and owner, with an explanation of the facility's purpose to address service coverage or capacity, and graphic and/or written evidence which demonstrates the inability of existing facilities to meet the need met by the new facility.

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

#### **17.40.666 Development and Design Standards for Wireless Telecommunication Facilities in the Public Right-of-Way.**

All wireless telecommunications facilities that are located within the public right-of-way shall be designed and maintained as to minimize visual, noise, and other impacts on the surrounding community and shall be planned, designated, located, and erected in accordance with the following:

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- A. Wireless telecommunication facilities in the public right-of-way shall not alter vehicular circulation or parking in the public right-of-way, nor impede vehicular or pedestrian access or visibility along any public right-of-way. No facility shall interfere with the use of City property or the public right-of-way, no any City or public utility facility located in the public right-of-way, no any reasonable expectation of future City, general public, or public utility use of the public right-of-way. Any such facility shall be moved, permanently or temporarily, at the permittee's expense, as determined by the Director of Development Services.
- B. In no case shall a new facility be erected adjacent to vacant land unless there is an approved project or site plan associated with the parcel and the applicant assumes responsibility for moving the facility, permanently or temporarily, at the permittee's expense, should the facility become incompatible due to revision or cancellation of the project or plan, as determined by the Director of Development Services. If the facility is required to be to be moved, the permittee has 180 days (6 months) to move the facility from the date of notification.
- C. Location. Wireless telecommunication facilities in the public right-of-way shall be developed in the following manner in order of preference:
1. Co-located on an existing City-owned light pole in any zone except residential, provided the facility conforms to the design guidelines and is located on a primary or secondary arterial street. The permittee shall enter into a facilities lease agreement with the City for the use of the pole.
  2. A new light pole in any zone except residential, provided the facility conforms to the design guidelines, is located on a primary or secondary arterial street, and is proposed in a location with an approved site plan or map that is in the permitting process at the time of application.
  3. A co-located facility, replacement light pole, or new light pole proposed in a residential zone shall require a Director's Review.
- D. Design.
1. Wireless communication facilities shall not bear any signs or advertising devices other than certification, warning, or other required seals or required signage.
  2. All antennas shall meet the minimum siting distances to habitable structures required for compliance with Federal Communications Commission (FCC) regulations and standards governing the environmental effects of radio frequency emissions.
  3. No more than one (1) antenna assembly may be attached to a light pole.
  4. All cabling and wiring shall be run through the interior of the pole. No exposed slack or extra cable is allowed.
  5. An antenna assembly must be mounted to the top of the pole, or flush to the pole near the top.
  6. A flush-mounted antenna assembly may not exceed a total volume of 3 cubic feet. A cylindrical antenna assembly shall not exceed 5 feet above the existing height of a light pole or 50% larger than the top diameter of the pole, whichever is less, unless additional separation is required for conformance with CPUC General Order 95 clearance requirements.
  7. No portion of the antenna or transmission equipment mounted on a pole may be less than 16 feet above any road surface to minimize potential safety conflicts with users of said roadway.
  8. All parts of the antenna assembly shall be completely shrouded with no exposed components or mounting apparatus.
  9. The facility shall comply with all applicable sections of the City of Lancaster's adopted Building Code.
  10. Replacement Poles. If an applicant proposes to replace a pole in order to accommodate a proposed facility, the pole shall be designed to resemble the appearance and dimensions of existing poles near

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the proposed location, including size, height, color, materials, and style to the maximum extent feasible.

11. New Poles. The model of new pole shall be determined by the City and will be either a) the same model and manufacturer normally required for the location, or b) the equivalent to a Replacement Pole for the required model should that model not be able to accommodate the facility.
- E. Support Equipment. To preserve community aesthetics, all facility equipment, excluding antennas, aboveground vents and the smallest possible electrical meter boxes, shall to the greatest extent possible be required to be located underground, flush to the finished grade, shall be fully enclosed, and not cross property lines. Equipment may include, but not be limited to, the following: meter pedestals, fiber optic nodes, radio remote units or heads, power filters, cables, cabinets, vaults, junction or power boxes, and gas generators. Wherever possible, electrical meter boxes related to wireless facilities shall be appropriately screened, not visible to the general public, and located in less prominent areas within the public right-of-way. Where it can be demonstrated that undergrounding of equipment is infeasible due to conflict with other utilities, the City Engineer may approve alternative above grade equipment mounting, including pole mounting, when adequately screened from public view. Any approved above grade equipment must be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise inconvenience public use of the right-of-way, or create safety hazards to pedestrians or motorists.

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

#### **17.40.668 Removal of Wireless Telecommunication Facilities within the Public Right-of-Way.**

- A. Any wireless telecommunication facility in the public right of way may at any time be required to be removed and/or relocated by the City at the owner's expense for any reason including, but not limited to, street reconstruction or widening.
- B. In the event that the wireless telecommunication facility is deemed to be unsafe or unstable due to damage as a result of an act of nature (e.g., severe wind storm, etc.), vandalism, or any other such incident, the facility shall be removed immediately. If the owner of the telecommunications facility does not remove the facility immediately as requested, the City shall remove the structure and bill the owner. The owner shall have the right to rebuild the structure in the same location

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

#### **17.40.670 Submittal Requirements for Wireless Telecommunication Facilities on Private Property.**

- A. Prior to review, every wireless telecommunication facility request must be accompanied by the following:
1. A site plan showing the locations of existing structures, parking facilities, driveways, landscaping, conduit, fiber, and other relevant infrastructure and information on-site as well as the location of adjacent buildings and structures within a distance equal to the height of the proposed facility or 60 feet, whichever is greater, measured from the base of the support structure;
  2. Detailed engineering plans for the proposed facility including GPS coordinates on a Datum, Reference and at an accuracy acceptable to the City; and depth and size of all conduit and fiber locations;
  3. Elevations showing the height of the proposed facility, cabinetry or equipment buildings supporting the facility, and the height of other structures on-site;
  4. Property owner's authorization for establishment of a wireless telecommunication facility. Include a copy of the lease agreement with a statement regarding liability for future removal of the structure;

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(Supp. No. 10-24, Upd 1)

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5. Proof of Federal Communications Commission licensing;
  6. A map or narrative of other facilities proposed or existing to support the proposed facility including identification of the carrier the connection is being made for and the GPS coordinates of the nodes being connected to.
- B. Prior to review, major wireless telecommunications facilities (including stealth and co-located facilities) must be accompanied by the following:
1. Photos of the site taken from a minimum of four directions with an emphasis on the worst case scenario as seen from the most visually sensitive adjacent use or street right-of-way.
  2. A rendering of the proposed facility superimposed upon a photograph of the site.
  3. A siting statement describing the method used to determine the height and location of the facility. Describe how other alternative sites would not be feasible.
  4. A co-location statement, which is a written statement indicating that the applicant will accept collocation of other wireless telecommunication facilities at the proposed location in good faith and that an exclusive lease agreement will not be signed between the owner of the property and the wireless telecommunication facilities provider.
  5. Proof of Public Utilities Commission license for the applicant to provide service in this area.

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

#### **17.40.675 Work Standards.**

- A. All work shall be done in a good and skillful manner, subject to the inspection and reasonable satisfaction of the City. All work shall comply with standards imposed by City ordinance and be conducted with the least possible hindrance or interference to the public right-of-way and City property. The telecommunications facility shall occupy the smallest space necessary and be installed in such a manner as to not unreasonably hinder the future installation of co-located facilities.
- B. The operator/applicant shall be responsible for any damage to City street pavement, existing utilities, curbs, gutters, sidewalks or to any private property or improvements, including but not limited to subsidence, cracking, erosion, collapse, weakening, or loss of lateral support, to the extent caused by its installation, maintenance, repair or removal of its wireless telecommunication facility and shall repair, replace and restore in kind any such damaged facilities at its sole expense and to the reasonable satisfaction of the City.
- C. If the public right-of-way to be utilized has preexisting installation(s) placed in said right-of-way, the operator/applicant shall assume the responsibility to verify the location of the preexisting installation and notify City and any third part of the proposed installation. The reasonable cost of any work required of such third party or City to provide adequate space or required clearance to accommodate the installation shall be borne solely by the operator/applicant.
- D. The operator/applicant shall be responsible for ensuring that the work of employees, contractors, subcontractors, agents, representative and permitted assigns is performed consistent with applicable laws and shall be responsible for acts or omissions of such third parties including responsibility for promptly correcting acts or omissions.

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

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#### **17.40.680 Performance Standards.**

No wireless communication facility shall interfere with any public safety radio communications system. Wireless communication facilities shall comply with all FCC rules and regulations regarding the avoidance, mitigation, and abatement of any such interference

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

#### **17.40.681 Abandonment.**

- A. A wireless communications facility is considered abandoned and shall be promptly removed as provided herein if it ceases to provide wireless communication services for 180 or more days. Such removal shall be in accordance with proper health and safety requirements and all ordinances, rules, and regulations of the City.
- B. A written notice of the determination of abandonment shall be sent by first class mail, or personally delivered, to the operator of the wireless communications facility at said operator's business address on file with the City. The operator shall remove all facilities within 30 days of the date of such notice unless, within 10 business days of the date of said notice, the operator appeals such determination, in writing, to the Planning Commission. The Director shall schedule a hearing on the matter to be conducted before the Planning Commission at which time the operator may present any relevant evidence on the issue of abandonment. The Planning Commission may affirm, reverse, or modify with or without conditions the original determination of abandonment and shall make written findings in support of its decision. The decision of the Planning Commission shall be final.
- C. Any wireless communications facility determined to be abandoned and not removed within the 30-day period from the date of notice, or where an appeal has been timely filed, within such time as prescribed by the Planning Commission following its final determination of abandonment, shall be in violation of this Chapter, and the operator of such facility shall be subject to the penalties prescribed herein. Facilities determined to be abandoned and not removed within the time limits prescribed herein hereby are deemed to be a nuisance and, alternative to the procedure described above, may be abated as a nuisance in any manner provided by law.

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

#### **17.40.682 Deployment of Temporary Facilities.**

A temporary wireless communication facility may be deployed subject to approval by the Director and the following:

- A. A permanent wireless communication facility has been approved for the property in question.
- B. The temporary facility was approved as part of the Conditional Use Permit or other discretionary application.
- C. The facility is deployed for no more than six (6) months, provided that two extensions may be granted by the Director; however, the total period shall not exceed one (1) year.

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

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#### **17.40.683 Notifications.**

All notifications with respect to this ordinance shall be provided via certified, return receipt mail and addressed to the applicant, property owner identified in the lease (private property) and/or the entity identified in the Master Telecommunications Agreement (public right-of-way).

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

#### **17.40.684 Relationship to State and Federal Law.**

Wireless telecommunication facilities are heavily regulated by both state and federal law. If and to the extent there is any conflict between any provision of this article and any applicable provision of federal law, the federal law shall control and the conflicting provision of this article shall have no force or effect. If and to the extent there is any conflict between any provision of this article and any applicable provision of state law, the state law shall control and the conflicting provision of this article shall have no force or effect.

(Ord. No. 1070, § 4(Exh. A), 1-14-2020)

#### **17.40.685 Severability.**

If any section, sentence, clause or phrase of this article is, for any reason, held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this article. The city council declares that it would have passed the ordinance codified in this article and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sentences, clauses or phrases may be declared invalid or unconstitutional.

### ***Article XIV. Co-Located Small Wind Energy Systems***

#### **17.40.690 Co-located Small Wind Energy Systems (CSWES).**

- A. Purpose and Intent. It is the purpose and intent of this section to promote the safe, effective and efficient construction and use of CSWES on commercial and industrial lots within the city limits of the City of Lancaster. These regulations are intended to assure that CSWES are designed and located in a manner that minimizes visual, noise, and safety impacts on the surrounding community.
- B. Applicability. These specific standards are applicable for all co-located small wind energy systems in commercial and industrial zones allowed subject to approval of a director's review in accordance with Article VI of Chapter 17.32.
- C. Definitions. The following are definitions of specialized terms and phrases used in this section. Definitions of general terms and phrases are located in Chapter 17.04 Section 17.04.240 (Definitions).
  - 1. "Co-located small wind energy system (CSWES)" shall mean a wind energy conversion system that is located on a pole with site lighting below the turbine, which has a rated capacity of 8kW or less.
  - 2. "Temporary meteorological tower (met tower)" shall mean a temporary structure which includes the tower, base plate, anchors, guy cables and hardware, anemometers, (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at any given location.

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3. "Co-located wind energy system height" shall mean the vertical distance from ground level to the tip of the wind generator blade when it is at its highest point.
- D. Restriction on Use of Electricity Generated by CSWES. A CSWES shall be used exclusively to supply electrical power for on-site consumption. Electrical power generated by the CSWES exceeding on-site consumption may be used by the utility company in exchange for a reduction in the cost of electrical power supplied by that company to the parcel for on-site use, as long as no net revenue is produced by such excess electrical power. CSWES, as allowed pursuant to this section shall not be used for commercial production or profit.
  - E. Property Development Regulations. A CSWES shall be subject to all applicable regulations of the commercial and industrial zones in which it is proposed, except that the following standards shall take precedence over the regulations of the commercial and industrial zones to the extent that installation of co-located small wind energy systems (CSWES) where permitted by a director's review application, shall be constructed in the following manner:
    1. Minimum development/parcel size: Developments of a minimum of twenty (20) acres or more with parking lot light fixtures at a minimum of twenty-five (25) feet in height.
    2. Setbacks: Co-located small wind energy systems shall meet the following setbacks:
      - a. A distance equal to the tower height from any abutting private properties that are not part of the development.
      - b. A distance equal to the tower height from any overhead utility lines, unless written permission is granted by the affected utility.
      - c. A distance equal to one hundred fifty (150) feet from any property that is residentially used or designated.
    3. Noise: Co-located small wind energy systems shall meet the following criteria with respect to noise:
      - a. A site-specific noise study or the manufacturer's engineered sound studies shall be submitted for review to verify that the noise level will comply with the noise element of the general plan.
      - b. On-site noise levels for each unit shall not exceed 70 decibels (dBA) except during short-term events, such as utility outages and severe windstorms.
      - c. Noise levels at the property line of the development site shall not exceed 70 decibels, if the adjacent use is a commercial or industrial use, and shall not exceed 65 decibels, if the adjacent use is residential.
    4. Aesthetics: Co-located small wind energy systems shall meet the following criteria with respect to aesthetics:
      - a. All proposed replacement poles for a CSWES system shall be of the same design, shape and color as the remaining light poles throughout the parking lot.
      - b. The wind turbine housing and the blades of the CSWES system shall not be brightly colored. The turbine housing should be white, sky colored, or should coordinate with the color palette approved for the project buildings, subject to the approval of the planning director.
      - c. The physical size of the turbine shall not extend beyond thirty-six (36) inches from the center of the pole.
      - d. The maximum diameter of the blades shall not exceed sixteen (16) feet.
      - e. All electrical transmission lines from the tower shall be installed underground.
    5. Access:

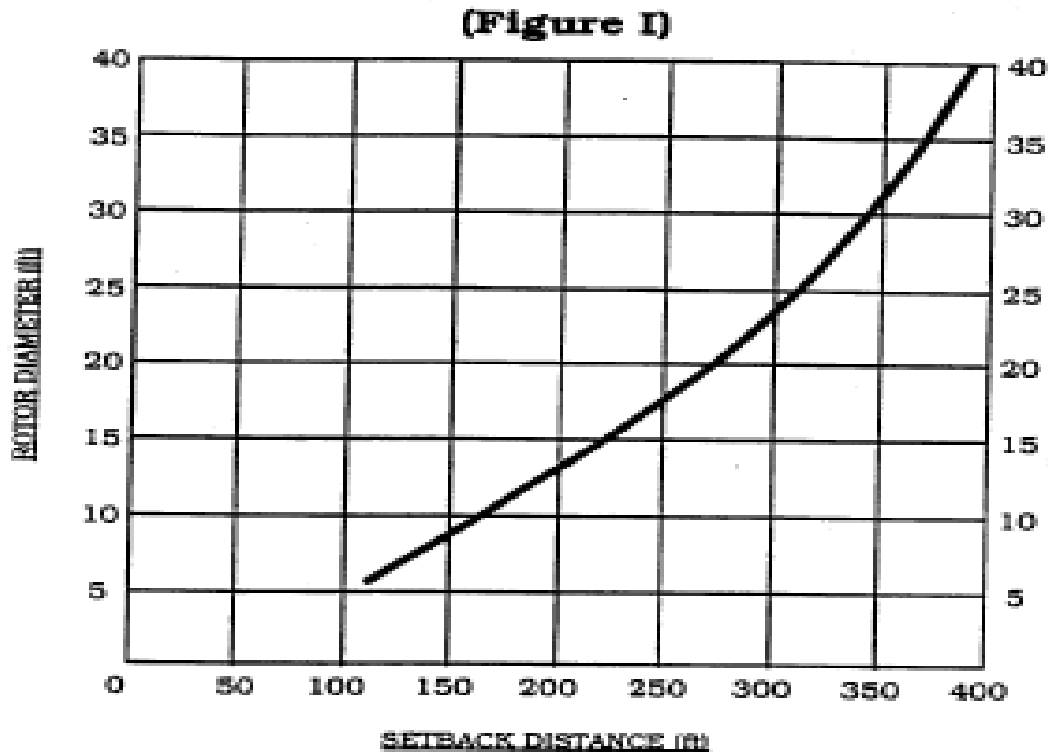
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- a. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
    - b. The pole shall be designed and installed so as to not provide step bolts or a ladder.
  6. Lighting:
    - a. A co-located small wind energy system (CSWES) shall not be illuminated unless such lighting is required by the Federal Aviation Administration. A light temporarily used to inspect a turbine, tower and associated equipment is permissible, providing said light is only used for inspection purposes and not left on for an extended period of time.
    - b. The height of the light fixture on the structure itself shall not be altered from its original height as previously permitted or as permitted by the reviewing authority when co-locating a CSWES in a parking lot.
  7. Height: Co-located small wind energy systems shall meet the following criteria with respect to height:
    - a. The maximum CSWES height shall be sixty (60) feet at the highest point with one (1) of the blades at its highest vertical point.
    - b. The maximum height of the center of the turbine shall not exceed fifty-three (53) feet.
    - c. The maximum diameter of the blades from the lowest point to the highest point shall not exceed sixteen (16) feet.
  8. Temporary meteorological (met) towers shall be permitted under the same standards as those for a CSWES facility. Approval for a temporary met tower shall be valid for a maximum of thirty (30) days.
  9. Signs: All signs, other than the manufacturer's or installer's identification, and appropriate warning signs, shall be prohibited.
  10. Building Permit: Applicable building permits shall be required for a CSWES.
  11. FAA Height Restrictions: The system shall comply with all applicable Federal Aviation Administration requirements, including but not limited to Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports. These regulations apply to any installation within 20,000 feet of an airport and exceeding specific heights based on specific FAA and airport parameters.
  12. Abandoned/Inoperative CSWES: Any CSWES deemed to be abandoned or inoperative for a period of six (6) months, shall constitute a public nuisance pursuant to Chapter 8.28 of the Lancaster Municipal Code. The property owner shall abate such nuisance in accordance with Section 8.28.050, of the Lancaster Municipal Code. The city shall retain the right to abate such nuisance in accordance with the procedures and requirements of Chapter 8.28.
- F. The planning director may require additional design criteria or other information as deemed necessary to integrate the proposed CSWES with the surrounding area.
- (Ord. No. 941, § 2, 2-9-2010)



Figure 1 for Section 17.40.620

**WIND TURBINE SETBACK**

Rotor Diameter Versus Setback Distance



The results apply to horizontal and vertical axis wind turbines on towers less than 80' in height and are based on the maximum range a blade could travel under conditions outlined in "Wind Turbine Throw Range Analysis" NESEC report, March 1979

## Chapter 17.41 ADDITIONAL RESIDENTIAL USE REGULATIONS

### *Article I. Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) Regulations*

#### **17.41.010 Purpose of ADU and JADU regulations.**

The purpose of this article (Sections 17.41.010—17.41.020) is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code Sections 65852.2, 65852.22, and 65852.23.

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

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### 17.41.012 Definitions applicable to ADU and JADU regulations.

As used in this section, terms are defined as follows:

- A. "Accessory dwelling unit" or "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 a proposed or existing primary residence. An accessory dwelling unit also includes the following:
  - 1. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and
  - 2. A manufactured home, as defined by Section 18007 of the California Health and Safety Code.
- B. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
- C. "Complete independent living facilities" means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multi-family dwelling is or will be situated.
- D. "Efficiency kitchen" means a kitchen that includes all of the following:
  - 1. A cooking facility with appliances.
  - 2. A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the junior accessory dwelling unit.
- E. "High-quality transit corridor" shall have the meaning as set forth in Public Resources Code Section 21155.
- F. "Junior accessory dwelling unit" or "JADU" means a residential unit that satisfies all of the following:
  - 1. It is no more than 500 square feet in size.
  - 2. It is contained entirely within an existing or proposed single-family structure. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure.
  - 3. It includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure.
  - 4. If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling.
  - 5. It includes an efficiency kitchen, as defined in subsection D above.
- G. "Living area" means the interior habitable area of a dwelling unit, including habitable basements and attics, but does not include a garage or any accessory structure.
- H. "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
- I. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
- J. "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

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- K. "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- L. "State-exemption ADUs" means ADUs and JADUs allowed by Government Code Section 65852.2(e), which are limited to:
1. An ADU that is within the space of an existing or proposed single-family dwelling or accessory structure and, if located within an accessory structure, may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing structure. The additional square footage shall be limited to accommodating ingress and egress.
  2. A junior accessory dwelling unit as defined in this subsection that does not exceed 500 square feet.
  3. A detached, new construction, ADU that does not exceed 800 square feet, height in compliance with Section 21.78.050.D.1, and 4-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. A JADU as described in subparagraph (2) is also allowed on the same lot.
  4. Multiple ADUs within the portions of existing multi-family structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings; not to exceed 25% of the existing multi-family dwelling units.
  5. Not more than 2 ADUs that are located on a lot that has an existing multi-family dwelling, but are detached from that multi-family dwelling and are subject to a height limit of 18 feet and 4-foot rear yard and side setbacks.
- M. "Tandem parking" means that 2 or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

#### **17.41.014 ADU and JADU approvals.**

- A. Building Permit. Any ADU or JADU that complies with all of the applicable development standards of this article requires only a ministerial building permit.
- B. Review Timeline. The city shall approve or deny an application to create an ADU or JADU within 60 days from the date that the city receives a completed application. If the city has not approved or denied the completed application within 60 days, the application is deemed approved unless either:
1. The owner of the parcel requests a delay, in which case the 60-day time period is put on hold for the period of the requested delay; or
  2. When an application to create an ADU or JADU is submitted with an application to create a new single-family or multi-family dwelling on the same parcel, the city may delay acting on the permit application for the ADU or JADU until the city acts on the permit application to create the new single-family or multi-family dwelling, but the application to create the ADU or JADU will still be considered ministerial and acted upon without discretionary review or a hearing.
- C. Denial Requirements. If the city denies an application to create an ADU or JADU, the city must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding

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comments must be provided to the applicant within the 60-day time period established by subsection B above.

- D. Demolition Permit. A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

### **17.41.016 ADU and JADU development standards.**

- A. ADUs and JADUs on a Single-Family Lot. ADU and JADU standards for lots in a residential or mixed-use zone with a proposed or existing single-family dwelling shall comply with the following:
1. General Requirements.
    - a. Maximum Number. No more than one JADU and one ADU shall be allowed per legal parcel.
    - b. Minimum Size. The minimum size of an ADU or JADU shall be at least that of an efficiency unit as defined in Section 17958.1 of the Health and Safety Code.
    - c. JADU Requirements. JADUs shall comply with the requirements of Government Code Section 65852.22.
  2. Requirements for Interior ADU (Converted Space) on a Single-Family Lot.
    - a. Definition. An interior ADU is either:
      - 1) Within the space of an existing or proposed single-family dwelling; or
      - 2) Within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress.
    - b. Access. An interior ADU shall have exterior access that is independent of that for the single-family dwelling; and
    - c. Setbacks. An interior ADU shall have side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
  3. Requirements for Attached ADU on a Single-Family Lot.
    - a. Definition. An attached ADU is new construction that is attached to the primary structure and is not an interior ADU as defined in subsection A.2.a.
    - b. Maximum Size. An attached ADU shall not exceed 850 square feet for a studio or one-bedroom unit and 1,200 square feet for a unit with 2 or more bedroom. Application of the requirements of this subsection A.3 might further limit the size of the ADU; however, no application A.3.d.1 (front-yard setbacks) or A.3.e (maximum lot coverage) may require the ADU to be less than 850 square feet.
    - c. Maximum Height. An attached ADU shall not exceed 25 feet in height. Notwithstanding the foregoing, ADUs shall not exceed 2 stories.
    - d. Minimum Setbacks.
      - 1) Front-yard setback: 25 feet
      - 2) Side-yard setback: 4 feet
      - 3) Rear-yard setback: 4 feet
    - e. Maximum Lot Coverage.

Zone	Maximum Lot Coverage
RR-2.5, RR-1, SRR, R-15000, R-10,000	40%
R-7,000, MDR and HDR	50%
Mixed Use Zones	60%

4. Requirements for Detached ADU on a Single-Family Lot.

- a. Definition. A detached ADU is new construction that is detached from the primary structure and is not an interior ADU as defined in subsection A.2.a.
- b. Maximum Height. A detached ADU shall not exceed 18 feet in height, and up to 2 additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
- c. Minimum Setbacks.
  - 1) Front-yard setback: 25 feet
  - 2) Side-yard setback: 4 feet
  - 3) Rear-yard setback: 4 feet
- d. Maximum Lot Coverage.

Zone	Maximum Lot Coverage
RR-2.5, RR-1, SRR, R-15000, R-10,000	40%
R-7,000, MDR and HDR	50%
Mixed Use Zones	60%

5. Interior ADU Combined with New Construction. Where an ADU is created through a combination of conversion of an existing structure (interior ADU) and new construction (either attached ADU or detached ADU), the new construction portion of the project is subject to the development standards applicable to new construction standards for attached ADUs in subsection A.3 or detached ADU in subsection A.4, as applicable. If the interior ADU exceeds the maximum sizes indicated in subsections A.3 and A.4, no additional square footage shall be permitted.

B. ADUs on a Multi-Family Lot. ADU standards for lots in a residential or mixed-use zone with existing or proposed multi-family dwellings shall comply with the following:

1. General Requirements.
  - a. Maximum Number.
    - 1) Up to 25% of the number of units in the proposed or existing multi-family dwelling (but no less than one) shall be allowed as interior ADUs created within the space of the existing or proposed multi-family structure; and
    - 2) No more than 2 detached ADUs per lot.
  - b. Minimum Size. The minimum size of an ADU shall be at least that of an efficiency unit as defined in Section 17958.1 of the Health and Safety Code.
2. Requirements for Interior ADU (Converted Space) on a Multi-family Lot.
  - a. Definition. An interior ADU is created from space located within portions of existing or proposed multi-family dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages; and

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- b. Standards. An interior ADU shall comply with state building standards for dwellings.
  - 3. Requirements for Detached ADU on a Multi-family Lot.
    - a. Definition. A detached ADU is new construction that is detached from the primary structure and is not an interior ADU as defined in subsection B.2.a.
    - b. Maximum Size. A detached ADU shall not exceed 850 square feet for a studio or one-bedroom unit and 1,200 square feet for a unit with 2 or more bedrooms. Application of the requirements of this subsection B.3 might further limit the size of the ADU; however, no application of the requirements in subsection B.3.d.1 (front-yard setbacks) or B.3.e (maximum lot coverage) may require the ADU to be less than 850 square feet.
    - c. Maximum Height. Eighteen feet, and up to 2 additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary structure.
    - d. Minimum Setbacks.
      - 1) Front-yard setback: 25 feet
      - 2) Side-yard setback: 4 feet
      - 3) Rear-yard setback: 4 feet
    - e. Maximum Lot Coverage.

Zone	Maximum Lot Coverage
RR-2.5, RR-1, SRR, R-15000, R-10,000	40%
R-7,000, MDR and HDR	50%
Mixed Use Zones	60%

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

#### **17.41.018 ADU and JADU requirements.**

The following requirements apply to all ADUs and JADUs.

- A. Fire Sprinklers.
  - 1. Fire sprinklers are required in an ADU (attached, detached or conversions) and JADU if sprinklers are required in the primary residence.
  - 2. The construction of an ADU (attached, detached or conversions) or JADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
- B. Rental Term. No ADU or JADU may be rented for a term that is shorter than 30 days. This prohibition applies regardless of when the ADU or JADU was created.
- C. No Separate Conveyance. An ADU or JADU may be rented. However, except as otherwise provided in Government Code Section 65852.26, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multi-family lot).
- D. Septic System. If the ADU or JADU will connect to an onsite wastewater-treatment system, the owner must include with the application a percolation test completed within the last 5 years or, if the percolation test has been recertified, within the last 10 years.

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- E. Owner Occupancy. Except as specified in subsections 1 and 2, below, at least one person with legal or equitable title to the property on which an ADU or JADU is located must reside on that property as that person's legal domicile and permanent residence. The owner may reside in an ADU, JADU, or primary dwelling on the property.
1. Any ADU that is permitted after January 1, 2020, but before January 1, 2025, is not subject to any owner-occupancy requirements unless the property has both an ADU and a JADU, in which case the owner-occupancy requirements apply.
  2. The property on which a JADU is located is entirely owned by another governmental agency, land trust, or housing organization is not subject to any owner-occupancy requirement.
- F. Deed Restriction. Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the county recorder's office and a copy filed with the director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the city and must provide that:
1. Except as otherwise provided in Government Code Section 65852.26, the ADU or JADU may not be sold separately from the primary dwelling.
  2. The ADU or JADU is restricted to the approved size and to other attributes allowed by this chapter.
  3. The deed restriction runs with the land and may be enforced against future property owners.
  4. The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the director, providing evidence that the ADU or JADU has in fact been eliminated. The director may then determine whether the evidence supports the claim that the adu or jadu has been eliminated. appeal may be taken from the director's determination consistent with other provisions of this code. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this code.
  5. The deed restriction is enforceable by the director or his or her designee for the benefit of the city. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the city is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.
- G. Building and Safety.
1. Building Code Compliance. Subject to subsection 2, below, all ADUs and JADUs shall comply with all local building code requirements.
  2. No Change of Occupancy. Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code, unless the building official or code enforcement division officer makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection (subsection 17.41.018.G) prevents the city from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.
- H. Parking.

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1. Generally. One off-street parking space is required for each ADU in addition to parking spaces required for the primary residence(s) and subject to the following:
    - a. Parking must be located on the same parcel as the unit, on a paved surface, without encroachment beyond the parcel boundaries, and accessible by a paved pathway.
    - b. Parking may be provided as tandem parking, including on a paved driveway provided:
      - 1) No parking shall be permitted in the front setback unless the driveway has a minimum depth of 20 feet.
      - 2) Unless otherwise determined by the director to be infeasible for specific site or regional topographical or fire and life safety conditions.
  2. Exceptions.
    - a. Parking for the ADU or JADU. Parking required pursuant to subsection H.1, above, is not required if:
      - 1) The ADU is an interior ADU that is converted from proposed or existing space of a primary dwelling/structure or existing accessory structure; or
      - 2) The ADU is located within one-half mile walking distance of public transit, as defined in Section 17.41.012.
      - 3) The ADU is an ADU or JADU that meets the definition of state-exemption ADU in Section 17.41.012.
    - b. Replacement Parking. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU on the same parcel to be converted to an ADU, those off-street parking spaces are not required to be replaced. This provision does not apply where a JADU is established by conversion of any attached garage; in which case, the loss of parking spaces serving the single-family residence shall be replaced in kind.
  3. Parking Design.
    - a. Dimensions. The parking for the ADU or JADU shall be provided by a 10-foot by 20-foot space located either inside a garage or carport, or on a driveway.
    - b. Turn Arounds. Parking spaces for ADUs and JADUs shall not block circular drives or hammerhead turn-arounds that serve the primary dwelling unit to provide means by which vehicles can enter a street head-first.

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

#### **17.41.020 ADU and JADU nonconforming zoning code conditions, building code violations, and unpermitted structures.**

- A. Generally. The city will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.
- B. Unpermitted ADUs constructed before 2018.
  1. As required by state law, the city may not deny a permit to legalize an existing but unpermitted ADU that was constructed before January 1, 2018, if denial is based on either of the following grounds:
    - a. The ADU violates applicable building standards, or



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- b. The ADU does not comply with the state ADU law (Government Code Section 65852.2) or this ADU ordinance (Chapter 17.41, Article I (Sections 17.41.010—17.41.020)).
2. Exceptions:
- a. Notwithstanding subsection B.1.a, above, the city may deny a permit to legalize an existing but unpermitted ADU that was constructed before January 1, 2018, if the city makes a finding that correcting a violation is necessary to protect the health and safety of the public or of occupants of the structure.
  - b. Subsection B.1.a, above, does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code Section 17920.3.

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

## ***Article II. Density Bonus***

### **17.41.030 Density bonus purpose.**

The purpose of this article is to establish a program in accordance with Section 65915 et seq. of the California Government Code to provide both density increases and other incentives to encourage the creation of housing affordable to moderate-, low-, and very low-income households and units intended to serve seniors, transitional foster youth, disabled veterans, homeless persons, and lower income in the threshold amounts specified in state law.

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

### **17.41.032 Density bonus applicability.**

- A. General. All proposed housing developments that qualify under California Government Code Section 65915 for a density increase and other incentives, and any qualified land transfer under California Government Code Section 65915 shall be eligible to apply for a density bonus (including incentives and/or concessions) consistent with the requirements, provisions and obligations set forth in California Government Code Section 65915, as may be amended.
- B. Compliance. The applicant shall comply with all requirements stated in Government Code Sections 65915 through 65918. The requirements of Government Code Sections 65915 through 65918, and any amendments thereto, shall prevail over any conflicting provision of this code.
- C. Excluded Development. An applicant shall not receive a density bonus or any other incentive or concession if the housing development would be excluded under Government Code Section 65915.
- D. Interpretation. The provisions of this subdivision shall be interpreted to implement and be consistent with the requirements of Government Code Section 65915. Any changes to Government Code Section 65915 shall be deemed to supersede and govern over any conflicting provisions contained herein. If any portion of this article conflicts with State Density Bonus Law or other applicable state law, state law shall supersede this section. Any ambiguities in this article shall be interpreted to be consistent with State Density Bonus Law.
- E. Replacement Housing Requirement. Pursuant to subdivision (c)(3) of Government Code Section 65915, the applicant will be ineligible for a density bonus or other incentives unless the applicant complies with the replacement housing requirements therein, including in the following circumstances:

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1. The housing development is proposed on any parcel(s) on which rental dwelling units are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income;
  2. The housing development is proposed on any parcel(s) on which rental dwelling units that were subject to a recorded covenant, ordinance, or law that restricted rents to levels affordable to persons and families of lower or very low income have been vacated or demolished in the 5-year period preceding the application;
  3. The housing development is proposed on any parcel(s) on which the dwelling units are occupied by lower or very low-income households; or
  4. The housing development is proposed on any parcel(s) on which the dwelling units that were occupied by lower or very low-income households have been vacated or demolished in the 5-year period preceding the application.

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

#### **17.41.034 Density increase and other incentives/concessions.**

- A. General. If a qualifying affordable housing project or land transfer meets the criteria of California Government Code Section 65915 et seq., the project shall be granted a density bonus, the amount of which shall be as specified in California Government Code Section 65915 et seq., and incentives or concessions also as described in California Government Code Section 65915 et seq.
- B. Density Bonus Units. Except as otherwise required by Government Code Section 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.
- C. Market-Rate Senior Citizen Housing Developments. Market-rate senior citizen housing developments that qualify for a density bonus shall not receive any other incentives or concessions, unless Government Code Section 65915 is amended to specifically require that local agencies grant incentives or concessions for senior citizen housing developments.

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

#### **17.41.036 Physical constraints and parking waivers.**

- A. Physical Constraints. Except as restricted by Government Code Section 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. The city shall approve a waiver or reduction of a development standard, unless it finds that:
  1. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;
  2. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical

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- environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact;
3. The waiver or reduction of the development standard would have an adverse impact on any real property that is listed in the California Register of Historical Resources; or
  4. The waiver or reduction of the development standard would be contrary to state or federal law.
- B. Parking. The applicant may request, and the city shall grant, a reduction in parking requirements in accordance with Government Code Section 65915(p), as that section may be amended from time to time.
- (Ord. No. 1106, § 4(Exh. A), 10-10-2023)

#### **17.41.038 Retention of density bonus units.**

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

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

#### **17.41.040 Application procedure for density increase or other incentives/concessions.**

- A. An application for a density increase or other incentives under this article for a housing development shall be submitted in writing to the city to be processed concurrently with all other entitlements of the proposed housing development. The application for a housing development shall contain information sufficient to fully evaluate the request under the requirements of this article, and in connection with the project for which the request is made, including, but not limited to, the following:
1. A brief description of the proposed housing development;
  2. The total number of housing units and/or shared housing units proposed in the development project, including unit sizes and number of bedrooms. For the purposes of this section, a "shared housing unit" means one or more habitable rooms, not within another dwelling unit, that includes a bathroom, sink, refrigerator, and microwave, is used for permanent residence, that meets the "minimum room area" specified in Section R304 of the California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations), and complies with the definition of "guestroom" in Section R202 of the California Residential Code;
  3. The total number of units proposed to be granted through the density increase and incentive program over and above the otherwise maximum density for the project site;
  4. The total number of units to be made affordable to or reserved for sale, or rental to, very low, low- or moderate-income households, or senior citizens, or other qualifying residents;
  5. The zoning, general plan designations and assessor's parcel number(s) of the project site;
  6. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveway(s) and parking layout;
  7. Within zones that rely on a form based code, a base density study that identifies the density feasible on the site without incentives, concessions or density bonuses;
  8. The proposed method of ensuring the continued availability of the density bonus units; and

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9. A list of any concession(s) or incentive(s) being requested to facilitate the development of the project, and a description of why the concession(s) or incentive(s) is needed.
- B. The application shall be considered by the planning commission and/or the city council at the same time each considers the project for which the request is being made. If the project is not to be otherwise considered by the planning commission or the city council, the request being made under this article shall be considered by the community development director or designee, separately. The request shall be approved if the applicant complies with the provisions of California Government Code Section 65915 et seq.
- (Ord. No. 1106, § 4(Exh. A), 10-10-2023)

### ***Article III. Two-Unit Projects***

#### **17.41.050 Two-unit projects purpose.**

The purpose of this article (Sections 17.41.050 through 17.41.058) is to allow and appropriately regulate two-unit projects in single-family residential zones (rural residential RR-2.5, rural residential RR-1, semi-rural residential SRR, residential R-15,000, residential R-10,000, and residential R-7,000) in accordance with Government Code Section 65852.21.

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

#### **17.41.052 Definitions.**

- A. "Accessory dwelling unit" (ADU) shall have the same meaning as specified in Section 17.41.012.
- B. "Dwelling unit" shall have the same meaning as specified in Section 17.04.240.
- C. "Individual property owner" means a natural person holding fee title individually or jointly in the person's own name or a beneficiary of a trust that holds fee title. "Individual property owner" does not include any corporation or corporate person of any kind (partnership, limited partnership, limited liability company, C corporation, S corporation) except for a community-based land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified non-profit corporation (as defined by Section 214.15).
- D. "Junior accessory dwelling unit" (JADU) shall have the same meaning as specified in Section 17.41.012.
- E. "Primary dwelling unit" means a single-family residence on the parcel and is the larger of the 2 if there is an existing accessory dwelling unit on the parcel.
- F. "Two-unit project" means the development of 2 primary dwelling units, or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot in accordance with the requirements of this section.
- G. "Urban lot split" shall have the same meaning as specified in Section 16.17.020.A.

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

#### **17.41.054 Applications.**

- A. Only an individual property owner may apply for a two-unit project.
- B. An application for a two-unit project must be submitted on the city's approved form. Only a complete application will be considered.

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- C. The applicant must obtain a certificate of compliance pursuant to the subdivision map act for the lot and provide the certificate with the application for a two-unit project.
  - D. The city may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The city council may establish and change the fee by resolution. The fee must be paid with the application submittal.

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

#### **17.41.056 Approval.**

- A. An application for a two-unit project is approved or denied ministerially by the community development director without discretionary review.
- B. The ministerial approval of a two-unit project does not take effect until the city has confirmed that the required documents, including but not limited to, deed restrictions and easements, have been recorded.
- C. The approval must require the owner and applicant to hold the city harmless from all claims and damages related to the approval and its subject matter.
- D. The approval must require the owner and applicant to reimburse the city for all costs of enforcement, including attorneys' fees and costs associated with enforcing the requirements of this code.

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

#### **17.41.058 Requirements.**

A two-unit project must satisfy each of the following requirements:

- A. Subdivision Map Act Compliance. The lot must have been legally subdivided.
- B. Zone. The lot is in a single-family residential zone (rural residential RR-2.5, rural residential RR-1, semi-rural residential SRR, residential R-15,000, residential R-10,000, and residential R-7,000).
- C. Lot Location. Two-unit project lot shall not be located on a site that is any of the following:
  - 1. Prime farmland, farmland of statewide importance, as defined pursuant to the United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the farmland mapping and monitoring program of the department of conservation, or land that is zoned or designated for agricultural protection or preservation by a local ballot measure.
  - 2. A wetland that would prevent development of the two-unit project lot.
  - 3. Within a high fire hazard severity zone as determined by the California Department of Forestry and Fire Protection pursuant to Government Code Section 51178, or as indicated on maps adopted by the said department pursuant to Public Resources Code Section 51179(b), unless the site complies with all fire hazard mitigation measures required by existing building standards or state fire mitigation measures applicable to development.
  - 4. A hazardous waste site pursuant to Government Code Section 65962.5 or a hazardous waste site designated by the California Department of Toxic Substances Control pursuant to Section 25356 of the State Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or State Department of Toxic Substances control has cleared the site for residential use.

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5. Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.
  6. Within a 100-year flood hazard area as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA. However, a development may be located on a lot described herein if the lot is otherwise eligible for approval under the provisions of this code and the applicant is able to satisfy all applicable federal qualifying criteria demonstrating the site has either:
    - a. Been subject to a letter of map revision prepared by FEMA and issued to the city; or
    - b. Meets FEMA requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 and Part 60 of Subchapter 8 of Chapter 1 of Title 44 of the Code of Federal Regulations.
  7. Within a regulatory floodway as determined by FEMA in any official maps published by FEMA, unless the development has received a no-rise certification in accordance with § 60.3(d)(3) of Title 44 of the Code of Federal Regulations.
  8. Encumbered with a conservation easement or identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act, habitat conservation plan pursuant to the Federal Endangered Species Act, or other adopted natural resource protection plan.
  9. Containing habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the Federal Endangered Species Act, the State Endangered Species Act, or the Native Plant Protection Act that would prevent development of the site.
  10. Areas encumbered by a recorded easement that would prevent development of the site.
  11. Containing a residential use in a zone other than those stated herein.
- D. No Impact on Protected Housing.
1. The two-unit project must not require or include the demolition or alteration of any of the following types of housing:
    - a. Housing that is income-restricted for households of moderate, low, or very low income, as defined by the state.
    - b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
    - c. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Government Code Sections 7060—7060.7) at any time in the 15 years prior to submission of the two-unit project.
    - d. Housing that has been occupied by a tenant in the last 3 years.
  2. As part of the two-unit project application, the applicant and the owner of the property must provide a sworn statement by affidavit representing and warranting that this subsection 17.041.058.D is satisfied. The sworn statement must state that:
    - a. No housing that is income-restricted for households of moderate, low, or very low income will be demolished or altered.
    - b. No housing that is subject to any form of rent or price control will be demolished or altered.

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- c. No housing that has been withdrawn from rental or lease under the Ellis Act at any time in the last 15 years will be demolished or altered.
    - d. No housing that has been occupied by a tenant in the last 3 years will be demolished or altered.
  - 3. The city may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby properties. The city may require additional evidence of the applicant and owner, as necessary, to determine compliance with this requirement.
  - E. Existing Structures. The proposed dwelling unit development shall not include the demolition of more than 25% of the existing exterior structural walls unless the site has not been occupied by a tenant in the last 3 years.
  - F. Unit Standards. The two-unit project shall comply with all of the following standards. Notwithstanding any provisions in this subsection, and with the exception of side and rear yard setbacks, any of the following development or design standards that physically preclude the development of 2 dwelling units from each being 800 square feet in floor area, as determined by the director of community development shall be waived.
    - 1. Quantity.
      - a. No more than 2 dwelling units of any kind may be built as part of a two-unit project.
      - b. The following development is permitted on each lot, including each of the 2 lots resulting from an urban lot split:
        - 1) One attached duplex unit; or
        - 2) Two primary dwelling units; or
        - 3) A primary dwelling unit and an ADU; or
        - 4) A primary dwelling unit and a JADU.
    - 2. Structures. Structures shall not be located in areas encumbered by a recorded easement.
    - 3. Unit Size.
      - a. The total floor area of each primary dwelling that is developed under this section must be less than or equal to 800 square feet and more than 500 square feet.
      - b. A primary dwelling that was legally established prior to the two-unit project and that is larger than 800 square feet is limited to the maximum floor area allowed for that zone at the time of the urban lot split. It shall not be expanded.
      - c. A primary dwelling that was legally established prior to the two-unit project and that is smaller than 800 square feet may be expanded to 800 square feet but no greater.
      - d. Basements shall not be permitted.
      - e. The combined maximum floor area on the lot, inclusive of both units, shall be 1,700 square feet.
      - f. If the lot is fully developed with the number of units permitted under this article, then the applicant or property owner shall record a deed restriction in a form approved by the city attorney's office stipulating that no further development on the lot is permitted.
    - 4. Height Restrictions.

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- a. No new primary dwelling unit shall exceed a single story.
    - b. No new primary dwelling unit shall exceed 22 feet in height measured from natural grade to peak of the structure.
    - c. No rooftop deck is permitted on any new or remodeled dwelling or structure on a lot resulting from the provisions of this article.
  5. Lot Coverage. Development shall not exceed 50% lot coverage.
  6. Setbacks. All setbacks must conform to those objective setbacks of the underlying zone, except for the following:
    - a. Existing Structures. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.
    - b. Side and Rear Setbacks. Setback areas shall be a minimum 4 feet from a side or rear property line.
    - c. Front Setback. Notwithstanding any other part of this code, dwellings that are constructed pursuant to this article shall be at least 25 feet from the front property line. The front setback area must:
      - 1) Be kept free from all structures higher than 3 feet;
      - 2) Be at least 50% landscaped with drought-tolerant plants, with vegetation and irrigation plans approved by a licensed landscape architect;
      - 3) Allow for vehicular and fire-safety access to the front dwelling unit; and
      - 4) All portions of the dwelling units constructed pursuant to this article, including eave overhangs and other projections, shall meet the required setbacks as set forth in this section.
  7. Parking. At least one off-street parking space shall be provided per dwelling unit, unless either of the following applies:
    - a. The lot is located within one-half mile walking distance of either a high-quality transit corridor according to subdivision (b) of Section 21155 of the Public Resources Code with fixed route bus service with service intervals of no longer than 15 minutes during peak commute hours, or a major transit stop consisting of an existing rail or bus rapid transit station, as defined in Section 21064.3 of the Public Resources Code.
    - b. There is a car share vehicle located within one block of the lot.
  8. Driveways.
    - a. Driveway access to all new units shall comply with city standard details and specifications for driveways and turnarounds.
    - b. A two-unit project shall be constructed on a lot that has access to, provides access to, or adjoins, a public right-of-way. Any urban lot split created shall ensure that each lot has access to, provides access to, or adjoins a public right-of-way.
  9. Design Standards. The objective design standards in Article IV of this Chapter (Chapter 17.41) shall apply to all dwellings except accessory dwelling units. If there is a conflict between this Article and Article IV, this Article shall prevail. Accessory dwelling units are subject to Chapter 17.41, Article I.



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10. Landscaping. Evergreen landscape screening shall be planted and maintained between each detached dwelling unit and adjacent lots, but not rights-of-way, as follows:
    - a. At least one 15-gallon size plant or tree shall be provided for every 5 linear feet of exterior wall, or at least one 24-inch box size plant or tree shall be provided for every 10 linear feet of exterior wall, or a solid fence of at least 6 feet in height shall be installed.
    - b. All landscaping shall be drought tolerant.
    - c. All landscaping shall be from the city's approved plant list.
  - G. Nonconforming Conditions. A two-unit project may be approved without requiring a legal nonconforming zoning condition to be corrected.
  - H. Utilities.
    1. All dwelling units shall be connected to public water utilities and to either public sewer or an onsite wastewater treatment system.
    2. Each primary dwelling unit must have its own direct utility connection to the utility service provider.
    3. Each dwelling unit that is or that is proposed to be connected to an onsite wastewater treatment system must first have a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years.
    4. All electric and utility services to a new dwelling unit shall be underground.
  - I. Building and Safety. All structures built on the lot must comply with all current city building standards.
  - J. Regulation of Uses.
    1. Residential Only. No non-residential use shall be permitted on the lot except home occupations pursuant to Lancaster Municipal Code Section 17.08.200 (Home Occupations).
    2. Short-Term Rentals. No dwelling unit on a lot shall be rented for a period of less than 30 days.
    3. Owner Occupancy. The property owners of a lot with a two-unit project must occupy one of the dwellings on the lot as the owners' principal residence and legal domicile. In the case of an urban lot split, the property owner shall occupy at least one of the units for a period of not less than 3 years.
  - K. Notice of Construction.
    1. At least 30 business days before starting any construction of a two-unit project, the property owner shall provide written notice to all the owners of record of each adjacent lot that is zoned for residential use, which notice shall include the following information:
      - a. Statement that construction has been authorized;
      - b. Anticipated construction start and end dates;
      - c. Hours of construction;
      - d. Contact information for the project manager for construction related complaints; and
      - e. Contact information for the building and safety department.
    2. The notice requirement is solely for informational purposes and does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued.

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- L. Deed Restriction. The owner shall record a deed restriction, acceptable to the city, on each two-unit project lot that provides each of the following:
1. Expressly prohibits any rental of any dwelling unit on the property for a period of less than 30 days.
  2. Expressly prohibits any non-residential use of the lots.
  3. Expressly prohibits any separate conveyance of a primary dwelling unit on the property, any separate fee interest, and any common interest development within the lot.
  4. States that development on the lot is limited to the dwelling units under Section 17.41.058.F.1 except as required by state law.
- M. Specific Adverse Impacts.
1. Notwithstanding anything else in this section, the city may deny an application for a two-unit project if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a specific, adverse impact on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
  2. "Specific adverse impact" has the same meaning as in Government Code Section 65589.5(d)(2): "a significant, quantifiable direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" and does not include either (1) inconsistency with the zoning ordinance or general plan land use designation, or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code Section 214(g).
  3. The building official may consult with and be assisted by planning staff and others as necessary in making a finding of specific, adverse impact.
- N. Remedies. If a two-unit project violates any part of this code or any other legal requirement, the following apply:
1. The buyer, grantee, or lessee of any part of the property has an action for damages or to avoid the deed, sale, or contract.
  2. The city may:
    - a. Bring an action to enjoin any attempt to sell, lease, or finance the property.
    - b. Bring an action for other legal, equitable, or summary remedy, including but not limited to, declaratory and injunctive relief.
    - c. Pursue criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to \$10,000.00, or both; or a misdemeanor.
    - d. Record a notice of violation.
    - e. Withhold any or all future permits and approvals.
    - f. Pursue all other administrative, legal, or equitable remedies that are allowed by law or the city's code.

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

## ***Article IV. Objective Design Standards (ODS)***

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### **17.41.070 ODS purpose.**

The objective design standards (ODS) in Article IV of this chapter (Sections 17.41.070 through 17.41.088) draw from and complement existing context-based design criteria set forth in other sections of this Title 17 and the general plan. The purposes of the ODS are to:

- Provide long-term value to neighborhoods and districts through high design quality site planning and building design;
- Encourage design approaches that encourage pedestrian and non-motorized vehicle use;
- Reduce barriers to housing for very low-, low-, or moderate-income households; and
- Accelerate housing production through the clear communication of design objectives and efficient permitting process for qualifying residential and mixed-use development projects pursuant to Government Code Section 65589.5 and Section 65913.4.

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

### **17.41.072 ODS applicability and procedures.**

- A. Applicable developments. This article establishes ODS for all residential projects and mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use.
- B. Alternative review process. Residential and mixed use developments that are subject to this article must be consistent with each of the applicable ODS included herein. However, applicants who cannot or do not wish to meet one or more of the ODS in this article can request a design modification in accordance with Section 17.41.100.

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

### **17.41.074 Site design and pedestrian connections and amenities—All projects.**

- A. Purpose. These objective site design and pedestrian improvement regulations are established to help ensure that new residential and mixed use development provides connectivity, both physically and visually, that designs encourage pedestrian and non-motorized vehicle use, and help ensure separation of motor vehicle circulation from pedestrians and cyclists.
- B. Internal circulation requirements for residential and mixed use projects in all zones.
  - 1. An internal system of pedestrian walkways shall be designed that provides direct access connections to and between the following:
    - a. Entrances to each primary structure;
    - b. Off-street parking areas or parking structures; and
    - c. The public sidewalk system along the perimeter streets abutting the development.
  - 2. All required pedestrian walkways shall be hard surfaced and a minimum of 4 feet wide.
  - 3. Subdivisions of more than 40 lots and multi-dwelling development of more than 40 units shall have at least one entryway feature that identifies the development for motorists.
    - a. At a minimum, the entry feature shall include the following elements:

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- 1) A landscaped area of at least 32 square feet.
  - 2) A monument sign with the name of the subdivision or multi-dwelling development in a font legible to motorists.
  - b. Entryway features meeting this standard shall be located at the primary entryway to the subdivision or multi-dwelling development. The primary entryway is the one that is forecast to receive the greatest average daily vehicle trips.
  4. If a new cul-de-sac is planned that will serve more than 6 dwelling units, it shall be designed to provide pedestrian and bicycle through-access via a paseo or similar feature at the end of the cul-de-sac connecting to adjacent streets or publicly accessible open space. This standard does not apply to cul-de-sacs where connectivity is precluded by existing development or other features.
  5. On new local residential streets and on private roadways within developments serving at least 40 dwelling units, at least 2 of the following traffic-calming measures shall be used to reduce automobile speed:
    - a. Corner bulb-outs.
    - b. Mid-block bump-outs.
    - c. Tree plantings.
    - d. Enhanced paving at crosswalks.
  - C. Site design requirements for residential and mixed-use projects in mixed use zones.
    1. Site designs shall utilize a grid or modified-grid block pattern to maximize access and circulation efficiency.
    2. Individual residential driveways shall not take access from arterial or collector streets. Vehicle access shall be via alleys or local streets. Where provided, alleys shall include enhanced paving, landscape pockets, and night-time lighting.
    3. Non-residential loading and service areas shall not be located between the building and the primary street frontage.

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

#### **17.41.076 Building architecture and form—Residential single-unit and multi-unit buildings up to 4 units.**

- A. Purpose. These objective building architecture and form regulations are established to help ensure that new residential single-unit and multi-unit buildings up to 4 units provide long-term value to neighborhoods and districts through high design quality building design and enhanced elevations for residential structures that contribute to an attractive neighborhood streetscape.
- B. Objective design standards for residential single-unit and multi-unit buildings up to 4 units in all zones.
  1. Building facades shall be articulated by variation in massing, roof form, and wall planes. This standard shall be met by providing wall plane variation on front and street side facades as specified below.
    - a. For any front or street side building facade longer than 25 feet in length, blank walls shall not exceed 25 feet. Wall plane variation of at least 2 feet in depth and 5 feet in length shall be provided for relief for every 25 feet of building facade.

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- b. In lieu of a wall plane variation, pop-out elements such as bay windows and porches may be provided to achieve the same effect. Bay windows shall extend a minimum of one foot from the building facade. Porches shall extend a minimum of 5 feet from the building facade.
  2. For structures containing 2 or more primary units, multiple colors, materials, textures, and applied finishes shall be used to help break up wall massing. This standard shall be met if a minimum of 2 exterior building materials, or a different application of the same material, are used on the front and street side facades. Glass for windows shall not be considered one of the 2 materials.
  3. Distinctive entries, porches, balconies, and window treatments shall be used on all street-oriented building facades. This standard shall be met by providing the entryway and window features as follows:
    - a. The primary entrance for each dwelling unit must be within 8 feet of the longest street-facing wall of that unit and face the street. Units which are located above or behind other units are exempt from this standard.
    - b. Entryways shall consist of one of the following:
      - 1) A front porch with a minimum depth of 5 feet, as measured from the building facade to the posts, and a minimum length of 8 feet; or
      - 2) A recess or stoop measuring at least 4 feet by 4 feet which is well defined by a gabled entry, distinct change in roof line or columns, or has some other significant architectural distinction.
    - c. The primary entrance shall be directly accessible from an adjacent sidewalk. Where no sidewalk exists, the connection shall be to the abutting public street. On corner lots, the primary entrance can be oriented toward either street.
    - d. At least 15% of the area of each facade that faces a street lot line must be windows or main pedestrian entrance doors. All windows on a street-facing facade may be counted toward meeting this standard.
  4. Residential buildings shall use tile roofing (concrete, ceramic, etc.). Exceptions: Other roofing material may be permitted when consistent with existing adjacent properties provided that asphalt shingles are prohibited on lots that are adjoining a public street and corrugated metal, galvanized metal, and similar sheets and panels are prohibited for use in all roof structures.
  5. The length of the garage wall facing the street may be up to 50% of the length of the street-facing building facade. Roll-up garage door types are permitted. Swing-out garage doors are prohibited.
  6. Builders of residential subdivisions shall ensure architectural variation by providing a minimum of the following combinations, dependent on the proposed number of residential units in the development:

Proposed number of residential units	Minimum number of elevations
Fewer than 20 units	3
20 to 50 units	3
50 to 100 units	4
100 units or greater	5

In no instance shall 2 homes of the same model and floor plan be built adjacent to each other or directly across the street from each other.

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

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**17.41.078 Building architecture and form—Residential multi-unit buildings (5 or more units) and mixed use projects.**

- A. Purpose. These objective building architecture and form regulations are established to help ensure that new residential multi-unit buildings (5 or more units) and mixed use projects provide long-term value to neighborhoods and districts through high design quality building design and enhanced elevations for residential structures that contribute to an attractive neighborhood streetscape.
- B. Objective design standards for residential multi-unit buildings (5 or more units) and mixed use projects in all zones.
1. Building facades shall be articulated by variation in massing, roof form, and wall planes. This standard shall be met if:
    - a. At least 25% of the area of a street-facing facade is divided into facade planes that are off-set by at least 2 feet in depth from the rest of the facade. Facade area used to meet the facade articulation standard may be recessed behind, or project out from, the primary facade plane, but projections into street right-of-way do not count toward meeting this standard.
    - b. All street facing facades shall include a minimum of 2 of the architectural features listed below:
      - 1) Recessed entrance(s): 3 to 6 feet deep (relative to building facade).
      - 2) Eaves: overhang of not less than 12 inches.
      - 3) Offset: offset in facade or roof of at least 2 feet that extends for at least 4 feet.
      - 4) Bay window: projects from front elevation by not less one foot; up to a maximum of 2 feet.
      - 5) Balcony: one per dwelling unit facing the street, with a minimum depth of 3 feet.
    - c. Building setbacks and wall alignments shall be varied along facades abutting property zoned Rural Residential and Urban Residential (RR-2.5, RR-1, SRR, R-7,000, R-10,000, or R-15,000 zones).  
Wall plane variation of at least 2 feet in depth and 5 feet in length shall be provided for relief for every 50 linear feet of building facade.
    - d. Rooflines shall be vertically articulated at a maximum of 50-foot intervals along all street frontages through one of the following techniques:
      - 1) A change in height of a minimum 4 feet;
      - 2) A change in roof pitch, plane, or form; or
      - 3) The inclusion of dormers, gables, parapets, varying cornices, and/or clerestory windows.
  2. Multiple colors, materials, textures, and applied finishes shall be used to break up wall massing. This standard shall be met if a minimum of 2 exterior building materials, or a different application of the same material, are used on all facades. Glass for windows shall not be considered one of the 2 materials. Prohibited materials include vinyl and aluminum siding, T-111 plywood siding, and exterior insulation finishing system (EIFS).
  3. Distinctive entries, porches, balconies, and window treatment shall be provided on street-facing facades. This standard shall be met, if:
    - a. Buildings adjacent to the street have at least one primary building entry oriented to the street. Direct pedestrian access shall be provided between the public sidewalk and the primary building entries. Buildings that are not adjacent to the street shall have front entries that are oriented

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toward the common driveway or other common areas, such as paseos, forecourts, common walkways, and useable open space; and

- b. Residential entries provide transitional spaces between public areas fronting the primary street and entrances. This type of element or equivalent shall be required for each unit or group of units; but no less than one of this type of element shall be provided. Building entrances shall incorporate at least one of the following transitional space entry features:
  - 1) Stoop (at least 4 feet by 4 feet and no higher than 5 feet in height).
  - 2) Porch (at least 6 feet by 8 feet for common entries and at least 5 feet by 8 feet for individual entries).
  - 3) Overhang (if building has a shared lobby) with a recessed depth of at least 3 feet.
- c. Nonresidential entries shall incorporate at least one of the following entry features:
  - 1) Shopfront - a frontage where the main facade of the building is at or near the right-of-way/property line, with the building entrance at the sidewalk grade. For the purposes of this standard, "near the right-of-way/property line" means within 10 feet of the required maximum setback (or build-to line) applicable to the site frontage.
  - 2) Gallery - a frontage where the main facade of the building is aligned at or close to the right-of-way/property line and the gallery element (an attached cantilevered shed roof or colonnade) overlaps the sidewalk. Galleries shall have a consistent depth along the frontage of at least 10 feet. An encroachment permit is required for any structure in the public right-of-way.
  - 3) Forecourt - a frontage where a portion of the main facade of the building is at or near the right-of-way/property line and a central portion is set back, creating a courtyard. For the purposes of this standard, "near the right-of-way/property line" means within 10 feet of the required maximum setback (or build-to line) applicable to the site frontage.
  - 4) Commercial Terrace - a frontage where a terrace extends along the building's frontage providing public (non-vehicular) circulation, outdoor uses and access to the commercial pace entries.
- d. At least 20% of the area of each facade that faces a street lot line must consist of windows or main entrance doors. Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. To count toward meeting this standard, a door must be at the main entrance and facing the street property line.
- e. Additional ground-floor window requirement for mixed use buildings. The following ground-floor window standards apply to the portion of a building with ground-floor commercial uses. For the purposes of this paragraph, ground-floor wall area includes exterior wall area from 2 feet to 10 feet above the finished grade. Required ground-floor windows must be windows in walls or entrances that allow views into working area or display windows (must be at least 24 inches deep set into a wall). The bottom of qualifying windows must be no more than 4 feet above the adjacent exterior grade:
  - 1) Windows must cover at least 40% of the ground floor wall area of the portion of a building that has a ground-floor commercial use when the ground-floor wall is located closer than 5 feet from a street lot line.
  - 2) Windows must cover at least 25% of the ground floor wall area of the portion of building that has a ground-floor commercial use when the ground floor wall is located 5 feet or more from a street lot line.

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4. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators, must be screened from view from the street and any abutting residential zones by walls, fences, or vegetation. Vegetative screening shall consist of an evergreen hedge maintained at least 2 feet wide hedge that will be tall enough at maturity to screen the equipment. Mechanical equipment placed on roofs must be screened in one of the following ways:
    - a. A parapet that is as tall as the tallest part of the equipment;
    - b. A screen around the equipment that is as tall as the tallest part of the equipment; or
    - c. The equipment is set back from roof edges 3 feet for each foot of height of the equipment.

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

#### **17.41.080 Transitions and screening—Residential multi-unit buildings (5 or more units) and mixed use projects.**

- A. Purpose. These objective regulations for transitions and screening are established to help ensure that new residential multi-unit buildings (5 or more units) and mixed use projects provide visual and privacy transitions between proposed higher-intensity developments and adjacent, less-intensive uses.
- B. Objective design standards for residential multi-unit buildings (5 or more units) and mixed use projects in all zones.
  1. The heights of structures at the edge of multi-unit residential and mixed-use developments shall be "stepped down" to match or complement the maximum height of buildings allowed on any abutting property zoned Rural Residential and Urban Residential (RR-2.5, RR-1, SRR, R-7,000, R-10,000, or R-15,000). This standard shall be met by the following transition of allowed building height adjacent to the Urban Residential zone.
    - a. On the portion of a site within 25 feet of a lot line abutting a site zoned Urban Residential, the maximum allowed step-down height shall be 35 feet.
    - b. Sites with property lines that abut a site zoned Urban Residential for less than a 5-foot length are exempt from this standard.
  2. Windows on multi-unit residential and mixed-use developments shall be designed to protect privacy of adjacent residentially zoned properties. This standard applies to new windows above the first story that are within 20 feet of, and would have an uninterrupted line of sight to, one or more windows an existing interior residential space. Opaque or clerestory windows shall be used, or windows shall be located at least 5 feet above the finished floor, as measured from the bottom of the window/windowsill.
  3. A masonry wall or fence (wrought iron and tubular steel) of not less than 5 nor greater than 6 feet in height shall be provided at the property line as follows:
    - a. Around the perimeter of a residential subdivision. This standard does not apply where the perimeter is coterminous with front lot lines or vehicle or pedestrian access points.
    - b. Around the perimeter of a multi-dwelling (with more than 5 units) development site or mixed use development site. On multi-dwelling sites with fewer than 40 units, this standard only applies where the site abuts a lot zoned Rural Residential and Urban Residential (RR-2.5, RR-1, SRR, R-7,000, R-10,000, or R-15,000). This standard does not apply where the perimeter is coterminous with the front lot line or vehicle or pedestrian access points.

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)



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#### **17.41.082 Open space and common areas.**

- A. Purpose. These objective open space and common area regulations are established to help ensure that new residential and mixed use projects provide private and common outdoor areas where residents can relax, recreate, meet neighbors, and enjoy the benefits of outdoor air, all things known to enhance quality of life.
- B. Objective Design Standards for Residential and Mixed Use Projects in All Zones.
  - 1. For multi-family residential developments with more than 20 units, including townhouse developments, centralized open space and community facilities shall be provided to serve residents of the development. This standard shall be met by providing common open space areas consistent with the following requirements:
    - a. At least 15% of the total gross development area shall be common open space.
    - b. Setback areas shall not be used to satisfy common open space requirements.
    - c. Common open spaces, such as forecourts and gardens, shall have a minimum dimension of 40 feet in any direction, building face to building face.
    - d. A minimum of 50% of the open space area shall be landscaped with live plant material suitable for the desert climate.
    - e. A minimum of 3 of the following activating features shall be incorporated into open spaces:
      - 1) Fixed or movable seating.
      - 2) Picnic style tables.
      - 3) Shade trees or shaded canopy.
      - 4) Outdoor kitchen equipment.
      - 5) Children's play equipment.
      - 6) Public art or interactive art, such as a life-size chess game.
      - 7) Water feature (in conformance with sustainability standards).
    - f. Exemption. The required common area standard does not apply to sites where:
      - 1) All of the dwelling units have individual entrances that are within 20 feet of a street lot line;
      - 2) Each entrance is connected to the street by a path that is at least 3 feet wide and hard surfaced; and
      - 3) Each dwelling unit has at least 200 square feet of individual outdoor area.
  - 2. Private open space shall be provided for all multi-family building and the residential component of a mixed-use development consistent with the following requirements:
    - a. 80 square feet for ground-floor units in the form of a covered or uncovered patio; and
    - b. 40 square feet for upper-story units in the form of a terrace, balcony, or rooftop patio.
- C. Additional Objective Design Standards for Mixed Use Projects in Mixed Use Zones.
  - 1. For commercial, office and employment components of mixed-use developments, open space plaza areas accessible to the public shall be provided for activity, interaction, and rest. Such areas shall include seating with trees or other shade amenities.

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

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#### **17.41.084 Parking and access.**

- A. Purpose. These objective parking and access regulations are established to help ensure that new residential and mixed use projects are designed to minimize the dominant appearance of surface parking lots, parking structures, and driveways.
- B. Objective Design Standards for Residential and Mixed Use Projects in All Zones.
  - 1. Uses are subject to the objective parking and loading standards of the applicable zone, including: the minimum number of required parking spaces, accessible parking, parking space and facility dimensions, curbing, access to public right-of-way, striping, and grade. In case of a conflict, the ODS shall prevail.
  - 2. A multi-family development following the streamlined review process pursuant to Government Code Section 65913.4 may be exempt or subject to reduced parking requirement in accordance with Government Code Section 65913.4(e).
  - 3. For parking areas serving multi-unit residential projects with more than 2 units or mixed use developments, no off-street parking, off-street vehicle loading, or vehicular circulation areas shall be located between the building and the primary street frontage except in the following circumstances:
    - a. For developments facing arterial streets, in circumstances where the director of community development determines not possible to achieve rear parking placement due to lot size or configuration, street geometrics, easements, or other physical conditions, provided the parking is screened from street view by a combination of low masonry walls (maximum height 4 feet), landscaped berms, and/or evergreen hedges. The combination of walls, berms and/or hedges shall provide a minimum screening height of 5 feet.
    - b. The vehicle circulation area is limited to driveway access.
  - 3. Where more than 50 surface parking spaces are provided on a site, parking areas shall be divided into a series of smaller, connected lots of no more than 50 spaces each through the use of landscaping and/or building placement.
  - 4. The following landscaping standards shall apply to all surface parking lot areas with more than 10 parking spaces:
    - a. Surface parking lots that are visible from public streets shall meet the following landscaping, paving, and tree requirements:
      - i. At least 10% of the total area of any surface parking lot shall be landscaped and the landscape materials maintained in a healthy condition at all times.
      - ii. One tree shall be provided for every 4 parking spaces. Trees shall be shade-producing trees and shall be evenly distributed throughout the parking lot so as to shade the parking area. Trees shall be located in landscape planters. Minimum tree size at planting shall be 24-inch box.
    - b. Surface parking lots that are not visible from public and private streets and are located towards the rear and interior of the site shall meet the following landscaping and tree requirements:
      - i. At least 5% of the total area of any surface parking lot shall be landscaped and the landscape materials maintained in a healthy condition at all times.
      - ii. One tree shall be provided for every 8 parking spaces. Trees shall be shade-producing trees and shall be evenly distributed throughout the parking lot so as to shade the parking area. Trees shall be located in landscape planters. Minimum tree size at planting shall be 24-inch box.

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- c. Where a surface parking lot abuts a parking structure or is adjacent to a surface parking lot on another lot, a landscape buffer not less than 10 feet in depth shall be provided between the lots or structures. Where adjacent surface parking lots allow common parking to serve multiple businesses and pedestrian walkways provide access to all businesses served, no landscape buffer shall be required.
  - d. Concrete wheel stops shall be installed in parking areas to protect landscaping. Any broken or damaged wheel stops shall be replaced. Alternatively, parking may be designed to overhang landscaped areas. Parking shall overhang landscaping no more than 2 feet with a minimum planter dimension of 5 feet.
  - e. All landscape planters shall have a minimum width of 4 feet.
- 5. Permanent parking for recreation vehicles (RVs), boats, and other similar large items shall be located behind the front plane of the primary building on the site. Parking for such vehicles shall not be permitted in any multi-unit or mixed-use zone.
  - 6. For residential single-unit or two-unit buildings, in no instance shall paved surfaces used for parking, including driveways, cover more than 50% of the front yard.
  - 7. For mixed use developments, reciprocal access drives shall be required to connect with adjacent mixed use or commercial properties.

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

#### **17.41.086 Exterior lighting—Residential multi-unit buildings (5 or more units) and mixed use projects.**

- A. Purpose. These objective lighting regulations are established to help ensure that new residential multi-unit buildings (5 or more units) and mixed use projects provide functional security for persons and property and allow extended use of properties into nighttime hours; lighting is installed and maintained to provide for an environmentally sensitive and energy efficient nighttime environment that includes the ability to view the stars against a dark sky from residential and other appropriate viewing areas; and ambient nighttime light levels do not adversely impact adjacent properties.
- B. Objective design standards for residential multi-unit buildings (5 or more units) and mixed use projects in all zones.
  - 1. Development applications shall include a lighting plan showing locations and specifications for all exterior lighting, including lighting used to illuminate streets, buildings, sidewalks, multi-use paths, parking lots, plazas, or open space areas. The lighting plan shall be evaluated during the land use approval process for compliance with the standards of this section.
  - 2. For safety purposes, lighting shall be provided throughout the on-site pedestrian circulation system, including street frontages, sidewalks, multi-use paths, parking lots, buildings, and plazas. The on-site pedestrian circulation system shall be lighted to a minimum level of 2 foot-candles and a maximum of 3 foot-candles to enhance pedestrian safety and allow use at night.
  - 3. The minimum lighting level for building entries of new multi-unit, retail, commercial, office, and institutional buildings located shall be 3 foot-candles. Lights shall be 6 to 12 feet in height and the light source shall be shielded.
  - 4. Exterior lighting shall not blink, flash, or change color or intensity.

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5. Maximum lighting levels at property lines shall not increase lighting level more than 1.1 lumens/square meter 10 feet beyond the property line or 5.4 lumens/square meter adjacent to non-residentially zoned property or public rights-of-way.
  6. Permanent exterior light fixtures that emit more than 900 lumens (13 watt compact fluorescent or 60 watt incandescent) shall be concealed or shielded with an Illumination Engineering Society of North America (IESNA) full cut-off style fixture with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent property.

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

#### **17.41.088 Additional objective standards.**

- A. Projects subject to this chapter must comply with all other applicable objective standards within this Title 17, including, but not limited to:
  1. Development standards as indicated in Sections 17.08.060 or 17.10.060, as may be amended.
  2. Landscaping standards as indicated in subsection 17.08.110.B, as may be amended.
  3. Electric vehicle charging stations as indicated in Section 17.08.330, as may be amended.
  4. Yard, street and highway line requirements in Chapter 17.28, as may be amended.
- B. Projects subject to this chapter must comply with those objective design standards contained within an applicable master plan or specific plan.
- C. In case of a conflict between applicable objective standards contained within Title 17 and the ODS in this chapter, the ODS in this chapter shall prevail. In case of a conflict between applicable objective standards contained within an applicable master plan or specific plan and the ODS in this chapter, the objective standards of the master plan or specific plan shall prevail.

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

#### **17.41.100 Design modifications.**

- A. Purpose. The design modification process allows the director to approve modifications to the application of the ODS. The design modification process provides a mechanism by which the ODS may be modified if the proposed development continues to meet the intended purpose of those regulations. Design modifications provide flexibility for unusual situations. They also allow for alternative ways to meet the purposes of the ODS.
- B. Procedures. Design modification requests are reviewed in accordance with Chapter 17.32, Article VI, Director's Review.
- C. Review Criteria. For each ODS for which a design modification is requested, the applicant must show that the following criteria have been met:
  1. Granting the design modification will equally or better meet the purpose of the regulation to be modified; and
  2. The proposal will be consistent with the desired character of the zone; and
  3. Any negative impacts resulting from the design modification are mitigated to the extent practical; and
  4. The proposal will not significantly detract from the livability or appearance of the surrounding area; and

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5. If more than one design modification is being requested, the cumulative effect of the design modifications results in a project which still meets criteria (1) through (4), above.

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

## ***Article V. Emergency Shelters and Low Barrier Navigation Centers***

### **17.41.200 Purpose and intent.**

The purpose of these regulations is to allow operation of emergency shelters and low barrier navigation centers in the city to help people in need of housing that are temporarily homeless. Reasonable standards have been established to preserve the neighborhood character and quality of life in Lancaster. Low barrier navigation centers may be permitted for the time determined valid under Government Code Sections 65660 through 65668.

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

### **17.41.210 Application and permit required.**

- A. Emergency shelters are allowed by right within the light industrial (LI) zone subject to the standards in Section 17.41.220. These standards may be applied to an emergency shelter proposed in other zoning district subject to conditional use approval. Emergency shelters which require conditional use permit approval may be subject to conditions of approval with requirements that vary from and supplement these standards.
- B. Low barrier navigation centers meeting the requirements of Government Code Section 65662 are allowed by right in areas zoned for mixed use and nonresidential zones permitting multi-family uses, subject to the standards in Section 17.41.220.

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

### **17.41.220 Standards for emergency shelters and low barrier navigation centers.**

All emergency shelters and low barrier navigation centers shall be subject to the following standards:

- A. New structures for emergency shelters or low barrier navigation centers shall be subject only to those objective development standards that would apply to development within the applicable zone, including but not limited to, those standards related to lot size, building placement, setback, building size and massing, open space and landscaping.
- B. The emergency shelter or low barrier navigation center shall be operated by a responsible social service provider. For the purposes of this section, a "social service provider" means an agency or organization licensed or supervised by any federal, state or local health/welfare agency that participates in the Federal Homeless Management Information System (HMIS) and has demonstrated experience with the homeless population by assisting individuals and families to achieve economic self-sufficiency and self-determination through a comprehensive array of programs and actions.
- C. The emergency shelter or low barrier navigation center shall provide at least one qualified on-site supervisor at all times, plus one attendant for each 50 occupants.
- D. An emergency shelter or low barrier navigation center shall not be approved when another emergency shelter or low barrier navigation center exists within 300 feet of the proposed site.

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- E. On-site waiting and intake areas shall be enclosed or screened from the public right-of-way and adjacent properties.
  - F. Parking to serve all staff working in the emergency shelter shall be supplied at a ratio of one vehicle space per 10 beds, provided that this standard does not require more parking for emergency shelters or low barrier navigation center than other residential or commercial uses within the same zone.
  - G. The maximum number of beds or persons permitted to be served nightly by the facility shall be as limited to 150 beds.
  - H. Providers must submit a written management plan prior to beginning operation, including provisions for staff training, and counseling, treatment, and training programs for residents and length of time which clients may be accommodated. The management plan shall also address how the immediate sheltering needs of individuals who may be turned away from the shelter will be handled.

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

#### **17.41.230 Additional standards for low barrier navigation centers.**

- A. Applications shall be processed in accordance with Government Code Section 65664 provides timelines for action; the city must notify the developer within 30 days if the application is complete under Government Code Section 65493 and then must act on the application within 60 days from the date the application has been deemed complete.

(Ord. No. 1106, § 4(Exh. A), 10-10-2023)

### **Chapter 17.42 ALCOHOLIC BEVERAGE AND TOBACCO ESTABLISHMENTS**

#### **17.42.010 Purpose and intent.**

The purpose of adopting regulations for the sale of alcoholic beverages and tobacco is to ensure that such sales will not adversely affect surrounding residents, businesses, and institutions; and to ensure that any such use operates in a manner compatible with existing and future adjacent uses.

This chapter alone does not allow or permit alcoholic beverage and tobacco establishments, but only applies to such establishments where otherwise allowed or permitted within an involved applicable land use zoning district. This chapter does not authorize the operation of alcoholic beverage or tobacco establishments in any land use district where they are not otherwise allowed or permitted by the applicable involved zoning district's regulations.

(Ord. No. 1015, § 1, 12-13-2016; Ord. No. 1093, § 4(Exh. A), 10-11-2022)

#### **17.42.020 Definitions.**

For the purpose of this chapter, the following words or terms shall be defined as follows:

"Alcoholic beverage" means a fermented or distilled beverage including alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer which contains one-half of one percent or more of alcohol by volume which is fit for beverage purposes, either alone or when diluted with other substances, and sale of which require a license from the state ABC.

"Alcoholic beverage control (ABC)" means the California State Department of Alcoholic Beverage Control.

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"Alcoholic beverage establishment" means any establishment involving the sale of alcohol.

"Alcohol production" means an establishment where beer, wine and other spirits are prepared bottled, stored and sold for on- or off-site consumption. Tasting rooms or seating areas may be provided on site. Alcohol production is permitted in the commercial zones (C, CPD, MU zones) if there is a minimum of 25% and maximum up to 40% square footage of total floor area dedicated to retail and a full menu available at all times that alcoholic beverages are offered. "Alcohol production" shall be permitted in the industrial zones.

"Bar" includes establishments used primarily for the sale or dispensing of alcoholic beverages for on-site consumption and that are not part of a restaurant.

"Bona fide restaurant" includes establishments primarily engaged in the preparation and retail of food and/or beverage for on-site consumption. A full menu shall be available at all times that alcoholic beverages are offered.

"Convenience market/neighborhood market" means a retail establishment up to 5,000 square feet utilized for the sale of prepackaged food products, household items, and soft drinks. Alcohol sales shall be limited to 5% maximum square footage of the sales floor area for sale and display of alcohol. The sale of spirits shall be subject to a conditional use permit and distance requirements. Convenience markets/neighborhood markets may be in conjunction with a fueling station.

"Enforcing officer" includes any city public safety officer, city community services officer, county sheriff's deputy, and any other public officer or employee designated by the city manager to issue administrative citations in accordance with Section 17.42.160.

"Entertainment" means any form of entertainment, whether live, televised audio or video taped, including, but not limited to, any type of performance for the purpose of amusing the audience, such as: dancing, singing, playing a musical instrument or acting.

"Existing deemed approved alcoholic beverage establishment" means any establishment lawfully engaged in the sale of alcoholic beverages for on- or off-sale consumption which is in existence prior to the effective date of this chapter, retains the same type of alcoholic beverage license and continues to legally operate without substantial change in the mode or character of operation.

"Grocery store/Supermarket/Drugstore" means any retail establishment larger than 5,000 square feet primarily selling food product, household merchandise and pharmaceutical drugs. Alcohol sales shall be limited to 10% maximum square footage of the sales floor area for sale and display of alcohol. This is not in conjunction with a fueling station.

"Liquor store" includes any establishment which primarily sells beer, wine, and/or other spirits for off-site consumption. The display sales floor area of alcohol exceeds 5% square footage of the sales floor area.

"Mixed-use development" means a building or combination of buildings intentionally designed as a single development to accommodate a combination of residential and commercial uses.

"Mixed-use district" means any physical location designated by the city of Lancaster general plan or zoning map as a mixed-use district.

"Nightclub" means a place of entertainment, typically open at night, usually serving food and/or alcoholic beverages, which may have a floor show and/or offer live or recorded entertainment or music and/or space for dancing.

"Operator" means any person who has an ownership interest, in any manner, in an alcoholic beverage establishment, including, without limitation, a corporation and each of its officers, directors and stockholders; a partnership and each of its partners; a limited liability company and each of its managing members.

"Owner" means and includes any person with a recorded ownership interest in, or a right of possession, control or use of the premises on which an alcoholic beverage establishment is located, including all persons

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shown as owners on the last equalized assessment roll of the county assessor's office. Owners include property managers and persons with powers of attorney, executors of estates, trustees, or who are court appointed administrators, conservators, guardians or receivers.

"Planning commission" means the planning commission of the city of Lancaster.

"Responsible person" means an operator of an alcoholic beverage establishment, an operator's on-site manager(s), an operator's employees and/or a property owner, as defined herein.

"Sales floor area" means the calculation of area for the sale and display of specified products, including but not limited to alcoholic beverages, fresh meat and fresh produce. The calculation of sales floor area percentage shall be based on the gross floor area of the premises, including any warehousing or storage areas and shall include actual product display areas and reasonable public access aisles within or adjacent to said display area.

"Substantial change in mode or character of operation" means and includes, but is not limited to, the following situations:

1. The alcoholic beverage establishment has changed, or proposes to change, its type of retail liquor license with the department of alcoholic beverage control;
2. An alcoholic beverage establishment increases floor area by more than 20%;
3. The alcoholic beverage establishment proposes to reinstate alcohol sales after the retail liquor license has been revoked or suspended for a period greater than 90 days by the department of alcoholic beverage control; or
4. The establishment is a bona fide restaurant that adds entertainment, except for non-amplified solo or similar entertainment on an occasional basis, which does not occupy more than 50 square feet or substantially change the character of the restaurant operation.

"Smoking lounge" means a business establishment that is dedicated, in whole or in part, to the smoking of tobacco products, electronic cigarettes, or other substances, including but not limited to establishments known variously as cigar lounges, hookah lounges, tobacco clubs, tobacco bars, etc. This use may involve the on-sale, or for on-premise consumption, or off-sale, or for off-premise consumption, of tobacco products. The sale or use of cannabis is prohibited subject to Chapter 17.43 Commercial Cannabis Activity.

"Tobacco Retail" also referred to as "smoke shop" means a business establishment primarily engaged or offers a substantial amount of product for the sale of tobacco, tobacco products, and tobacco paraphernalia, such as cigarettes, cigars, pipes, snuff, chewing tobacco, dipping tobacco, and vapes. This use may involve the off-sale, or for off-premise consumption, of tobacco products. The sale or use of cannabis is prohibited subject to Chapter 17.43 Commercial Cannabis Activity.

(Ord. No. 1015, § 1, 12-13-2016; Ord. No. 1093, § 4(Exh. A), 10-11-2022)

#### **17.42.030 Uses and permit requirements.**

Type of Establishment	Sale Items	Permitted Zones	Permit Required	Review Authority
Alcohol Production	Beer, Wine, and Spirits	LI and HI	DR	Community Development Director



Alcohol Production with minimum 25% and maximum up to 40% retail and a food menu	Beer, Wine, and Spirits	MU, C, and CPD	DR	Community Development Director
Bar	Beer, Wine, and Spirits	MU, C, CPD, LI, and HI	CUP	Planning Commission
Bona Fide Restaurant	Beer, Wine, and Spirits	MU, C, CPD, LI, and HI	DR	Community Development Director
Convenience Market/ Neighborhood Market	Beer and Wine	MU, C, CPD, LI, and HI	MUP	Community Development Director
	Beer, Wine, and Spirits	MU, C, CPD, LI, and HI	CUP	Planning Commission
Grocery Store/ Supermarket/Drugstore	Beer, Wine, and Spirits	MU, C, CPD, LI, and HI	DR	Community Development Director
Alcohol Sales in Conjunction and Incidental to a Primary Use	Beer, Wine, and Spirits	MU, C, and CPD	DR	Community Development Director
Liquor Store	Beer, Wine, and Spirits	MU, C, CPD, LI, and HI	CUP	Planning Commission
Tobacco Retail	Tobacco products	MU, C, CPD, LI, and HI	MUP*	Community Development Director
Smoking Lounge	Tobacco products	MU, C, CPD, LI, and HI	CUP	Planning Commission
DR: Director's Review  CUP: Conditional Use Permit  MUP: Minor Use Permit *A CUP may be required for tobacco retail establishments subject to director's determination.				

(Ord. No. 1015, § 1, 12-13-2016; Ord. No. 1093, § 4(Exh. A), 10-11-2022)

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#### 17.42.040 Distance requirements.

- A. Establishments that require a conditional use permit for alcohol, and tobacco retail establishments that require a minor use permit or conditional use permit, shall adhere to the distance requirements as specified below:

##### Alcoholic Beverage and Tobacco Establishments

Type of Establishment	Distance Requirement
Religious Assembly	300'
Public/Private School (K-12)	1,000'
Day Care Center	300'
Residential Use or Residentially Designated Property	300'
Existing Alcoholic Beverage Establishment	500'
Public Park	500'
Hospital	500'

- B. Measurement of Distance. The distance requirement shall be measured in a straight line from the closest property line to the closest property line.

(Ord. No. 1015, § 1, 12-13-2016; Ord. No. 1093, § 4(Exh. A), 10-11-2022)

#### 17.42.050 Findings.

The approving authority shall approve an application only after the applicant substantiates required findings below. If the application requires a conditional use permit then it shall make the following findings as well as the findings required by Section 17.32.090.

- A. That the proposed use will be located within a zone which permits alcoholic beverages or tobacco products to be sold, served, or given away for on-sale or off-sale consumption, as the case may be, upon obtaining a conditional use permit;
- B. That the proposed use will not adversely affect nearby residents and facilities primarily devoted to use by children, families, and the general public, after giving consideration to the distance or proximity of the proposed alcoholic beverage or tobacco establishment to residential districts, schools (public or private), day care centers, public parks, playgrounds and other recreational facilities, churches or other places of religious worship, hospitals, clinics or other health care facilities; and
- C. That the proposed use serves the public convenience and necessity.

(Ord. No. 1015, § 1, 12-13-2016; Ord. No. 1093, § 4(Exh. A), 10-11-2022)

#### 17.42.060 Minor use permit.

- A. Applicability. A minor use permit shall be filed subject to the uses and requirements table in Section 17.42.030.
- B. Project Notice. A notice for a minor use permit shall be mailed 10 calendar days before the scheduled action to the following, unless stated otherwise in this code.
1. Owner(s) and applicant;

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2. All owners of property located within a five-hundred-foot radius of the exterior boundaries of the subject site, as shown on the county's last equalized assessment roll. If the project site is located within a multiple tenant commercial or industrial center, all tenants or property owners, if different, within the center shall be mailed the notice;
  3. Persons Requesting Notice. A person who has filed a written request for notice with the director of development services within one year prior to the action.
  4. The development services director may require additional notification requirements such as site posting and increased notification radius based upon the possible impacts of the project.
- C. Reviewing Authority. The development services director is the decision maker that approves or denies an application. The community development director may refer an application to planning commission and/or city council for a decision on the application.
- D. Conditions of Approval. In approving a minor use permit, the approving authority may impose such conditions as deemed necessary to ensure that the minor use permit will accordance with the findings.
- E. A CUP may be required for tobacco retail establishments in place of a MUP, if the Director determines that one or more of the following circumstances exist on the subject property:
1. Oversaturation of similar uses,
  2. Significant crime and/or safety concerns, and
  3. Unpermitted conditions, overdue fees to the COL or other agencies, and/or criminal history of those related to the project.

(Ord. No. 1015, § 1, 12-13-2016; Ord. No. 1093, § 4(Exh. A), 10-11-2022)

#### **17.42.070 Conditions of approval for on-sale alcoholic beverage establishments.**

Establishments engaged in the retail sale of alcoholic beverages for on-premises consumption shall be operated in a manner which does not interfere with the normal use of adjacent properties. In addition to those conditions which the planning commission, or the city council on appeal, may otherwise impose, all conditional use permits for on-sale beverage establishments shall be subject to the following conditions of approval:

- A. The exterior of the premises shall be kept free of litter.
- B. Graffiti shall be removed from the site within 72 hours.
- C. Alcoholic beverages shall not be permitted to be consumed in the parking area or other exterior areas of the premises, except for designated outdoor areas approved as part of the application.
- D. Exterior lighting of the parking area shall be kept at an intensity of between one and 2 foot-candles, so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas. Light sources shall be screened from the adjacent properties and from the sky.
- E. Adequate security measures shall be provided as specified by the planning commission including, but not limited to, retaining trained staff and security personnel and providing security devices, such as surveillance or burglar alarm systems.
- F. Hours of operation, including deliveries to the proposed establishment, shall be compatible with the need and character of the surrounding neighborhood. In order to protect the public health, safety and welfare, the planning commission may limit the hours of operation.
- G. All employees who serve or sell alcoholic beverages shall successfully complete a responsible beverage service training program that meets the requirements of the state ABC within 90 days of hire. Records

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of such training shall be maintained on the premises and made available to city or county sheriff's personnel upon request.

- H. Noise levels at the property line of any sensitive use as listed in Section 17.24.040 adjoining the site of the alcoholic beverage establishment shall not exceed 65 dBA.
- I. The management of any establishment selling alcohol shall take necessary steps to assure the orderly conduct of employees, patrons and visitors on the premises, and to assure timely response to concerns of neighbors and local officials about problems related to alcohol sales and service at the establishment.
- J. The owner of the establishment shall maintain all required permits and/or licenses for the sale of alcoholic beverages in good standing.
- K. The establishment shall conspicuously post an interior sign stating:

"We ID everyone under 30 years of age for alcohol sales."

The language of such sign shall be English, as well as the predominant language of the establishment's clientele.

(Ord. No. 1015, § 1, 12-13-2016)

#### **17.42.080 Conditions of approval for off-sale alcoholic beverage establishments.**

Establishments engaged in the retail sale of alcoholic beverages for off-premises consumption shall operate in a manner which does not interfere with the normal use of adjacent properties. In addition to those conditions which the planning commission, or the city council on appeal, may otherwise impose, all conditional use permits for off-sale alcoholic beverage establishment shall be subjected to the following mandatory conditions of approval:

- A. The exterior of the premises shall be kept free of litter.
- B. Graffiti shall be removed from the site within 72 hours.
- C. The sale of alcoholic beverages for consumption on premises shall be prohibited and appropriate posting of signs stating that drinking on the premises is prohibited by law shall be posted both inside and outside the establishment. The premises shall include the establishment proper and/or the appurtenant common area if located in a commercial center.
- D. Exterior lighting of the parking area shall be kept at an intensity of between one and 2 foot-candles, so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas. Light sources shall be screened from the adjacent properties and from the sky.
- E. Adequate security measures shall be provided as specified by the planning commission including, but not limited to, retaining trained staff and security personnel and providing security devices, such as surveillance or burglar alarm systems.
- F. Hours of operation, including deliveries to the proposed establishment, shall be compatible with the need and character of the surrounding neighborhood. In order to protect the public health, safety and welfare, the planning commission may limit the hours or operation.
- G. All employees who serve or sell alcoholic beverages shall successfully complete a responsible beverage service training program that meets the requirements of the California Department of Alcohol Beverage Control within 90 days of hire. Records of such training shall be maintained on the premises and made available to the city or the county sheriff's department personnel upon request.
- H. Noise levels at the property line of any sensitive use as listed in Section 17.42.040 adjoining the site of the alcoholic beverage establishment shall not exceed 65 dBA.

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- I. Exterior public telephones that permit incoming calls may not be located on the premises.
  - J. The operation of video or any other electronic games may be prohibited in conjunction with the sale of alcoholic beverages, and will be considered on a case by case basis.
  - K. The planning commission may restrict alcoholic beverages sales by container size and type where such restriction is determined to be necessary for the reasonable protection of public health and safety.
  - L. No beer or wine shall be displayed within 5 feet of the cash register or the front door unless it is in a permanently affixed cooler.
  - M. No sale of alcoholic beverages shall be made from a drive-through or walk-up window.
  - N. No display or sale of beer or wine shall be made from an ice tub.
  - O. No self-illuminated or "in-motion" advertising for beer or wine shall be located on buildings or windows, or be visible from outside the building.
  - P. If the establishment also engages in the sale of motor vehicle fuel, no advertisement of alcoholic beverages shall be displayed at motor fuel islands.

(Ord. No. 1015, § 1, 12-13-2016)

#### **17.42.090 Conditions of approval for on-sale or off-sale tobacco establishments.**

Establishments engaged in the retail sale of tobacco products for on- or off-premises consumption shall operate in a manner which does not interfere with the normal use of adjacent properties. In addition to those conditions which the planning commission, or the city council on appeal, may otherwise impose, all conditional use permits for on- or off-sale tobacco retail establishment shall be subjected to the following mandatory conditions of approval:

- A. The exterior of the premises shall be kept free of litter.
- B. Graffiti shall be removed from the site within 72 hours.
- C. For tobacco retail uses, the sale of tobacco products for consumption on premises shall be prohibited. The premises shall include the establishment proper and/or the appurtenant common area if located in a commercial center.
- D. Exterior lighting of the parking area shall be kept at an intensity of between one and 2 foot-candles, so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas. Light sources shall be screened from the adjacent properties and from the sky.
- E. Adequate security measures shall be provided as specified by the planning commission including, but not limited to, retaining trained staff and security personnel and providing security devices, such as surveillance or burglar alarm systems.
- F. Hours of operation, including deliveries to the proposed establishment, shall be compatible with the need and character of the surrounding neighborhood. In order to protect the public health, safety and welfare, the planning commission may limit the hours or operation.
- G. Noise levels at the property line of any sensitive use as listed in Section 17.42.040 adjoining the site of the tobacco retail establishment shall not exceed 65 dBA.
- H. Exterior public telephones that permit incoming calls may not be located on the premises.
- I. The operation of video or any other electronic games may be prohibited in conjunction with the sale of tobacco products, and will be considered on a case by case basis.

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- J. The planning commission may restrict tobacco sales by container size and type where such restriction is determined to be necessary for the reasonable protection of public health and safety.
  - K. No sale of tobacco products shall be made from a drive-through or walk-up window.
  - L. No self-illuminated or "in-motion" advertising for tobacco products shall be located on buildings or windows, or be visible from outside the building.

#### **17.42.100 Exceptions—Specific plan areas.**

The requirements of this chapter shall not apply to areas of the city for which a specific plan has been adopted pursuant to Section 65450 of the Government Code of the state of California if the adopted specific plan contains regulations regarding alcoholic beverage or tobacco establishments.

(Ord. No. 1015, § 1, 12-13-2016; Ord. No. 1093, § 4(Exh. A), 10-11-2022)

#### **17.42.110 Existing deemed approved establishments selling alcoholic beverages or tobacco products.**

Any establishment lawfully existing prior to the effective date of this chapter and licensed by the state for the retail sale of alcoholic beverages or tobacco products for on-sale or off-sale consumption shall be considered to have a "deemed approved" status and shall only be required to obtain the necessary permits for a "substantial change in mode or character of operation" as described in Section 17.42.020, or for a revocation or expiration of "deemed approved" status as set forth in Section 17.42.130. The distance requirements set forth in Section 17.42.040 shall not apply to any existing deemed approved alcoholic beverage or tobacco establishment.

(Ord. No. 1015, § 1, 12-13-2016; Ord. No. 1093, § 4(Exh. A), 10-11-2022)

#### **17.42.120 Performance standards; public nuisance.**

- A. The operator of an alcoholic beverage or tobacco establishment, whether operating with a "deemed approved" status or pursuant to a conditional use permit, minor use permit or director's review shall use and maintain the premises and conduct the business in a manner that comports with all applicable local, state and federal law, including but not limited to, the California Business and Professions Code, the Lancaster Property Maintenance ordinance (codified at Chapter 8.28), and the Lancaster Zoning ordinance (codified at Title 17).

Lawful property maintenance and business operations shall include, but are not limited to, the following:

1. The premises shall be maintained without the presence of garbage, junk, trash, debris or other miscellaneous items in exterior areas except in approved trash collection containers/enclosures.
2. The premises, including any surface of a structure, sidewalk, curb, ground surface, vehicle, tree, shrub, rock or other tangible item that is visible from publicly or privately owned real or personal property, shall be maintained free of graffiti. All graffiti shall be removed within 72 hours from the operator's first observation of graffiti or receipt of verbal or written notification of such graffiti by any enforcing officer as defined in this chapter.
3. The premises shall be maintained with all signage required by applicable state and local law, including but not limited to signs prohibiting loitering, public drinking and/or the presence of open alcoholic beverage containers on the premises.

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4. The establishment shall be maintained in such a manner that signs, refrigerator cases, promotional displays, equipment and/or any other items do not obstruct the view of the interior of the establishment from the parking lot and public street or other right-of- way.
  5. The premises shall be maintained without the presence of exterior public telephones. Any existing public telephone shall be removed within 30 calendar days from the effective date of the ordinance from which this chapter is derived.
  6. The operator of the establishment shall maintain a current and valid city business license and shall conduct business in full accordance with any and all conditions imposed thereon.
  7. The operator shall not sell, furnish, give or permit the sale, furnishing or giving of an alcoholic beverage to an obviously intoxicated person or to a habitual or common drunkard.
  8. The operator shall not sell, furnish, give or permit the sale, furnishing or giving of an alcoholic beverage to any person under 21 years of age, or knowingly allow such person to consume alcoholic beverages on the premises.
  9. The operator shall not cause, allow or permit nuisance and other unlawful activities on the premises, including, but not limited to:
    - a. Loitering;
    - b. Drinking alcoholic beverages and/or possessing open alcoholic beverage containers in exterior portions of the premises, other than in a designated patio or other area approved by the department of alcoholic beverage control and/or the city in conjunction with an on-sale establishment;
    - c. Littering;
    - d. Creating excessive noise;
    - e. Disturbing the peace;
    - f. Engaging in illegal drug activity or prostitution;
    - g. Trafficking in stolen goods;
    - h. Harassing passersby or business patrons;
    - i. Panhandling;
    - j. Engaging in acts of vandalism;
    - k. Otherwise engaging in conduct that is unlawful and/or constitutes a nuisance.
  10. The operator shall take all reasonable steps to ensure the conditions and activities on the property on which the alcoholic beverage or tobacco establishment is located do not constitute a public nuisance. For purposes of this chapter, "reasonable steps" includes, without limitation, the following:
    - a. Requesting those persons engaging in conduct that constitutes a nuisance to cease that conduct, unless the operator has reasonable cause to believe such request may jeopardize his or her personal safety.
    - b. Calling the city's law enforcement and/or public safety personnel if the operator's attempts to abate the nuisance conduct have been unavailing or if the operator has reasonable cause to believe such attempts may jeopardize his or her personal safety.
    - c. Timely undertaking actions to address conditions that facilitate loitering and other nuisance activity on the premises, such as removing furniture from areas adjacent to the entry of the

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establishment, prohibiting persons from using any portion of the premises for the installation and/or operation of a temporary business or other use, and/or other preventive actions.

- B. The city council finds and declares that it is unlawful and a public nuisance for a person to use or maintain, or to permit the use or maintenance of, property on which an alcoholic beverage or tobacco establishment is located, or to conduct the business or permit the business to be conducted in a manner that is contrary to the requirements set forth in this Section 17.42.110, any city or state permits, licenses and/or approvals, and/or all other applicable sections of this Code, state or federal law or regulation, or that otherwise poses a threat to public health, safety and welfare.
- C. An operator shall be deemed responsible for the act or omission of any on-site manager and/or employee who uses or maintains, or permits the use or maintenance of, property on which an alcoholic beverage or tobacco establishment is located, or who conducts the business or permit the business to be conducted, in violation of this chapter.
- D. Upon the sale or transfer of ownership of an alcoholic beverage or tobacco establishment to a bona fide third party, previous findings of public nuisance uses, conditions and activities before such sale or transfer of ownership shall not be imputed to the new owner, unless the city determines that the sale or transfer of ownership is not to a bona fide third party.

(Ord. No. 1015, § 1, 12-13-2016; Ord. No. 1093, § 4(Exh. A), 10-11-2022)

#### **17.42.130 Conditional use permit, minor use permit and director's review: Expiration, modification, revocation.**

- A. A conditional use permit, minor use permit, director's review for an alcoholic beverage or tobacco establishment shall lapse if the use is discontinued for 90 consecutive days, or if the establishment's alcoholic beverage control license has been revoked or transferred to another location.
- B. A conditional use permit, minor use permit, or director's review is subject to modification at any time if the appropriate approving authority makes a determination that changed circumstances or unanticipated effects concerning the operation of the business establishment necessitate that conditions be added, amended or deleted.
- C. A conditional use permit, minor use permit or director's review for an alcoholic beverage or tobacco establishment is subject to revocation if the operator has used or maintained, or permitted the use or maintenance of, the premises on which the establishment is located and/or has operated or permitted the operation of the business in violation of any condition imposed pursuant to the permit, or in violation of the performance standards set forth in Section 17.42.110, or otherwise in a manner that constitutes a public nuisance and/or a threat to public health, safety and welfare. The appropriate approving authority shall set a public hearing to consider such revocation of said permit in accordance with the applicable provisions of this Code. A decision of approving authority pursuant to this section shall be appealable to the city council in accordance with Chapter 17.36.
  - 1. An administrative citation issued pursuant to Section 17.42.160 that has been deemed final and binding may be used as prima facie evidence of unlawful public nuisance activities and/or conditions in any subsequent revocation proceeding.

(Ord. No. 1015, § 1, 12-13-2016; Ord. No. 1093, § 4(Exh. A), 10-11-2022)



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#### **17.42.140 Deemed approved status: Expiration, revocation.**

- A. The "deemed approved" status of an alcoholic beverage or tobacco establishment shall expire if the use is discontinued for 90 consecutive days.
- B. The "deemed approved" status of an alcoholic beverage or tobacco establishment is subject to revocation if the operator has used or maintained, or permitted the use or maintenance of, the premises on which the establishment is located and/or has operated or permitted the operation of the business in violation of the performance standards set forth in Section 17.42.110 or otherwise in a manner that constitutes a public nuisance and/or a threat to public health, safety and welfare. The approving authority shall set a public hearing to consider such revocation of said deemed approved status in accordance with the applicable provisions of this Code. A decision of the approving authority pursuant to this section shall be appealable to the city council in accordance with Chapter 17.36.
  - 1. An administrative citation issued pursuant to Section 17.42.160 that has been deemed final and binding may be used as prima facie evidence of unlawful public nuisance activities and/or conditions in any subsequent revocation proceeding.
- C. An alcoholic beverage or tobacco establishment whose "deemed approved" status has expired or been revoked shall be prohibited from engaging in the sales of alcoholic beverages or tobacco products without first obtaining a permit. In the event the planning commission or city council makes the determination that a permit shall be granted, said alcoholic beverage or tobacco establishment shall be subject to the conditions of approval.

(Ord. No. 1015, § 1, 12-13-2016; Ord. No. 1093, § 4(Exh. A), 10-11-2022)

#### **17.42.150 Temporary alcohol sales.**

Any event sponsor or applicant that anticipates a temporary event with alcohol sales shall obtain a temporary use permit. The application is to be filed with the planning department at least 60 days in advance of the event.

The event sponsor is the entity determined by the city to be liable for protecting public health and safety of event participants (those who attend the event), of event operators (those who create and execute the event), and of all others affected by the actions of event participants and event operators.

- A. The planning director shall review and approve requests for temporary alcohol sales through a director's review application.
- B. Conditions for a director's review for a temporary sales:
  - 1. The applicant shall obtain property owner's authorization.
  - 2. The applicant shall obtain a business license and any other permits applicable for the event.
  - 3. The applicant shall submit a site plan showing the event, location of parking area(s), lighting (if any), and areas that alcohol is to be sold.
  - 4. The applicant shall have control over points of access to the location where alcoholic beverages are dispensed and consumed.
  - 5. The applicant shall have control and containment of individuals who consume alcoholic beverages.
  - 6. The county sheriff's department shall review the application to determine the number of deputies required for security of the event based on the type and size of the event.

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7. All alcoholic beverage servers shall have in their possession proof of completing "responsible beverage service" training from the state ABC.
  8. A temporary alcoholic beverage control license is required for the duration of this event. A copy of the temporary license is to be submitted to the planning director prior to the start of the event.
  9. The applicant shall specify the hours of operation of the event and the hours of sale of alcoholic beverages.
  10. The applicant shall provide liability insurance in the amount determined by the city attorney based on the size and type of the event naming the city as additionally insured.
  11. The site shall be restored to the original condition. Site shall be free of debris, all trash receptacles removed, temporary fencing removed, and all disturbed asphalt shall be restored to the original condition. Disturbed landscape areas are also to be restored to the original condition. The applicant shall be financially responsible for any damage to the parking lot surface and landscape areas resulting from the event.
  12. The planning director may require a cash deposit to ensure compliance with the conditions of approval.
  13. The planning director may impose any additional conditions determined necessary to protect the public health, safety, and welfare.
- C. Approval of a special event permit pursuant to Chapter 9.40 shall be deemed as compliance with the requirements of this section.

(Ord. No. 1015, § 1, 12-13-2016)

#### **17.42.160 Violation, penalty, remedies.**

- A. Violations of this chapter shall constitute a misdemeanor and shall be punishable in the manner provided in Section 1.12.020A.
- B. In addition to or in lieu of prosecution in a criminal action, the city attorney may initiate civil proceedings for the abatement, removal and enjoinder of any public nuisance as set forth in this chapter, in any manner provided by law, and shall take such other steps, and shall apply to such other court or courts as may have jurisdiction to grant such relief as will abate or remove such alcoholic beverage or tobacco establishments, and restrain and enjoin any person from using property contrary to the provisions of this chapter.
- C. In addition to or in lieu of any administrative, civil or criminal remedies set forth in this chapter, the administrative citation provisions of Section 17.42.160 may be utilized to abate or cause the abatement of uses, conditions and/or activities that constitute a nuisance pursuant to Section 17.42.110.
- D. The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity.

(Ord. No. 1015, § 1, 12-13-2016; Ord. No. 1093, § 4(Exh. A), 10-11-2022)

#### **17.42.170 Administrative citations.**

- A. Any enforcing officer may issue an administrative citation to a responsible person when the officer has determined, through personal observation or after undertaking standard law enforcement investigatory actions, that the person has used or maintained, or permitted the use or maintenance of property on which an alcoholic beverage or tobacco establishment is located, and/or who has operation or permitted the

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operation of the business, in a manner that constitutes a public nuisance pursuant to Section 17.42.110. An officer shall not issue an administrative citation to a responsible person when the officer has determined, based on the totality of the circumstances, that said person has taken all reasonable steps to attempt to prevent the nuisance.

1. A responsible person who is present at the property at the time an officer determines the existence of a public nuisance shall be deemed to have actual or constructive knowledge of such nuisance.
2. An owner of the property on which the alcoholic beverage or tobacco establishment is located, who is not also an operator of the business, may be deemed by an enforcing officer to have actual or constructive knowledge of the nuisance use, condition or activity:
  - a. If such person has previously been given verbal warning and/or an administrative citation or other written notice concerning the violations; or
  - b. Based on the totality of the circumstances as determined by the enforcing officer.
- B. Within 5 days after issuance of a citation, an officer shall submit a copy of the citation and a written statement of facts to the city manager. Alternatively, the officer may elect to submit the written statement of facts to the city manager, who may then issue the citation.
- C. An administrative citation may be personally given to the responsible person, or the responsible person may be served by first class mail to an address which is either:
  - a. Indicated on any form of identification presented to the officer, or
  - b. Discovered by the officer during the course of his or her standard law enforcement investigatory actions.

The date a citation is placed in a U.S. Postal Service mail receptacle shall be the date of service. A declaration of service shall be made by the person mailing the administrative citation showing the date and manner of service by mail and reciting the name and address of the citation addressee. Failure of any responsible person to receive an administrative citation by mail shall not invalidate any citation issued pursuant to this chapter.

- D. The citation shall be in a city-approved format, and shall include the following information:
  1. The date, location and approximate time of the condition and/or activity that constituted a public nuisance pursuant to Section 17.42.110;
  2. A brief description of the condition and/or activity that constituted a public nuisance;
  3. A statement describing the right to appeal the citation;
  4. A statement advising that the fine shall be paid to the city within 30 days from the date of the administrative citation, procedure for payment, and the consequences of failure to pay.
- E. The penalty amounts of administrative citations issued pursuant to this chapter shall be as follows:
  1. For the first administrative citation, the penalty shall be \$500.00;
  2. For the second and any subsequent administrative citation, the penalty shall be \$1,000.00.
- F. The failure of any person to pay a penalty assessed by administrative citation within the time specified on the citation constitutes a debt to the city, which may be collected in accordance with Chapter 1.16 or in any other manner allowable by law.

(Ord. No. 1015, § 1, 12-13-2016; Ord. No. 1093, § 4(Exh. A), 10-11-2022)

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### **17.42.180 Initial review of administrative citation or ability to pay.**

#### **A. Request for initial review of administrative citation.**

1. A person who has been issued an administrative citation pursuant to this chapter may request an initial review of the citation by the city. The request shall be made in writing and shall state the reason(s) that the citation should be dismissed. The requestor shall include a copy of all pertinent evidence. The request must include a mailing address and, if available, an email address to which correspondence related to the request may be sent. The written request for an initial review must be received by the city clerk's office within 14 calendar days from the date of the citation's issuance. No fee shall be required for filing the request for an initial review. Failure of the city clerk to receive a timely request for an initial review constitutes a waiver of the right to contest the administrative citation; in this event, the citation is final and binding, and payment shall be due within 30 calendar days from the date of the citation's issuance.
2. Upon timely receipt of a written request for an initial review of the administrative citation, the public services director, development services director, or person designated by either director to act as reviewing officer, shall conduct an initial review of the administrative citation, the written incident report or statement of facts, and the request for review and all evidence submitted with the request. The reviewing officer shall assess whether the evidence shows that the violation occurred and if any extenuating circumstances exist that warrant dismissal, and shall make a decision to preliminarily uphold or dismiss the citation. The reviewing officer shall notify the cited person of the decision in writing by mail and/or email within 90 calendar days from the date of receipt of the request for initial review; provided, however, that the public safety director or development services director may extend the ninety-day deadline upon a finding of good cause.

#### **B. Initial review of ability to pay.**

1. A cited person, regardless of whether he/she wishes to challenge the citation who believes he/she is unable to pay, may request an initial review of the person's ability to pay. In addition to the written request for review based on ability to pay, a statement of financial worth shall be submitted. The request must include a mailing address and, if available, an email address to which correspondence related to the request may be sent. The written request for an initial review must be received by the city clerk's office within 14 calendar days from the date of the citation's issuance. No fee shall be required for filing the request for an initial review. Failure of the city clerk to receive a timely request for an initial review constitutes a waiver of the right to challenge the ability to pay. In this event, the citation is final and binding, and payment shall be due within 30 calendar days from the date of the citation's issuance; provided, however, that if the cited person timely filed a request for review of the administrative citation, the payment of the citation will be due in accordance with the outcome of that initial review and any subsequent proceedings.
2. The statement of financial worth form shall include information relating to the cited person's employer, real and tangible personal property, monthly income including federal and/or state benefits, and all monthly financial obligations. The cited person shall certify the content of the statement as to its truth and correctness under penalty of perjury. The cited person shall also sign a release form of that person's most recent federal income tax report.
3. The reviewer, in conference with the director, shall make a determination of whether or not the cited person has the ability to pay the full deposit to appeal an administrative citation based on the information provided in the statement of financial worth, and shall notify the cited person in writing by mail and/or email within 90 calendar days from the date of receipt of the request for initial review; provided, however, that the public safety director or development services director may extend the ninety-day deadline upon a finding of good cause.

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4. A person who requested an initial review solely on the basis of ability to pay, for whom the determination has been made that the person has the financial ability to pay the full amount of the citation in one payment, shall submit payment of the full amount of the citation within 30 calendar days from the date of the notice of determination of ability to pay.
  5. A person for whom the determination has been made that the person does not have the ability to pay the full amount of the citation in one payment, shall, no later than 14 calendar days from the date of the determination, coordinate with the department to establish a payment plan whereby the cited person shall make timely monthly payments until the citation has been paid in full.

(Ord. No. 1079(b), § 3(Exh. C), 2-23-2021; Ord. No. 1093, § 4(Exh. A), 10-11-2022)

Editor's note(s)—Ord. No. 1079(b), § 3(Exh. C), adopted Feb. 23, 2021, repealed the former § 17.42.170, and enacted a new § 17.42.170 as set out herein. The former § 17.42.170 pertained to right of appeal from an administrative citation and derived from Ord. No. 1015, § 1, adopted Dec. 13, 2016.

### **17.42.190 Administrative hearing.**

- A. A person whose initial review of an administrative citation has resulted in the citation being upheld pursuant to this chapter may contest the citation by filing a written appeal on a city- approved form to the city clerk within 14 calendar days from the date of the issuance of the written statement of the results of the initial review. The basis for the appeal must be specified in detail on the appeal form. The appeal form must include a mailing address and, if available, an email address to which correspondence related to the request may be sent. Failure of the city clerk to receive a timely appeal constitutes a waiver of the right to contest a citation; in this event, the citation is final and binding.
- B. A deposit in the amount of the citation must be paid at the time the appeal is filed. A person for whom a determination has been made that the person is unable to pay the full amount of the citation in one payment as set forth in section 17.42.170 B.(5) of this chapter shall tender the first payment of the payment plan established pursuant to that subsection.
- C. As soon as practicable after a timely appeal is filed, the city manager or his/her designee shall fix a date, time and place for a hearing. The hearing shall be conducted by an independent and impartial hearing officer. Written notice of the time and place for the hearing shall be served by first class mail and/or email at least 10 calendar days prior to the date of the hearing.
- D. An appellant may request, in writing, that the director reschedule the hearing if the request is made at least 24 hours prior to the hearing. The director shall grant one continuance of the hearing date.
- E. Failure of an appellant to appear at the scheduled hearing shall constitute the appellant's waiver of the right to appeal and a forfeiture of the citation amount deposited at the time the appeal was filed.
- F. Appeal hearings are informal, and formal rules of evidence and discovery do not apply. The city bears the burden of proof to establish, by a preponderance of evidence, that the appellant committed the offense that was the basis for the citation. The officer issuing the administrative citation and/or submitting the written incident report or statement of facts shall not be required to appear at the hearing. The hearing officer shall accept testimony by declaration under penalty of perjury relating to the commission of the offense, as set forth in the issuing officer's incident report or statement of facts, and shall consider any other relevant evidence concerning the commission of the offense that the public safety director or development services director or his/her designee may present at the hearing. The hearing officer shall also take the testimony of the appellant, and/or his or her witnesses, will consider any other credible relevant rebuttal evidence the appellant may wish to present. The appellant may represent himself or herself or be represented by anyone of his or her choice, including counsel, at his or her sole expense. The appellant may bring an interpreter to the hearing at his or her sole expense.

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- G. The hearing officer shall make findings based on the record of the hearing, and shall prepare a written decision, based on those findings, to uphold or dismiss the citation. A hearing officer may uphold the citation but modify the penalty amount if extenuating circumstances warrant a modification in the interest of justice. A copy of the written decision shall be served on the appellant by first class mail within 14 days after the hearing. If the citation is dismissed, the city shall refund the amount of the citation deposit to the appellant within 30 days from the date of the decision.
- H. The decision of the hearing officer is final and conclusive, subject only to review by the superior court in accordance with the time limits set forth in Code of Civil Procedure Section 1094.6.

(Ord. No. 1079(b), § 3(Exh. C), 2-23-2021; Ord. No. 1093, § 4(Exh. A), 10-11-2022)

Editor's note(s)—Ord. No. 1079(b), § 3(Exh. C), adopted Feb. 23, 2021, repealed the former § 17.42.180, and enacted a new § 17.42.180 as set out herein. The former § 17.42.180 pertained to severability and derived from Ord. No. 1015, § 1, adopted Dec. 13, 2016.

### **17.42.200 Community service in lieu of payment of penalty.**

- A. As an alternative to paying the amount of the administrative citation, a cited person may elect to enroll in and perform community service. The amount of the citation shall be reduced for each hour of community service at a rate in accordance with the state's minimum wage in effect at the time the community service is performed.
- B. In the event a person who has enrolled in community service fails or refuses to perform the community service in a timely and appropriate manner, as provided in any applicable rules, regulations, policies and procedures, the city may cancel the community service agreement and collect any unpaid balance of the administrative citation in any manner authorized by law.

(Ord. No. 1079(b), § 3(Exh. C), 2-23-2021; Ord. No. 1093, § 4(Exh. A), 10-11-2022)

### **17.42.210 Severability.**

If any section, subsection, paragraph, sentence, clause or phrase of this chapter is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this chapter. The city council declares that it would have adopted this chapter, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases, or portions be declared invalid or unconstitutional.

(Ord. No. 1079(b), § 3(Exh. C), 2-23-2021; Ord. No. 1093, § 4(Exh. A), 10-11-2022)

## **Chapter 17.43 COMMERCIAL CANNABIS ACTIVITY<sup>7</sup>**

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<sup>7</sup>Editor's note(s)—Ord. No. 1083, § 1(Exh. A), adopted May 11, 2021, repealed the former Ch. 17.43, §§ 17.43.010—17.43.170, and enacted a new Ch. 17.43 as set out herein. The former Ch. 17.43 pertained to similar subject matter and derived from Ord. No. 1053, § 1, 12-11-2018.

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### **17.43.010 Purpose.**

- A. The purpose of this chapter is to regulate all "commercial cannabis activity" in the city, as that term is defined in Section 26001(k) of the Business and Professions Code, to the extent authorized by state law and in a manner designed to minimize negative impacts on the city and neighboring uses, and promote the health, safety, morals, and general welfare of residents and businesses within the city. The purpose of this chapter is also to align the city's regulation of commercial cannabis activity with applicable state law and to regulate the types of commercial cannabis activity permitted under state law. This chapter is enacted specifically in response to the state laws that permit commercial cannabis activity and the objective of this chapter is to minimize its negative impacts.
- B. This chapter is further adopted and established pursuant to the specific authority granted to the city in Section 7 of Article XI of the California Constitution and Division 10 of the Business and Professions Code. This chapter, together with chapter 5.56 and all other applicable law, shall govern all commercial cannabis activity that occurs within the city.

(Ord. No. 1083, § 1(Exh. A), 4-11-2021)

### **17.43.020 Relationship to other laws.**

In the event of a conflict between the provisions of this chapter and the provisions of any other applicable state or local law, the more restrictive provision shall control.

(Ord. No. 1083, § 1(Exh. A), 4-11-2021)

### **17.43.030 Definitions.**

- A. The following terms shall be defined as follows:

"Adult-use" or "adult-use cannabis" means cannabis or cannabis product that is used or intended to be used by adults who are over twenty-one (21) years of age and who do not possess a physician's recommendation for medicinal cannabis.

"Applicant" means a person applying for a city commercial cannabis license.

"Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salts, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtain from cannabis. For the purpose of this chapter, "cannabis" does not mean industrial hemp as that term is defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

"Cannabis concentrate" means cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate for purposes of this chapter.

"Cannabis cultivation facility" means a facility wherein cannabis is propagated, planted, grown, harvested, dried, processed, stored, cured, graded, labeled, tagged for tracking or trimmed, or that does all or any combination of those activities. For purposes of this chapter, "cultivation facility" also means and includes stand-alone nurseries and processing facilities.

"Cannabis dispensary" or "dispensary" means a premises where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale.

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"Cannabis distribution facility" means any facility or location where the primary purpose is the procurement, sale, and transport of cannabis and cannabis products between licensed entities.

"Cannabis facility" means collectively any cannabis cultivation, manufacturing, distribution or retail facility, as those terms are defined in this chapter. A "cannabis facility" may be comprised of: all structures located on a parcel operated by a single licensee; one or more buildings operated by a licensee on a parcel that contains other building(s) which are operated by other licensees; or a suite or unit within a building operated by a licensee that contains other suites or units operated by other licensees. For purposes of this chapter, "cannabis facility" and "facility" may be used interchangeably.

"Cannabis manufacturing facility" means a facility where the production of cannabis concentrate, or preparation, propagation, compounding and/or packaging of manufactured cannabis is conducted, either directly or indirectly or by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis.

"Cannabis product," means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

"Cannabis retail facility" means a building, or a suite or unit within a building, in which a licensed cannabis retailer or licensed microbusiness authorized to engage in retail sales displays, offers and/or sells cannabis, cannabis products, or devices for the use of cannabis or cannabis products, either individually or in any combination, for retail sale.

"Canopy" means the total combined indoor area for all locations on a property where cannabis is being cultivated, as measured by the horizontal extent of the plant or combination of plants at the widest point and measured in a straight line. This does not include aisles or walkways.

"Cultivation" means any activity involving the propagation, planting, growing, harvesting, drying, curing, processing, storing, packaging, labeling, grading, or trimming of cannabis.

"Delivery" means the commercial transfer of cannabis or cannabis products from a licensed retailer or licensed microbusiness authorized to engage in retail sales to a purchaser. "Delivery" also includes the use by a cannabis facility of any technology platform owned and controlled by the cannabis facility, that enables purchasers to arrange for or facilitate the commercial transfer by a licensed retailer of cannabis or cannabis products.

"Delivery employee" means an individual employed by a licensed retailer or licensed microbusiness authorized to engage in retail sales who delivers cannabis goods from the licensed retailer or licensed microbusiness premises to a customer at a physical address.

"Distribution" means the procurement, sale, and transport of cannabis and cannabis products between licensed cannabis business entities.

"Edible cannabis product" means manufactured cannabis that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the Food and Agricultural Code. An edible cannabis product is not considered food as defined by Section 109935 of the Health and Safety Code or a drug as defined by Section 109925 of the Health and Safety Code.

"Good cause" for purposes of denying, revoking, suspending, or refusing to renew or reinstate a license includes, but is not limited to, the following:

1. The licensee or applicant has violated any of the terms, conditions or provisions of this chapter, of state law, of any regulations and/or rules promulgated pursuant to state law, any applicable local rules and/or regulations, or any special terms or conditions placed upon its conditional use permit, state license, and/or city license;



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2. The licensed premises have been operated in a manner that adversely affects the public health, safety or welfare or the safety of the immediate neighborhood in which the establishment is located, causes adverse economic impacts, increased crime, increased incidence of communicable disease, increased demand on public safety resources and law enforcement personnel, decreased property values and/or an increase in the number of transients in the area;
  3. The licensee or applicant has knowingly made false statements, misrepresentations or material omissions on an application form, renewal form, or any other document submitted to the city;
  4. Issuance of the license would impair the health, safety or welfare of the public, cause negative impacts to property values, impair the city's ability to prevent crime associated with cannabis, and/or impair the city's ability to ensure that cannabis grown remains secure and does not find its way to minors or illicit markets.
  5. The applicant or licensee's criminal history does not indicate that the applicant or licensee is of good moral character; or the applicant or licensee has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, or that otherwise indicates that his or her operation of a cannabis facility would pose a hazard to public health and safety;
  6. The licensee or applicant is employing or being financed in whole or in part by any person whose criminal history indicates that person is not of good moral character or that otherwise indicates his/her financial interest in a cannabis facility will pose a hazard to public health and safety;
  7. The applicant or licensee has failed or refused to allow city officials to inspect security recordings, activity logs, or business records, of the licensed premises;
  8. The licensee has failed to adequately reconcile its inventory, such that shortages in its cannabis and/or cannabis product cannot be accounted for in the paper and/or electronic inventory tracking system(s);
  9. The applicant or licensee has failed to pay any and all cannabis fees, surcharges, and/or fully adjudicated administrative citations;
  10. The applicant or licensee has had a primary or tenant license revoked or has had more than one suspension on its primary or tenant license by the city; or
  11. The applicant or licensee operated a cannabis business in violation of this chapter, chapter 5.56, or any other applicable state or local law.

"Indoor cultivation" means the cultivation of cannabis within a permanent structure using exclusively artificial light or within any type of structure using artificial light at a rate above twenty-five watts per square foot.

"Legal parcel" means a parcel of land for which one legal title exists. Where contiguous legal parcels are under common ownership or control, such legal parcels may at the option of the property owner be counted as a single parcel for purposes of this chapter.

"Licensee" means a person who has been issued a city license to conduct commercial cannabis activity on premises for which a conditional use permit has been approved.

"Manufacturer" means a person that conducts the production, preparation, propagation, or compounding of manufactured cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.

"Medicinal cannabis" or "medicinal cannabis product" means cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Section 11362.5 of the Health and Safety Code) by a medicinal cannabis patient in California who possesses a physician's recommendation. For purposes of this chapter, "medicinal" and "medical" may be used interchangeably.

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"Mixed-light cultivation" means the cultivation of mature cannabis in a greenhouse, hoophouse, glasshouse, conservatory, hothouse, or other similar structure using a combination of: (1) Natural light and light deprivation and one of the artificial lighting models listed below: (a) "Mixed-light Tier 1" without the use of artificial light or the use of artificial light at a rate above zero, but no more than six watts per square foot; (b) "Mixed-light Tier 2" the use of artificial light at a rate above six and below or equal to twenty-five watts per square foot; or (2) Natural light and one of the artificial lighting models listed below: (a) "Mixed-light Tier 1" the use of artificial light at a rate above zero, but no more than six watts per square foot; (b) "Mixed-light Tier 2" the use of artificial light at a rate above six and below or equal to twenty-five watts per square foot.

"Nursery" means all activities associated with producing clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.

"Outdoor cultivation" means the cultivation of mature cannabis without the use of artificial lighting or light deprivation in the canopy area at any point in time. Artificial lighting is permissible only to maintain immature plants outside the canopy area.

"Person," as used in this chapter, means and includes any individual, partnership or any kind, corporation, limited liability company, association, joint venture or other organization or entity, however formed.

"Process" or "Processing" mean all activities associated with the drying, curing, grading, trimming, rolling, storing, packaging, and labeling of cannabis or nonmanufactured cannabis products.

"Responsible person" means any person, whether as a licensee, property owner, lessee, employee, agent, or otherwise, that allows, causes, creates, maintains, or permits any violation of this chapter, chapter 17.43, or applicable state or local cannabis law or regulation, to exist or continue, by any act or the omission of any act or duty. The actions or inactions of a responsible person's employee, agent, representative or contractor may be attributed to that responsible person.

"State law(s)" shall mean and include California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996); California Health and Safety Code Sections 11362.7 through 11362.83 (Medical Cannabis Program Act); California Business and Professions Code Sections 26000 through 26231.2 (Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA")), and all other applicable laws of the state of California.

"State license," "license," or "registration" means a state license issued pursuant to MAUCRSA.

"State licensing authority" shall mean the Bureau of Cannabis Control within the California Department of Consumer Affairs, the California Department of Public Health, the California Department of Food and Agriculture, or any other state agency responsible for the issuance, renewal, or reinstatement of a license issued under MAUCRSA or the agency authorized to take disciplinary action against such license.

"Testing laboratory" has the same meaning as that term is defined by Section 26001(as) of the Business and Professions Code and shall mean a laboratory, facility or entity that offers or performs tests of cannabis or cannabis products and that is both of the following:

1. Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state;
  2. Licensed by the bureau of cannabis control.
- B. Words and phrases not specifically defined in this Code shall have the meaning ascribed to them as defined in the following sources:
1. The Compassionate Use Act of 1996 (California Health and Safety Code Section 11362.5);
  2. The Medical Cannabis Program Act (California Health and Safety Code Sections 11362.7 through 11362.83); and

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3. The Medicinal and Adult-Use Cannabis Regulation and Safety Act (California Business and Professions Code Sections 26000 through 26231.2) as may be amended from time to time.

(Ord. No. 1083, § 1(Exh. A), 4-11-2021)

#### **17.43.040 Permissible cannabis commercial activity; number of permissible facilities.**

- A. Subject to chapter 5.56 and all other applicable state and local laws and regulations, a person may conduct the following types of commercial cannabis activities subject to the requirements and restrictions set forth in this chapter:
  1. Cultivation, including indoor cultivation, mixed-light cultivation, and stand-alone nurseries and processing facilities;
  2. Manufacturing;
  3. Distribution;
  4. Retail sales;
  5. Delivery, when originating from a retail facility within the city at a location for which a conditional use permit has been approved and whose owner possesses current and valid local and state licenses and permits;
  6. Testing laboratories, accredited and licensed as required pursuant to MAUCRSA.
- B. The maximum number of licenses issued by the city may be limited by written policy prepared and implemented by the city manager, said policy to be distributed to the City Council within ten (10) business days of its promulgation or amendment.

(Ord. No. 1083, § 1(Exh. A), 4-11-2021)

#### **17.43.045 Prohibited commercial cannabis activity.**

It shall be unlawful to engage in commercial cannabis activity in the city except as provided in section 17.43.040 of this chapter.

(Ord. No. 1083, § 1(Exh. A), 4-11-2021)

#### **17.43.050 Cannabis facilities conditionally permitted.**

Cannabis facilities, as defined herein, shall be conditionally permitted within the city, subject to the requirements of this chapter, chapter 5.56 and all other applicable state and local laws.

(Ord. No. 1083, § 1(Exh. A), 4-11-2021)

#### **17.43.060 License and conditional use permit required to operate.**

- A. Cannabis facilities shall only be permitted to operate in the city following application, investigation, verification, notice and public hearing, approval and issuance of both a license issued by the city in accordance with the criteria and procedures set forth in chapter 5.56 and a conditional use permit issued in accordance with the criteria and procedures set forth in this chapter and any policies, procedures and/or regulations promulgated by the city manager to implement the provisions of this chapter and chapter 5.56. No land use entitlement, permit (including building permit) approval, site plan, certificate of occupancy,

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zoning clearance, or other land use authorization for a cannabis cultivation facility shall be granted, permitted or valid unless a conditional use permit is first obtained and issued under this chapter.

- B. All persons who are engaged in or who are attempting to engage in cannabis commercial activity shall do so only in strict compliance with the terms, conditions, limitations and restrictions of chapter 5.56, this chapter and all other applicable state and local laws and regulations.
- C. The city manager is authorized to make policies and procedures consistent with this chapter concerning the applications, the application process, the information required of applicants, the application procedures and the administration and procedures to be used and followed in the application and hearing process.

(Ord. No. 1083, § 1(Exh. A), 4-11-2021)

#### **17.43.070 Conditional use permit application process.**

- A. Prior to initiating operations and as a continuing requisite to operating a cannabis facility, the applicant shall obtain a conditional use permit under the terms and conditions set forth in this chapter. The applicant shall file an application for a conditional use permit with the city's development services department on the official form supplied by the city and shall pay the applicable application fee as established by resolution of the city council, as may be amended from time to time. The provisions of chapter 17.32 that govern conditional use permits generally shall apply to conditional use permits applied for and/or issued under this chapter; provided, however, that to the extent of any conflict or inconsistency between chapter 17.32 and this chapter, the provisions of this chapter shall control.
- B. An application for a conditional use permit shall include the information and documents required by the applicable state licensing agency, the requirements as specified in the development review application checklist provided by the city, and shall also include at least the following information:
  - 1. Environmental plan. An environmental plan indicating how cultivation, manufacturing, distribution and/or retail will be conducted in accordance with state and local laws related to hazardous material disposal, land conversion, grading, electricity usage, water usage, and agricultural discharges.
  - 2. Emergency response plan. An emergency response plan which complies with this Code and the California Fire Code, and sets out standard operating procedures to be followed by all individuals in case of a fire, chemical release, chemical spill, or other emergency.
  - 3. License. Proof that the applicant has been provisionally approved for a city license for the proposed facility.
  - 4. Context aerial map. An aerial map stating the distances between the proposed cannabis facility and the nearest residence, school, park and church.
  - 5. Address of cannabis facility. The address of the location of the proposed cannabis facility.
  - 6. Site plan and floor plan. A site plan and floor plan of the proposed cannabis facility denoting all uses of areas of the cannabis facility, including any and all storage, employee areas, exterior lighting, restrooms, security cameras, areas of ingress and egress, signage, limited access areas, and restricted access areas.
  - 7. Interior improvements. Plans and specifications for the interior of the proposed licensed premises if the building to be occupied is in existence at the time of the application. If the building is not in existence or alteration to the building is required at the time of the application, the applicant shall file a plot plan and a detailed sketch for the interior and shall further submit an architect's drawing of the building to be constructed or renovated.

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8. Owner and manager information. The name, address, telephone number and email of any person who is an owner, a manager and person responsible for the day-to-day operations of the proposed cannabis facility.
  9. Property owner information and acknowledgement. The name, address, telephone number and email of the person that owns the real property upon which the proposed cannabis facility is to be operated. In the event the applicant does not legally own the property, the application must be accompanied by a notarized acknowledgement from the person who owns the property that a cannabis facility will be operated on his or her property.
  10. Operating plan. An operating plan for the proposed cannabis facility that includes at least the following information:
    - a. A description of the design of the proposed licensed premises evidencing that the design conforms to applicable local and state laws and regulations.
    - b. A detailed description of the type of cultivation processes to be utilized, including, without limitation, all nutrients, chemicals and other materials.
    - c. A detailed breakdown of square footages for each of the areas dedicated to the cultivation, manufacturing, storage, display and/or sale of cannabis and cannabis related items, as applicable.
    - d. A specific description of the types of manufacturing products, activities, extraction and/or infusion methods, packaging, specific equipment to be utilized, whether and which volatile solvents will be used, and what percentage of the facility will be used for such activity.
    - e. A description of the source of power (electric utility company, solar, diesel generators), the size of the electrical service or system, and the total demand to be placed on the system by all proposed uses on-site.
    - f. Verification of all water sources used by the proposed cannabis facility and verification that the proposed cannabis facility does not and will not utilize water that has been or is illegally diverted from any stream, creek, or river.
    - g. Evidence of compliance with all applicable environmental laws and regulations, including, without limitation, those pertaining to air and water quality.
    - h. Any additional document(s) or information reasonably requested by the city.
  11. Security plan. A security plan that, to the satisfaction of the city, addresses how the applicant intends to comply with and implement all requirements of this chapter, chapter 5.56 and the MAUCRSA, including, but not limited to, a description of how the security measures are sufficient to ensure the safety of on-site managers and employees, protect the proposed licensed premises from diversion and theft, and ensure that all buildings where cannabis is cultivated or stored and/or where cannabis products are manufactured, packaged and stored are secured sufficiently to prevent unauthorized entry.
  12. Odor filtration system. Verification that the proposed cannabis facility will be equipped with an odor filtration system that meets the following requirements:
    - a. A cannabis facility shall install or provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the cannabis facility that is distinctive to its operation is not detected or detectable outside the cannabis facility, anywhere on adjacent property or public rights-of-way, on or about any exterior or interior common area walkways, hallways, breeze-ways, foyers, lobby areas, or any other areas available for common use by tenants or the visiting public, or within any other unit located within the same building as the cannabis facility.

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- b. For enforcement purposes, the standard for determining what constitutes an unlawful odor under this subsection shall be whether such an odor would be deemed offensive to a reasonable individual on an ongoing or periodic basis and personally detectable by city staff or law enforcement personnel.
  - 13. Declaration. 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 true and correct.
  - 14. Acknowledgement. Authorization for the city to seek verification of the information contained within the application.
  - 15. Any such additional and further information as is deemed necessary by the city to administer this section or this chapter.
  - C. The city staff shall review, verify and investigate all information on the application and prepare a report for the planning commission incorporating the findings of such investigation and verification, including, but not limited to, the suitability of the proposed location, and the applicant's compliance with the requirements of this chapter, chapter 5.56 and all other applicable state and local laws and regulations. The applicant shall be solely responsible for the cost of any environmental report, study or other document determined by the city to be necessary in order to process the application. Upon the city's demand, the applicant shall deposit with the city the estimated cost of the environmental report, study or other document determined by the city to be required by applicable law.

(Ord. No. 1083, § 1(Exh. A), 4-11-2021)

#### **17.43.080 Grounds for denial of conditional use permit.**

- A. The planning commission shall not hold a public hearing on or approve any application for a conditional use permit to operate a cannabis facility unless the city has provisionally approved the applicant's license pursuant to chapter 5.56.
- B. In addition to the findings set forth in section 17.32.090 of this Code, a conditional use permit shall only be granted subject to certain conditions to protect the health, safety and general welfare of the neighborhood or community, and subject to the following findings:
  - 1. The cannabis facility as well as all operations as conducted therein, fully comply with all applicable environmental, building, electrical, zoning and fire codes, accessibility requirements of the Americans with Disability Act, and all other applicable local and state laws and regulations; and
  - 2. The cannabis facility complies with and meets all operating criteria required pursuant to state laws, chapter 5.56 of this Code, any other applicable provisions of this Code, and any specific, additional operating procedures and measures as may be imposed as conditions of approval in the conditional use permit.
- C. Following the public hearing, the planning commission shall deny an application for a conditional use permit upon making any of the following findings, which shall be made part of the record of the meeting/public hearing:
  - 1. The findings required by section 17.32.090 or subsection B, above, for the granting of a conditional use permit cannot be made; or
  - 2. Good cause, as defined in this chapter.
- D. Based on the information set forth in the application, the staff report presented by city staff and testimony presented at the public hearing, the planning commission may impose reasonable terms and conditions on a

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proposed cannabis facility in addition to those specified in and required to be included in every conditional use permit granted under this chapter.

(Ord. No. 1083, § 1(Exh. A), 4-11-2021)

#### **17.43.090 Transfer of ownership interest to a new owner, modification of licensed premises and other material changes.**

In addition to any requirements in chapter 5.56 of this Code, the following requirements for change of ownership to a new owner, or modification of a cannabis facility apply.

- A. Change of ownership interest to a new owner. A conditional use permit approved in compliance with the provisions of this chapter shall continue to be valid upon a change of ownership interest in the cannabis facility in the same area, configuration, and manner as it was originally approved in compliance with this chapter. Notwithstanding anything in this Code to the contrary, a new owner of a facility may not commence operations at the premises until the transfer of ownership interest to a new owner has been approved by the city and the new owner has been issued a primary license.
- B. Modification of licensed premises. A cannabis facility shall not make physical change, alteration, or modification that materially changes the facility from the plans approved by the city and/or planning commission without paying the fee established by resolution of the city council and obtaining director's review and approval, and complying with any new conditions of approval. Material changes shall comply with all current building and safety codes as determined by the fire chief and building official. Material changes include, but are not limited to: a decrease in the number of security cameras, the relocation of any security camera included in the security plan approved pursuant to section 17.43.070, an increase or decrease in the total square footage of the licensed premises or the addition, sealing off, or relocation of a wall, common entryway, doorway, or other means of public ingress and/or egress. The city may deny a requested material modification if, in its sole discretion, it determines that such modification poses or has the likelihood of posing a hazard to public health, safety or welfare, or will otherwise be detrimental to the neighboring community. Subject to director's review and approval, additional permissible commercial cannabis activities may be added to a parcel for which a cannabis conditional use permit has previously been approved.

(Ord. No. 1083, § 1(Exh. A), 4-11-2021)

#### **17.43.100 Appeals.**

Any decision regarding the planning commission's or director's review approval, conditional approval, denial, or revocation or modification of a conditional use permit for a cannabis facility may be appealed to the city council in accordance with the provisions of chapter 2.44 of this Code.

(Ord. No. 1083, § 1(Exh. A), 4-11-2021)

#### **17.43.110 Permitted zones, distance and size requirements.**

- A. Permitted zones. Subject to the distance and other requirements of this chapter, a cannabis facility may only be located on a property within the light industrial (LI) zone, heavy industrial (HI) zone, or any adopted specific plan that permits industrial uses, and following the application for and granting of a conditional use permit in accordance with this chapter. In addition to the other required findings, the planning commission shall also consider whether approval of the proposed facility will violate the minimum requirements set forth in this section.

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B. Distance and size requirements.

1. No cannabis facility shall be located within six hundred (600) feet of the following:
  - a. A religious assembly;
  - b. A public or private school, college or university (excluding trade schools);
  - c. A residential use or residentially designated property;
  - e. A public park.
2. An applicant for a conditional use permit pursuant to this chapter may request, in conjunction with the conditional use permit, a waiver of the foregoing distance requirements; provided, however, that no waiver may be requested or shall be granted for mixed-light cultivation utilizing hoop-houses or similar soft-sided and/or temporary structures. In considering such request, the planning commission may approve a waiver if it makes the following findings:
  - a. The cannabis facility will serve a specific community need; and
  - b. The distance waiver approved for the facility is not expected to result in an adverse effect on adjacent property, uses or residents.
3. All distances specified in this section shall be measured in a straight line, without regard to intervening structures or topography, from the nearest point of the building or structure in which the cannabis facility is, or will be located, to the nearest property line of the parcel where such use set forth in this subsection B is located.
4. All indoor cultivation/manufacture of cannabis shall occur in an enclosed locked structure that shall not exceed size limits set by state licensing/regulatory agencies.

(Ord. No. 1083, § 1(Exh. A), 4-11-2021)

**17.43.120 Confidentiality of information.**

- A. The city's review of information submitted or maintained pursuant to this chapter shall preserve the confidentiality of all information about applicants, licensees, owners, and employees, to the maximum extent consistent with state and local law. The city shall incur no liability for the inadvertent or negligent disclosure of such information. Disclosure of any applicant or licensee information to the city for purposes of this chapter shall not be deemed a waiver of confidentiality.
- B. The city shall treat all financial information provided pursuant to this chapter as financial data in accordance with the California Public Records Act (California Government Code Section 6254(n)).
- C. To the extent permitted by law, recordings from security cameras, as well as operating plans and security plans required by this chapter shall be confidential and shall not be subject to public inspection or disclosure except to authorized city employees.

(Ord. No. 1083, § 1(Exh. A), 4-11-2021)

**17.43.130 Limitations on city's liability.**

To the fullest extent permitted by law, the city shall not assume any liability whatsoever, with respect to approving any conditional use permit pursuant to this chapter or the operation of any cannabis facility approved pursuant to this chapter. As a condition of approval of a conditional use permit as provided in this chapter, the applicant or its legal representative shall:



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- A. Execute an agreement indemnifying the city from any claims, damages, etc., associated with the operation of the facility;
  - B. Agree to defend, at its sole expense and with counsel of the city's choice, any action against the city, its agents, officers, and/or employees related to the approval of a primary license; and
  - C. Agree to reimburse the city for any court costs and attorney fees that the city may be required to pay as a result of any legal challenge related to the city's approval of a primary license.
  - D. Expressly acknowledge in writing that (i) the city incurs no liability whatsoever as a result of the city's issuance of a license pursuant to chapter 5.56, a conditional use permit pursuant to this chapter and/or approval of the security plan required by this chapter, (ii) the applicant is aware that engaging in commercial cannabis activity may violate federal law, including, without limitation, the Controlled Substances Act, 21 U.S.C. § 801 et seq., and the applicant assumes all liability for such violation.

(Ord. No. 1083, § 1(Exh. A), 4-11-2021)

#### **17.43.140 Inspections.**

- A. Recordings made by security cameras at any cannabis facility shall be made immediately available to the city's public safety department, the city manager, the Los Angeles County Sheriff's Department or their designee upon verbal request for enforcement and/or criminal investigation purposes.
- B. The city manager, or his or her designee, law enforcement officers, city development services department personnel and city public safety personnel and compliance inspectors shall have the right to enter all cannabis facilities from time to time unannounced for the purpose of making reasonable inspections to observe and enforce compliance with this chapter and chapter 5.56.

(Ord. No. 1083, § 1(Exh. A), 4-11-2021)

#### **17.43.150 Violations and enforcement.**

- A. Operation of a cannabis cultivation facility in non-compliance with any conditions of approval or the provisions of this chapter, chapter 5.56, any other applicable state or local law or regulation, or condition of any license or permit shall constitute a misdemeanor and upon conviction thereof any violation shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00), or by imprisonment for a period of not more than one year, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.
- B. The city may issue an administrative citation to any responsible person, as defined herein, for each violation of this chapter pursuant to the procedures set forth in chapter 9.48; provided, however, that notwithstanding the provisions of subsection 9.48.060(E), the penalty amounts of administrative citations issued for violations of this chapter shall be as follows, may be amended from time to time by resolution of the city council:
  - 1. For the first violation within a twelve (12) month period, the penalty shall be ten thousand dollars (\$10,000.00);
  - 2. For the second and any subsequent violation within a twelve (12) month period, the penalty shall be twenty thousand dollars (\$20,000.00).
- C. In lieu of or in addition to the foregoing, the city may collect any and all abatement and related administrative costs pursuant to the provisions of section 8.28.210.

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- D. The remedies provided herein are not to be construed as exclusive remedies, and in the event of violation or non-compliance, the city may pursue any proceedings or remedies otherwise provided by law. Any administrative citation issued pursuant to this chapter shall not prejudice or adversely affect any other civil, administrative or criminal action that may be brought to correct or abate any unlawful nuisance condition or use caused by a licensee, permittee or cannabis facility. A civil or criminal action may be brought concurrently with any other process regarding the same violation.
- E. Applicants and licensees shall cooperate with employees and investigators of the city who are conducting inspections or investigations of or pertaining to the enforcement of laws and regulations related to this chapter. No applicant or licensee shall by any means interfere with, obstruct or impede the city manager or any member of the city's development services or public safety department, law enforcement personnel, or other city official from exercising his/her duties under the provisions of this chapter and all regulations promulgated pursuant to it.

(Ord. No. 1083, § 1(Exh. A), 4-11-2021)

### **17.43.160 Revocation of conditional use permit.**

Revocations of a conditional use permit issued under this chapter shall be governed by section 17.32.890, et seq. of this Code. In addition to the grounds for revocation set forth in section 17.32.890, the planning commission and/or the city council may suspend or revoke a conditional use permit if the planning commission and/or the city council find:

- A. Good cause;
- B. The building, structure, equipment, location or manner of operation of such business does not comply with the requirements of or fails to meet the standards of the health, zoning, fire and safety laws of the state and ordinances of the city applicable to such business operations; or
- C. The cannabis facility has failed to comply with this chapter or any condition of approval or a circumstance or situation has been created that would have permitted the planning commission to initially deny the conditional use permit, including, but not limited to, failure to comply with the operating plan or safety plan approved pursuant to section 5.56.070.

(Ord. No. 1083, § 1(Exh. A), 4-11-2021)

### **17.43.170 Public nuisance.**

- A. It is unlawful and shall constitute a public nuisance to engage in or conduct any commercial cannabis activity in violation of this chapter, chapter 5.56 or any other applicable local or state law or regulation, or condition of a license or permit.

(Ord. No. 1083, § 1(Exh. A), 4-11-2021)

### **17.43.180 Regulations.**

The city manager is authorized to promulgate such regulations as may be necessary or convenient to implement this chapter.

(Ord. No. 1083, § 1(Exh. A), 4-11-2021)

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### **17.43.190 Severability.**

If any section, subsection, paragraph, sentence, clause or phrase of this chapter is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this chapter. The city council declares that it would have adopted this chapter, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one (1) or more sections, subsections, phrases, or portions be declared invalid or unconstitutional.

(Ord. No. 1083, § 1(Exh. A), 4-11-2021)

## **Chapter 17.44 CONTINUATION, PENDING PROCEEDINGS AND REPEALS**

### **17.44.010 Continuation of existing law.**

The provisions of this title insofar as they are substantially the same as the provisions of any ordinance or portions of any ordinance repealed by the ordinance codified in this title shall be construed as restatements and continuation thereof, and not as new enactments.

(Prior zoning ord. § 801)

### **17.44.020 Pending proceedings not affected.**

No hearing or other proceeding initiated or commenced prior to November 5, 1971, and no right accrued, is affected either by amendments to this title effective on said November 5, 1971, or by the provisions of this title, but all proceedings thereafter taken shall conform to the provisions of this title so far as possible. Where the commission prior to said November 5, 1971, has recommended the granting, denial, revocation or modification of any permit, exception, license, or other approval, to the city council, the said council may act upon such recommendation either before or after November 5, 1971. In all other cases the commission shall grant, deny, revoke or modify as now provided in this title even if the action was initiated prior to November 5, 1971.

(Prior zoning ord. § 802)

### **17.44.030 Pending proceedings.**

If, prior to November 5, 1971, an application for an exception has been heard by the board of supervisors, commission or zoning board but has not been decided on November 5, 1971, the city council and commission may, where applicable, consider the case as either an application for a variance or for a conditional use permit, and shall decide or recommend pursuant to the provisions of this title as they now exist.

(Prior zoning ord. § 803)

### **17.44.040 Rights under existing approval not affected.**

No rights given by any permit, license or other approval under any ordinance repealed by the ordinance codified in this title are affected by such repeal, but such rights shall hereafter be exercised according to the provisions of this title.

(Prior zoning ord. § 804)

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#### **17.44.050 Prior approval of permits and maps.**

No rights given by any permit or tentative map approval, or existing extension thereof, under any ordinance in effect prior to the effective date of this amendment shall be affected by this amendment.

(Prior zoning ord. § 804.1)

#### **17.44.060 Conviction of crime.**

Any conviction for a crime under any ordinance which is repealed by the ordinance codified in this title, which crime is continued as a public offense by this title, constitutes a conviction under this title for any purpose for which it constituted a conviction under such repealed ordinance.

(Prior zoning ord. § 805)

#### **17.44.070 Repeals.**

Ordinance No. 219 entitled "An Ordinance Regulating the Storage and Transportation of Explosives in the County of Los Angeles," adopted October 11, 1909; Ordinance No. 1454, entitled "An Ordinance Regulating the Establishment and Maintenance of Rock Quarries, Sand and Gravel Pits and Rock Crushing Plants in the County of Los Angeles," adopted March 14, 1927; Ordinance No. 1473 (New series) entitled "An Ordinance Providing for the Creation in the Unincorporated Area of the County of Los Angeles of Seven Zones Prescribing the Classes of Uses of Buildings, Structures, Improvements and Premises in Said Several Zones and Providing a Penalty for the Violation Thereof," adopted May 2, 1927; Ordinance No. 2179, entitled "An Ordinance Providing for a Comprehensive Scheme of Building Line Restrictions in the Unincorporated Territory of the County of Los Angeles," adopted November 2, 1932; Ordinance No. 2854, entitled "An Ordinance Regulating the Establishment, Maintenance and Extension of Cemeteries in the County of Los Angeles, Providing for the Issuance of Permits Therefor, and Providing Penalties for the Violation Thereof," adopted January 20, 1937; and Ordinance No. 5070, entitled "An Ordinance Temporarily Restricting and Regulating Residential Construction, Occupation and Use in the Laguna Domingues Area, Pending the Adoption of Permanent Official Plans of the Master Plan of Land Use," adopted February 17, 1948, are repealed.

(Prior zoning ord. § 806)

#### **17.44.080 No revival of repealed ordinances.**

The repeal of said Ordinance No. 2854 does not revive Ordinance No. 927, New Series, entitled "An Ordinance Prohibiting the Establishment of Certain Institutions in Certain Localities in the County of Los Angeles," adopted October 1, 1923, nor any other ordinance or portion thereof repealed by said Ordinance No. 2854.

(Prior zoning ord. § 807)

#### **17.44.090 Zone exception modifying standards deemed variance.**

Where a zone exception granted by action of the commission or board of supervisors prior to said November 5, 1971, may be granted as a variance under the present provisions of this title, it shall be deemed a variance.

(Prior zoning ord. § 808)

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#### **17.44.100 Status of zone exceptions other than standards.**

In all cases other than as provided in Section 17.44.090 where a zone exception was granted by action of the commission or the board of supervisors prior to November 5, 1971, such use shall be considered a nonconforming use under the provisions of this title provided:

- A. That such uses shall remain in compliance with and subject to all limitations and conditions imposed by such grant; and
- B. That all provisions governing nonconforming uses not in conflict with the limitations and conditions of such grant, shall apply.

(Prior zoning ord. § 809)

### **Chapter 17.45 COLLECTION BINS**

#### **17.45.010 Title.**

This Chapter shall be known as the City of Lancaster's Collection Bins ordinance.

(Ord. No. 1098, § 3(Exh. A), 1-24-2023)

#### **17.45.020 Findings and declaration.**

The city council finds and declares as follows:

- A. The unregulated presence of collection bins, sometimes called donation bins, on private property often leads to bins encroaching on public rights-of-way, which poses a significant hazard to vehicular and pedestrian safety.
- B. Additionally, many collection bins are not regularly maintained or monitored, which results in donated items overflowing out of the bins, creating a visual blight and providing a harborage for vermin. The presence of overflowing bins and/or a proliferation of bins in a concentrated area can create the appearance of an informal dumping area and attract unintended items such as couches, appliances, and electronics. Unattended and unmaintained bins are frequently targets for graffiti and other vandalism, which further leads to blight.
- C. It is the purpose and intent of the city council to protect public health, safety and general welfare by establishing narrowly tailored and reasonable time, place and manner regulations to ensure the proper, safe and sanitary location and maintenance of collection bins in the city.

(Ord. No. 1098, § 3(Exh. A), 1-24-2023)

#### **17.45.030 Definitions.**

As used in this Chapter, the following words and phrases have the meanings set forth below:

"City manager" means the city manager of the city of Lancaster, or his or her designee. "Code" means the Lancaster Municipal Code.

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"Collection bin" or "bin" means an unattended box, receptacle or similar device used for soliciting and collecting donations of salvageable personal property, whether for charitable purposes by a non-profit organization or for profit by a for-profit entity.

"Person" as used in this Chapter, means and includes any individual, partnership of any kind, corporation, limited liability company, association, joint venture or other organization or entity, however formed, as well as trustees, heirs, executors, administrators, or assigns, or any combination of such persons. "Person" also includes any public entity or agency that acts as an owner in the city.

"Responsible person" means any person, whether as an owner or tenant/lessee of private property or otherwise, that allows, causes, creates, maintains, or permits a nuisance collection bin to exist on or adjacent to their premises, by any act or the omission of any act or duty. The actions or inactions of a responsible person's agent, employee, representative or property manager may be attributed to that responsible person.

"Salvageable personal property" means new or used items such as clothing, shoes, books, and miscellaneous household items.

(Ord. No. 1098, § 3(Exh. A), 1-24-2023)

#### **17.45.040 Director's review and approval required.**

It is unlawful for any person to store, maintain, or allow a collection bin without having first obtained a director's review and approval. A person must have an approval in good standing at all times a collection bin is on a person's premises.

(Ord. No. 1098, § 3(Exh. A), 1-24-2023)

#### **17.45.050 Application for director's review; denial, revocation, conditioning; obtaining approval for bins currently on property.**

- A. A person seeking to store, maintain or allow a collection bin on his/her property shall submit an application for a director's review in accordance with the provisions set forth in Chapter 17.32, Article VI of this code.
- B. The application review and approval, denial, conditioning, suspension and/or revocation processes, and all administrative remedies, shall be in accordance with Chapter 17.32. An approval is also subject to modification or denial if the information submitted pursuant to subsection C. of this Section is incomplete or does not reflect that the placement or maintenance of the collection bin will comply with the standards set forth in this Chapter. Further, an approval may be denied or revoked in the event of any of the following conditions:
  - 1. The property has contained graffiti within 6 months prior to the application submittal that has not been timely removed in accordance with this code;
  - 2. The property has had conditions or uses in violation of the Lancaster Municipal Code within 6 months prior to the application submittal which were not timely corrected or abated in accordance with a notice of violation, administrative citation, or compliance letter;
  - 3. The applicant has been found to be in violation of the requirements of this Chapter within one year of the application submittal.
- C. In addition to the requirements set forth in Chapter 17.32, Article VI, the applicant shall also submit the following information/documentation, which is subject to the approval, modification and/or denial of the city manager:

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1. The collection bin operator's contact information, including name, address, email, website (if available), and telephone number.
  2. If the operator holds itself out as a non-profit organization, a statement that it meets the definition of nonprofit organization in Section 501(c)(3) of the United States Internal Revenue Code or Section 150(c) of the California Welfare and Institutions Code.
  3. If the operator holds itself out as a for-profit organization, a statement that it holds a valid certificate of good standing issued by the California Secretary of State.
  4. If the operator and the owner of the lot on which the collection bin will be located are the same person or entity, written acknowledgment that the operator understands that they are liable for violations of this subdivision. If the operator and the owner of the lot on which the collection bin will be located are different persons or entities, written acknowledgment signed by both parties that both understand that they are jointly and severally liable for violations of this subdivision.
  5. A site plan identifying the following:
    - i. Boundaries of the parcel on which the bin will be located;
    - ii. Location of all structures on the parcel;
    - iii. Proposed bin location;
    - iv. Distance from the proposed bin location to the lot lines and the nearest structures on the parcel;
    - v. Locations and dimensions of all existing and proposed driveways, landscaped areas, easements, and parking space on the parcel.
  6. Diagram and/or description of the bin including the height, width, depth, and general appearance of the bin, and the materials of which the bin is fabricated.
  7. Diagram and/or description of the proposed locking mechanism.
  8. Description of the maintenance plan, including the pick-up schedule to be not less than weekly, and graffiti, litter and trash removal on and around the collection bin;
  9. Any other information regarding time, place and manner of the collection bin's operation, placement, and maintenance that the city manager deems reasonably necessary to evaluate the proposal's consistency with the requirements of this Chapter.
- D. A person on whose property a collection bin is already located as of the effective date of this ordinance shall legalize the bin by applying for and obtaining director's review and approval as set forth in this Section, or shall remove the bin from the premises, within sixty (60) calendar days from the effective date of this ordinance.

(Ord. No. 1098, § 3(Exh. A), 1-24-2023)

#### **17.45.060 Location, distance requirements of collection bins.**

- A. Collection bins are permissible only commercially zoned property on which at least one currently licensed business is operating.
- B. No collection bin shall be located within the following distances:
  1. 20 feet of any public right-of-way;
  2. 10 feet of any lot line adjoining another lot;
  3. 100 feet of a residentially zoned parcel.

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- C. No collection bin shall be located on or within the following:
1. The public right-of-way, including alleys and sidewalks;
  2. Any area designated for landscaping.
- D. No collection bin shall be located in, or block or impede access to any of the following:
1. Required parking or driveway areas;
  2. Pedestrian routes;
  3. Emergency vehicle routes;
  4. Building ingress and egress;
  5. Required accessibility routes;
  6. Required easements;
  7. Trash enclosure areas or access to trash bins or trash enclosures;
  8. Any place that would impede the functioning of exhaust, ventilation or fire extinguishing systems.
- E. No more than one collection bin shall be located on any lot.

(Ord. No. 1098, § 3(Exh. A), 1-24-2023)

#### **17.45.070 Physical attributes.**

- A. Collection bins shall be fabricated of durable and waterproof materials.
- B. Bins shall be placed on a paved, non-sloping surface.
- C. Bins shall have a tamper-resistant locking mechanism.
- D. Bins shall not exceed dimensions of 80 inches in height, 50 inches in depth, and 60 inches in width.
- E. Collection bins shall be provided a light source to provide illumination between sunset and sunrise.
- F. Bins shall have the following information conspicuously displayed in at least two-inch type visible from the front of the collection bin:
1. Bin operator's name, 24-hour telephone number, and address of the lot on which the bin is licensed to be located;
  2. A statement that no material shall be left outside the collection bin;
  3. A statement that either reads "this collection bin is owned and operated by a for-profit organization" and that clearly describes the charitable cause that will benefit from the donations, or "this collection bin is owned and operated by a nonprofit organization" and that clearly states "this donation is not tax deductible."

(Ord. No. 1098, § 3(Exh. A), 1-24-2023)

#### **17.45.080 Operational and maintenance standards.**

- A. Collection bins shall be maintained in good working order, and free from graffiti, removed or damaged requisite signs and notifications, peeling paint, rust, and broken collection operating mechanisms.



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- B. No overflow collection items, litter, debris or dumped materials shall be allowed to accumulate within 20 feet of any collection bin.
  - C. Collection bins shall be serviced not less than weekly. Servicing includes removal of the collected items, maintenance of the bin, and abatement of any graffiti, litter or other nuisance conditions in, on or around the collection bin.
  - D. The operator shall maintain an active email address and a telephone with 24-hour recording capability for the public to register complaints.
  - E. Any conditions that are in violation of this Chapter must be abated or corrected within 48 hours of being reported to bin operator and/or property owner.

(Ord. No. 1098, § 3(Exh. A), 1-24-2023)

#### **17.45.090 Violation; public nuisance; penalty; administrative citations.**

- A. The city council finds and declares that it is unlawful for any responsible person, as defined in this Chapter, to allow, cause, create, suffer or permit the presence of a collection bin on or around his or her property in a location or manner that is in violation of this Chapter.
- B. The city council finds and declares that a collection bin that does not fully comply with this Chapter constitutes a public nuisance subject to abatement.
- C. Any person violating the provisions of this Chapter is subject to the penalty provisions set forth in Chapter 1.12.
- D. A responsible person violating the provisions of this Chapter may additionally be issued an administrative citation in accordance with the provisions set forth in Chapter 1.16.

(Ord. No. 1098, § 3(Exh. A), 1-24-2023)

#### **17.45.100 Abatement; emergency abatement of an imminently hazardous collection bin.**

- A. The city manager may cause a nuisance collection bin to be abated, in accordance with the procedures set forth in Chapter 8.28 of this code.
- B. The city council finds and declares that a collection bin that has encroached into the public right-of-way, including alleys and sidewalks, constitutes a significant hazard to pedestrians and vehicles and therefore is deemed an imminent public safety hazard. The city manager is authorized to utilize the procedures set forth in Section 8.28.170 of this code for the emergency abatement of such a bin.

(Ord. No. 1098, § 3(Exh. A), 1-24-2023)

#### **17.45.110 Remedies not exclusive.**

- A. Any administrative citation pursuant to this Chapter shall not prejudice or adversely affect any other civil, administrative or criminal action that may be brought to abate a nuisance collection bin or to seek compensation for damages suffered. A criminal or civil action may be brought concurrently with any other process regarding the same violation.
- B. A nuisance collection bin may be abated through the revocation or suspension of the director's review approval, in accordance with the provisions set forth in Chapter 17.32, Article VIII of this code.

(Ord. No. 1098, § 3(Exh. A), 1-24-2023)

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**17.45.120 Severability.**

If any section, subsection, paragraph, sentence, clause or phrase of this Chapter is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Chapter. The city council declares that it would have adopted this Chapter, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases, or portions be declared invalid or unconstitutional.

(Ord. No. 1098, § 3(Exh. A), 1-24-2023)

# Lancaster General Plan

## Safety Element

### INTRODUCTION

**The City of Lancaster prioritizes the well-being and safety of its community members. Our initiatives and policies prioritize preparation for potential natural and human-caused hazards and emergencies.**

**Effective emergency management, increased preparation for disasters, and incorporation of resilience in City activities and the development process supports the protection of life and property. This Element of the General Plan provides the context to identify and understand the hazards that could threaten the urban and rural portions of the community. Based on this understanding, better practices and policies enable the continued prosperity and resilience of Lancaster.**

### What is a Safety Element?

The Safety Element is one of the State-mandated elements of the General Plan. It presents the City's overall goals, policies, and action programs to facilitate resilience and prosperity. This Safety Element meets the requirements of California Government Code Section 65302(f) and (g). Under State planning law, this Element identifies and discusses the following hazards of concern for the City:

- Geology and Seismicity
- Flooding and Drainage
- Noise
- Air Installation Land Use Compatibility
- Hazardous Materials
- Crime Prevention and Protection Services
- Fire Prevention and Suppression Services
- Disaster Preparedness and Evacuation
- Emergency Medical Facilities
- Climate Adaptation

### Consistency with Other Elements

Integrating safety considerations throughout the General Plan creates a consistent framework that prioritizes the well-being of the community. The Lancaster Safety Element is a key component of the General Plan which works in conjunction with other Elements, including:

- **Plan for the Natural Environment:** addresses the use and management of natural resources and open space lands.
- **Plan for Active Living:** contains plans and programs for the provision of quality living environments, addressing parks, recreation, and other community services.
- **Plan for Physical Mobility:** focuses on transportation issues and how goods and people move.
- **Plan for Municipal Services and Facilities:** addresses the services and facilities needed to support existing and future residential, commercial, and industrial development.
- **Plan for Economic Development and Vitality:** outlines how the community is striving for economic self-sufficiency and presents a program to facilitate those efforts.

- **Plan for Physical Development:** focuses on the organization of the physical environment into a local, functional, and aesthetic pattern consistent with community values. These policies and programs are illustrated on the General Plan Land Use Map. The Plan for Physical Development also contains the *Community Design* subsection, which focuses on strengthening the City's physical image and identity. The Plan for Community Design provides direction in the form of policies and action programs that call for the development and implementation of comprehensive community design guidelines that provide guidance for creating an attractive and enduring physical environment.
- **Housing Element:** addresses housing needs and strategies to accommodate population growth and a variety of income levels. Periodic updates of the Housing Element are required in conjunction with the Regional Housing Needs Allocation prepared by the California Department of Housing and Community Development.

## Consistency with Local Hazard Mitigation Plan

The Local Hazard Mitigation Plan (LHMP) for the City of Lancaster was developed in accordance with the Disaster Mitigation Act of 2000 (DMA 2000) and follows guidance provided by the Federal Emergency Management Agency (FEMA). The LHMP incorporates a systematic process to identify and profile hazards, assesses risks to the community's people, property, and critical facilities, and develops mitigation strategies to reduce or eliminate those risks. Implementation of the LHMP includes both short-term and long-term actions, such as planning initiatives, policy updates, programs, projects, and other efforts to enhance community resilience.

The LHMP is a dynamic, regularly updated document that supplements the Safety Element of the General Plan. It is incorporated by reference in accordance with California Government Code Section 65302(g). The current, FEMA-

approved LHMP, as adopted by the City Council, can be accessed in its entirety on the City's website at: <https://www.cityoflanasterca.gov/emergencyplans>

## Regulatory Environment

### California Government Code 65302(g)(1):

California Government Code Section 65302(g)(1) establishes the legislative framework for California's Safety Elements. This framework consolidates the requirements from relevant federal and state agencies, ensuring that all jurisdictions are compliant with the numerous statutory mandates. These mandates include:

- Protecting against significant risks related to earthquakes, tsunamis, seiches, dam failure, landslides, subsidence, flooding, and fires as applicable.
- Including maps of known seismic and other geologic hazards.
- Addressing evacuation routes, military installations, peak-load water supply requirements, and minimum road widths and clearances around structures as related to fire and geologic hazards, where applicable.
- Identifying areas subject to flooding and wildfires.
- Avoiding locating critical facilities within areas of high risk.
- Assessing the community's vulnerability to climate change and including adaptation and resilience goals, policies, and implementation actions.

### California Government Code Sections 8685.9 and 65302.6:

California Government Code Section 8685.9 (also known as Assembly Bill 2140 or AB 2140) limits California's share of disaster relief funds paid out to local governments to 75 percent of the funds not paid for by federal disaster relief efforts. However, if the jurisdiction has adopted a

valid LHMP consistent with DMA 2000 and has incorporated the LHMP into the jurisdiction's General Plan, the State may cover more than 75 percent of the remaining disaster relief costs. All cities and counties in California must prepare a General Plan, including a Safety Element that addresses various hazard conditions and other public safety issues. The Safety Element may be a standalone chapter or incorporated into another section as the community wishes. California Government Code Section 65302.6 indicates that a community may adopt an LHMP into its Safety Element if the LHMP meets applicable State requirements. As the General Plan is an overarching long-term plan for community growth and development, incorporating the LHMP into it creates a stronger mechanism for implementing risk reduction strategies and hazard mitigation projects.

#### **California Government Code 65302(g)(3) adopted through SB 1241 (2012):**

California Government Code Section 65302(g)(3) requires the Safety Element to identify and update mapping, information, and goals and policies to address wildfire hazards. As part of this requirement, any jurisdiction that includes State Responsibility Areas or Very High Fire Hazard Severity Zones in the Local Responsibility Areas (LRA), as defined by the California Board of Forestry and Fire Protection (Board), is required to transmit the updated Element to the Board for review and approval. Very High Fire Hazard Severity Zones are not located within city limits; therefore, compliance with Section 65302(g)(3) is not required at this time.

#### **California Government Code 65302(g)(4) adopted through SB 379 (2015):**

California Government Code Section 65302(g)(4) requires the Safety Element to address potential impacts of climate change and develop potential strategies to adapt/mitigate these hazards. Analysis of these potential effects should rely on a jurisdiction's LHMP or data and analysis from the State of California's Cal-Adapt website. This Element relies on the City's adopted LHMP, and supplemental information from Cal Adapt to ensure compliance with this requirement.

#### **California Government Code 65302(g)(5) adopted through S.B. 99 (2019):**

California Government Code Section 65302(g)(5) requires the Safety Element to identify evacuation constraints associated with residential developments, specifically focused on areas served by a single roadway.

#### **National Flood Insurance Program**

The National Flood Insurance Program (NFIP) was created in 1968 to help communities adopt more effective floodplain management programs and regulations. FEMA is responsible for implementing the NFIP and approves the floodplain management plans for participating cities and counties. Lancaster participates in the NFIP and uses Chapter 17, Title 40, Section 190 of the Lancaster Municipal Code to administer flood management regulations.

#### **Alquist-Priolo Earthquake Fault Zoning Act**

The Alquist-Priolo Earthquake Fault Zoning Act (California Public Resources Code [PRC], Chapter 7.5, Section 2621-2699.6) was intended to reduce the risks associated with surface faults and requires that the designated State Geologist identify and map "Earthquake Fault Zones" around known active faults. Per PRC Section 2623(a), cities and counties shall require a geologic report defining and delineating any hazard of surface fault rupture before the approval of a project. If the jurisdiction finds no undue hazard of that kind exists, the geologic report on the hazard may be waived, with the State Geologist's approval. For a list of project types, please refer to PRC Section 2621.6.

#### **Seismic Hazards Mapping Act**

The Seismic Hazards Mapping Act (California Public Resources Code, Chapter 7.8, Section 2690-2699.6) created a statewide seismic hazard mapping and technical advisory program in 1990 to help cities and counties more effectively address the effects of geologic and seismic hazards caused by earthquakes. Under PRC 2697, cities and counties shall require a geotechnical report defining and delineating any seismic hazard before

approving a project located in a seismic hazard zone. If the jurisdiction finds that no undue hazard of this kind exists based on information resulting from studies conducted on sites near the project and of similar soil composition to the project site, the geotechnical report may be waived. After a report has been approved or a waiver granted, subsequent geotechnical reports shall not be required, provided that new geologic datum, or data, warranting further investigation is not recorded. Each jurisdiction shall submit one copy of each approved geotechnical report, including the mitigation measures to be taken, if any, to the State Geologist within 30 days of its approval of the report. For a list of project types, please refer to PRC Section 2693.

### Cortese List

Government Code Section 65962.5 (typically referred to as the "Cortese List") identifies sites that require additional oversight during the local permitting process as well as compliance with the California Environmental Quality Act (CEQA). The list is generally a compilation of properties and businesses that generate, store, and/or have been impacted by the presence of hazardous materials/wastes. Many properties identified on this list may be undergoing corrective action, cleanup, or abandoned and in need of these activities. The City of Lancaster has a variety of sites identified on this list that range from permitted underground storage tanks, leaking underground storage tanks, sites meeting waste discharge requirements, and land disposal sites. No cleanup sites that meet state or federal thresholds are located within the City according to this list.

## Potential Hazards/Trends

The City of Lancaster is situated in an area of Southern California that is vulnerable to seismic and geologic hazards, flooding, fires, climate adaptation, hazardous material releases, and noise.

### Geology and Seismicity

Lancaster is located within the high desert area of Los Angeles County, which is prone to geologic and seismic

hazards. Due to these conditions, precautions are established through this Safety Element to protect lives and property against seismic shaking, surface rupture, liquefaction, and landslide.

### Seismic Shaking

Seismic shaking is the identifiable movement caused by the energy released during an earthquake. The energy that emanates through the ground from the epicenter (origin of the event at the Earth's surface) of an earthquake can travel hundreds of miles. Damage and destruction from seismic shaking affects buildings, infrastructure (roads, power lines, and pipelines), and bridges, leading to further safety concerns. Areas closest to an earthquake's epicenter are subject to the greatest shaking, which typically decreases as distance increases. The two faults with highest potential to cause significant shaking in and around Lancaster include the San Andreas Fault (approximately nine miles south of the city's center) and Garlock Fault (approximately 28 miles north/northwest of the city's center), both of which can generate earthquakes in excess of M7.0. According to the Third Uniform California Earthquake Rupture Forecast, the San Andreas Fault has a 17 percent probability of generating an earthquake greater than M6.7 in the next 30 years. During the same time period, the Garlock Fault has a two percent probability of generating a similar quake.

### Surface Rupture

The sudden movement and release of energy from an earthquake can cause the Earth to fracture and displace the land surrounding it, creating an earthquake fault. Some faults are deep beneath the surface, while others can be found at Earth's surface. Surface rupture is especially dangerous if structures were constructed on top of the fault or if city infrastructure crosses the fault, as they can be damaged and even destroyed (**Figure 4-1**). If a surface rupture occurs, the movement can burst natural gas and water pipelines, damage roads and bridges, rendering them useless after the event. Areas of known surface rupture hazard in California are identified in Alquist-Priolo Special Study Zones. **Figure 4-2** identifies



active faults near the vicinity of Lancaster that could experience a rupture. The only fault meeting this criteria is the San Andreas Fault, which is located outside the city limits.

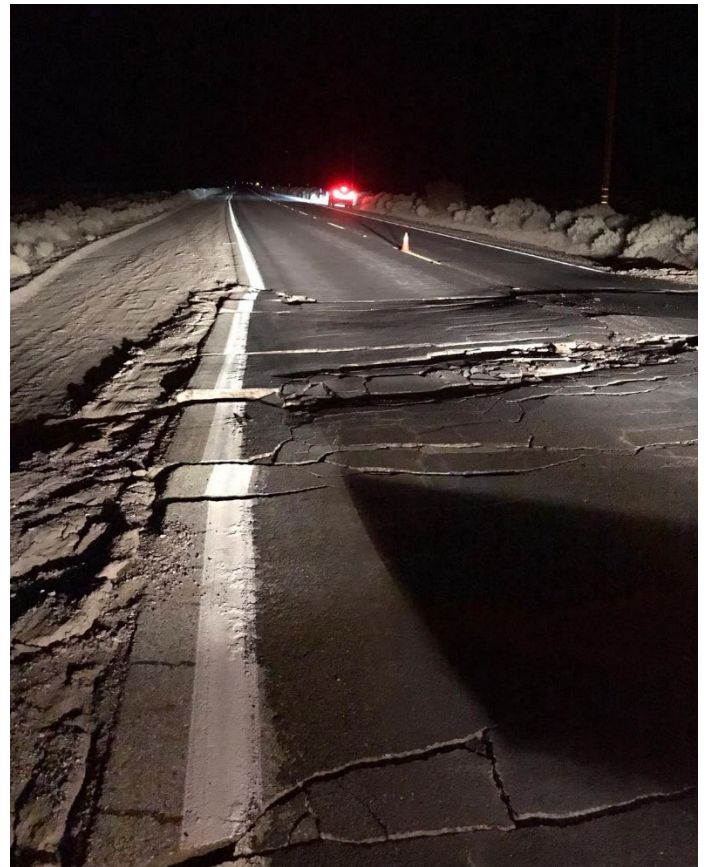
### Liquefaction

Liquefaction occurs when intense vibrations from an earthquake cause soils that are saturated to lose stability and act as a liquid. This phenomenon poses a significant problem for structures in areas where liquefaction can occur, as the ground might give way under the weight of the structure and its foundation. The California Department of Conservation has identified potential liquefaction zones within the Lancaster area: along the length of Little Rock Wash, the area of Amargosa Creek extending from north of Quartz Hill to the northeast to the Los Angeles-Kern County line, and at Apollo Community Regional Park; there is also a small liquefaction zone near Avenue M and 40<sup>th</sup> St. West.

### Landslide

A landslide is the movement of earth materials down slopes and areas of steep topography. Generally caused by earthquakes, landslides can occur when any sloped surface can no longer support the material contained within the slope or material sitting above the slope itself. The instability can simply be the sheer weight of the loose material, or it can be helped by other natural events like a heavy rainstorm. **Figure 4-3** identifies the areas of the city susceptible to deep-seated landslides. These areas are predominantly located in the southwest portion of the city.

*Figure 4-1: Damage to a road near Edwards Airforce Base after a seismic shaking event.*



*Photo Courtesy: [USGS](#)*

The following issues of concern should be considered when addressing geologic and seismic hazards:

- The City of Lancaster is located within a seismically active area, near the San Andreas and Garlock faults.
- A major earthquake could result in multiple casualties, extensive property damage and loss, and further catastrophes.