ARTICLE 4

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CHAPTER 9.40 -SEX-ORIENTED BUSINESS REGULATIONS

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9.40.010 - Purpose

The Council finds that sex-oriented businesses have objectionable operational characteristics and effects on adjacent areas, particularly when located in close proximity to each other, located in the vicinity of facilities frequented by minors, and when located in close proximity to residentially zoned property and other incompatible uses. Special regulation of these businesses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods. The primary purpose of these regulations is to preserve the public health, safety and welfare of the citizenry.

9.40.020 - Permit Requirements

Sex-oriented businesses may be established only in those zoning districts listed in Table 2-10, "Allowed Land Uses and Permit Requirements for Commercial, Industrial, and Public Facility Zoning Districts." Sex-oriented businesses shall only be allowed with an approved Use Permit in conformance with Section 9.72.080 (Use Permit and Minor Use Permit).

9.40.030 - Specific Regulations

The following specific regulations apply to sex-oriented businesses.

A. Specified distance separation requirements. Notwithstanding Section 9.40.020, no sex-oriented business shall be established or located:

1. Within a 300-foot radius from any existing residential zoning district;

2. Within 500 feet of any other sex-oriented business as defined in the glossary which is located either inside or outside the jurisdiction of the City; or

3. Within 500 feet from any existing park, playground, religious facility, or school.

The distance between a proposed sex-oriented business use and each of the facilities or areas specified in 1 through 3 above shall be measured from property line to property line.

B. No outside display. Sex-oriented businesses shall not display or exhibit any material depicting specified anatomical areas or specified sexual activities in a manner which exposes the material to the view of persons outside the building in which the sex-oriented business is located.

C. No parking lot loitering or alcoholic beverage consumption. No loitering or consumption of alcoholic beverages shall be allowed in sex-oriented entertainment businesses parking lots. Parking lots shall contain signage stating that loitering and consumption of alcoholic beverages are prohibited in parking lots.

CHAPTER 9.42 -STANDARDS FOR SPECIFIC LAND USES [1]

Sections:

9.42.010 - Purpose and Applicability
9.42.020 - Accessory Retail and Service Uses
9.42.030 - Accessory Structures
9.42.040 - Accessory Uses [1]
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9.42.010 - Purpose and Applicability

A. **Purpose.** This Chapter provides site planning, development, and/or operating standards for certain land uses that are allowed by Article 2 (Zoning Districts and Allowable Land Uses) within individual or multiple zoning districts, and for activities that require special standards to mitigate their potential adverse impacts.

B. **Applicability.** The land uses and activities covered by this Chapter shall comply with the provisions of the Sections applicable to the specific use, in addition to all other applicable provisions of this Land Use Code.

1. Where allowed. The uses that are subject to the standards in this Chapter shall be located only where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

2. Planning permit requirements. The uses that are subject to the standards in this Chapter shall be authorized by the planning permit required by Article 2, except where a planning permit requirement is established by this Chapter for a specific use.

3. Development standards. The standards for specific uses in this Chapter supplement and are required in addition to those in Articles 2 (Zoning Districts and Allowable Land Uses) and 3 (Site Planning and Project Design Standards).

   a. The applicability of the standards in this Chapter to the specific land uses listed is determined by Article 2 (Zoning Districts and Allowable Land Uses).

   b. In the event of any conflict between the requirements of this Chapter and those of Articles 2 or 3, the requirements of this Chapter shall control.

9.42.020 - Accessory Retail and Service Uses

This Section provides standards for specific retail sales and service uses, including restaurants, pharmacies, and the sale of retail merchandise, accessory to a primary commercial, industrial, or institutional use, where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

A. **General standard.** There shall be no external evidence of any commercial activity other than the primary use of the site (e.g., no signs, windows with merchandise visible from adjoining streets, etc.), nor access to any space used for the accessory retail or service use other than from within the primary structure.

B. **Review and approval requirements.** Accessory retail and service uses require Design Review in compliance with Section 9.72.040. In order to approve an accessory retail or service use, the review authority shall first find that there will be no adverse effects on adjacent existing or potential residential uses from excessive traffic, noise or other effects of the accessory use.

9.42.030 - Accessory Structures

The following standards apply to accessory structures, where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

A. **Relationship to primary use.** An accessory structure shall be incidental in function and scale to the primary structures on the site, and shall not alter the character of the primary structures or use.

B. **Timing of installation.** An accessory structure shall only be constructed concurrent with or after the construction of a primary structure on the same site, unless construction in advance of a primary structure is authorized by a Minor Use Permit.

C. **Attached structures.** An accessory structure attached to the primary structure shall comply with all zoning district requirements applicable to the primary structure, including setback requirements and height limits.

D. Detached structures. An accessory structure that is detached from the primary structure shall comply with the following standards, except where this Section establishes a different requirement for a specific type of accessory structure.

1. **Setback requirements.** Each detached accessory structure shall comply with the setback requirements of the applicable zoning district, except that:

   a. An accessory structure not exceeding eight feet in height or a floor area of 200 square feet may be located with side or rear setbacks of at least three feet, if the structure is located on the rear half of the lot and has a wall with no openings facing the side and rear property lines; except that where the rear property line abuts an alley, the structure shall be set back a minimum of 15 feet from the center line of the alley or five feet from the property line, whichever is greater; and

   b. An agricultural accessory structure not used for animal keeping in other than the AE or AR zones shall be located on the rear half of its lot, shall be set back a minimum of 10 feet from side and rear lot lines, and no closer than 10 feet from any residential structure on another lot. See Section 9.42.050 (Animal Keeping) for setback requirements for animal keeping structures.

2. **Height limits.** An accessory structure shall comply with the height limits of the applicable zoning district, except where this Section establishes different requirements for a specific type of structure.

3. **Separation between structures.** An accessory structure shall maintain at least a six-foot separation from other accessory structures and the primary structure unless the Building Official determines otherwise (see definition foe "Accessory Structure" and related definitions).

9.42.040 - Accessory Uses [1]

In addition to the uses expressly permitted in each zoning district by Article 2 (Zoning Districts and Allowable Land Uses), the following accessory uses are also permitted in compliance with this Section. See also Section 9.42.020 (Accessory Retail and Service Uses). These do not include uses covered in Section 9.42.105 (Medical Marijuana).

A. Administrative office. The administrative office for an approved primary use on the same lot.

B. Parking. Off-street parking and loading serving a primary use, located, designed, and constructed in compliance with Chapter 9.36 (Parking and Loading), but only if the parking is reserved for the residents, employees, patrons, or other persons participating in the primary activity on the site.

C. Production of goods. The production of goods for sale by a firm engaged in an approved primary commercial use on the same lot, if:

1. All goods produced are sold at retail by the same firm either on the same or other lots; and

2. Production does not occupy more than 50 percent of the total floor area and open sales, display, storage, and service area occupied by the firm on the lot, or more than 3,000 square feet, whichever is less.

D. **Sales.** Wholesale or retail sales to a buyer's custom order, of goods produced by an approved primary industrial use on the same lot.

E. **Storage.** The storage of goods sold by an approved primary commercial use on the same lot, or used in or produced by an approved primary industrial use on the same lot.

9.42.050 - Animal Keeping

Animal keeping within the City shall comply with requirements of this Section, and shall occur only where allowed by Article 2 (Zoning Districts and Allowable Land Uses), and this Section.

A. **Applicability.** These regulations are intended to regulate the keeping of animals other than domestic household pets, limiting the number and type of animals on a site in reasonable relationship to the lot sizes and residential densities of the applicable zoning districts, to ensure that animal keeping does not create adverse impacts on adjacent properties by reason of dust, insect infestations, noise, odor, or visual blight.

B. **Allowable animal keeping activities and permit requirements.**

1. **Activities and permit requirements.** Animal keeping, including related animal husbandry activities (breeding, etc.) is allowed only in compliance with the limitations on use and permit requirements in Table 4-1, and the animal keeping standards in Subsection C. The keeping of imported animals may require approval by the U.S. Department of Agriculture Fish and Wildlife Service, U.S. Department of Public Health, California Department of Fish and Game, and/or the California Department of Food and Agriculture, in addition to any City approval required by this Section.

Table 4-1 - Allowable Animal Keeping and Permit Requirements

Type of Animal	Requirement by Zoning District				
	AE, AE-CZ, NR	AR, RVL	RL	RM, RH, CC, CG, & CM	Other Non-Commercial, Non-Residential Zones
Aviary for birds other than fowl or poultry	P	P	P	P	MUP
Beekeeping	P	P	—	—	MUP
Boarding or breeding kennels	P	MUP	—	—	MUP
Fowl and poultry, except roosters over 6 months of age	P	P	P	—	MUP
Hogs and swine	P	P	—	—	MUP
Horses and cows	P	P	—	—	MUP
Household pets	P	P	P	P	P
Roosters over 6 months of age	P	—	—	—	MUP
Other large animals (defined in Table 4-2)	P	P	—	—	MUP
Other small animals (defined in Table 4-2)	P	P	P	—	MUP
Medium sized animals	P	P	P	—	MUP

Key to permit requirements:

P	Permitted animal keeping, no City approval required for the animal keeping activity, provided that it complies with the standards in Subsections C. and D.
MUP	Minor Use Permit approval required in compliance with Section 9.72.080
—	Type of animal or activity not allowed.

2. **Minor Use Permit review.** Where Table 4-1 requires a Minor Use Permit for keeping a specified animal type, the purpose of the discretionary review shall include evaluation of how the proposed animals will be housed and/or confined, and whether the location, size, and design of the area on the site for animal keeping will be adequate to allow compliance with the other standards of this Section without unreasonable effort on the part of the animal manager. In approving a Minor Use Permit in compliance with this Section, the review authority may limit the maximum number of animals allowed on the site as appropriate to the characteristics of the site, the surrounding land uses, and the species of animals proposed.

C. Animal keeping standards. Animal keeping within the AR, RVL, and RL zones shall comply with the standards in Table 4-2, where allowed by Subsection B., Table 4-1. Animal keeping within the AE, AE-CZ, and NR zones shall comply with the setback requirements of this Subsection, but is otherwise not regulated by this Section. Modifications to these standards may be granted by Minor Use Permit.

Table 4-2 - Animal Keeping Standards

Type of Animal or Facility	Maximum Number of Animals per Site (1)	Minimum Lot Area (2)	Minimum setback from Dwellings (3)
Aviary for birds other than fowl and poultry	1 per 500 sf of lot area		25 ft
Beekeeping	1 hive in per 10,000 sf of lot area in RVL, no limit in other allowed zones	½ acre in RVL 2-½ acres in AR	25 ft
Fowl and poultry	1 per 500 sf of lot area		25 ft
Hogs and swine	4 per acre	½ acre in RVL 2-½ acres in AR	25 ft
Horses and cows	4 per acre	½ acre in RVL 2-½ acres in AR	25 ft
Other small animals - Including chinchillas, rabbits, non-poisonous reptiles, rodents, and other non- poisonous small animals.	No limitation when maintained within a dwelling as a household pet; 1 per 500 sf of lot area otherwise.		25 ft
Other medium animals - Pigmy goats, pot belly pigs, and miniature horses.	12 per acre		25 ft
Other large animals -Emus, goats, llamas, donkeys, ostriches, sheep, and similar sized animals.	8 per acre	½ acre in RVL 2-½ acres in AR	25 ft

Notes:

(1) Offspring allowed in addition to maximum number until six months of age, but not exceeding three times the number of adult animals.

(2) Minimum gross lot area required for the keeping of animals.

(3) Minimum setbacks from any door or window of any neighboring residential structure for barns, shelters, pens, coops, cages, and other areas and structures where animals are kept in concentrated confinement; but not including areas continuously maintained as pasture. Animals shall not be kept in any required front yard setback except in the AE zone in pasture areas.

D. Maintenance and operational standards. All animal keeping shall comply with all of the following maintenance and operational standards.

1. **Odor and vector control.** All animal enclosures, including but not limited to pens, coops, cages and feed areas shall be maintained free from litter, garbage and the accumulation of manure, so as to discourage the proliferation of flies, other disease vectors and offensive odors. Manure shall also not be allowed to accumulate within setback areas. Each site shall be maintained in a neat and sanitary manner.

2. **Containment.** All animals shall be effectively contained on the site, and shall not be allowed to run free on any parcel in a separate ownership or in a public right-of-way.

3. **Waterway protection.** All animal keeping shall adhere to the Best Management Practices as required by the City and as identified in Subsection 9.66.020 D.1.c of this Land Use Code.

4. **Erosion and sedimentation control.** In no case shall an animal keeping operation be managed or maintained so as to produce sedimentation on any public road, adjoining property, or in any drainage channel or other waterway. In the event sedimentation occurs, the keeping of animals outdoors on the site shall be deemed a nuisance and may be subject to abatement.

5. **Noise control.** Animal keeping shall comply with the noise standards established by Section 9.30.050 (Noise Standards).

9.42.060 - Bed and Breakfast Inns (B&Bs)

This Section establishes standards for the development and operation of Bed and Breakfast Inns (B&B), where allowed by Article 2 (Zoning Districts and Allowable Land Uses). The intent of these provisions is to ensure the compatibility between the B&B and nearby residential uses.

A. Exterior appearance. The exterior appearance of an existing structure housing the B&B in an AE, AR or residential zoning district shall not be altered from its residential character except for allowed signs, and any structural modifications necessary to comply with Title 24 of the California Code of Regulations. A new structure for a B&B shall require Design Review in compliance with Section 9.72.040, to ensure that the structure is designed consistent with the residential character of the surrounding neighborhood.

B. Limitation on guest rooms. A B&B in an AE, AR or residential zoning district shall be limited to five guest rooms. A Minor Use Permit shall be required for six or more guest rooms in an AE, AR, or residential zoning district.

C. Limitation on services provided. Service shall be limited to the rental of bedrooms or suites; and meal/beverage service shall be provided for registered guests only. Separate/additional kitchens for guests are not allowed. A B&B within a residential zoning district shall not be used for receptions, private parties, or similar activities for people other than the lodging guests, unless the activities are specifically authorized by the Use Permit or Minor Use Permit approval for the B&B.

D. Off-street parking. Off-street parking shall be provided at a ratio of one space for each guest room, plus a parking space for the on-site owner/manager of the B&B pursuant to Section 9.36.040 (Number of Parking Spaces Required). Parking shall not be located in a required front or side setback. Any night lighting for the parking area shall be limited to the minimum number of fixtures and illumination levels necessary for safety, and shall comply with Section 9.30.070 (Outdoor Lighting).

E. Signs. See Chapter 9.38.

9.42.070 - Child Day Care Facilities

A. Applicability. Where allowed by Article 2 (Zoning Districts and Allowable Land Uses) Child day care facilities shall comply with the standards of this Section. These standards apply in addition to the other provisions of this Land Use Code and requirements imposed by the California Department of Social Services (DSS). DSS Licensing is required for all facilities.

B. Definitions. Definitions of the child day care facilities regulated by this Section are in Article 10 (Glossary) under "Day Care."

C. Standards for large family day care homes. As required by Health and Safety Code Sections 1597.46 et seq., a large family day care home shall be approved if it complies with the following standards.

1. **Location requirements.** In order to avoid the concentration of intensive, non-residential land uses in residential neighborhoods, maintain residential character, and compatibility with adjacent residential uses, no large family day care home shall be located within 300 feet of an existing large family day care home, or child day care center. In no case shall a residential lot be directly abutted by a large family day care center on two or more sides.

2. **Parking.** A large family day care home shall be provided parking and drop-off areas as follows.

   a. A minimum of two off-street parking spaces shall be provided in addition to those required by Section 9.36.040 (Number of Parking Spaces Required) for the single-family dwelling. The driveway may be used to provide these spaces, if the driveway is of sufficient length to accommodate the parking of two vehicles without either blocking any sidewalk or other pedestrian access.

   b. A home located on a site with no on-street parking immediately in front of the site shall provide two off-street parking spaces for drop-offs in addition to the spaces required by Subsection C.2.a.

   c. A home located on a street with a speed limit of 30 miles per hour or greater shall provide two off-street parking spaces for drop-offs in addition to the spaces required by Subsection C.2.a, that are designed to prevent vehicles from backing onto the street (e.g., circular driveway).

3. Outdoor activity areas.

a. Any side or rear setback areas intended for day care use shall be enclosed with a fence or wall adequate to separate the children from neighboring properties.

b. Outdoor recreation equipment over eight feet in height shall not be located within a required side setback, and shall be set back a minimum of five feet from a rear property line.

4. Noise. Noise generated from the large family day care home shall not exceed the standards in Section 9.30.050 (Noise).

5. Additional standards. Each large family day care home shall comply with applicable building and fire codes, and standards adopted by the State, and Social Services Department licensing requirements (California Code of Regulations, Title 22, Division 2).

D. Standards for child day care centers.

1. Fencing. Design Review shall be required for any proposed fencing. Child care facilities are eligible for a fencing exemption that would allow a five foot in height fence to adjoin a street property line.

2. Parking and loading.

a. Off-street parking shall be provided as required through the use permit process, but shall be a minimum of one space per employee on the largest shift.

b. Picking up and dropping off of children shall not create unsafe conditions. Loading and unloading of children from vehicles shall only be allowed in the driveway or in an approved parking area.

3. Noise. Potential noise sources shall be identified during the use permit process, and noise attenuation and sound dampening shall be addressed.

9.42.080 - Drive-Through Facilities

This Section establishes standards for the development and operation of drive-through facilities for very limited types of retail or service activities (e.g., ATMs, banks, or pharmacies) where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

A. General standards.

1. **Design objectives.** Drive-through facilities shall be designed and operated to mitigate problems of congestion, excessive pavement, litter, and noise.

2. **Limitation on location.** Drive-through service windows for restaurants shall be restricted to the Valley West area.

B. On-site circulation standards. A drive-through facility shall be provided internal circulation and traffic control as follows.

1. **Aisle design.**

   a. The entrance/exit of any drive aisle shall be a minimum of 50 feet from an intersection of public rights-of-way (measured at the closest intersecting curbs) and at least 25 feet from the edge of any driveway on an adjoining parcel.

   b. Drive aisles shall be designed with a minimum 10-foot interior radius at curves and a minimum 10-foot width.

2. **Stacking area.** A clearly identified area shall be provided for vehicles waiting for drive-up or drive-through service that is separated from other on-site traffic circulation on the site.

   a. The stacking area shall accommodate a minimum of three cars for each drive-up or drive-through window in addition to the vehicle receiving service.

   b. The stacking area shall be located at and before the service window (e.g., pharmacy, teller, etc.).

   c. Separation of the stacking area from other traffic shall be by concrete curbing or paint striping on at least one side of the lane.

3. **Walkways.** A pedestrian walkway shall not intersect a drive-through aisle queuing area, but a walkway may be placed on the egress side and conforms to ADA requirements.

4. **Exceptions.** The review authority may approve alternatives to the requirements of Subsections B.1, through B.3 where it first finds that the alternate design will, given the characteristics of the site, be equally effective in ensuring on- and off-site pedestrian and vehicular traffic safety and minimizing traffic congestion.

C. Signs. Each entrance to, and exit from, a drive-through aisle shall be clearly marked to show the direction of traffic flow by signs and pavement markings or raised curbs.

9.42.090 - Home Occupations [1]

The following standards for home occupations are intended to encourage reasonable opportunities for employment within the home, while avoiding changes to the residential character of a dwelling that accommodates a home occupation, or the surrounding neighborhood, where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

A. Permit requirements. A home occupation in compliance with this Section shall require a City Business License. A home occupation that does not comply with each applicable requirement of this Section may be authorized by Minor Use Permit, provided that the review authority first makes the following findings, in addition to those required by Section 9.72.080 for Minor Use Permits:

1. The operating characteristics of the business will be such that it will have no significant adverse impact on the owners or occupants of neighboring properties; and

2. The specific location, building type, orientation, access characteristics or other features of the subject property warrant the approval of the proposed use although it would not typically conform to zoning limitations.

Before receiving a City business license for a home occupation, all applicants shall sign an affidavit attesting that they have read, understand, and will comply with the standards and requirements of this Section, and that they agree to pay for all City costs incurred in the enforcement of these provisions, including attorneys' fees, if they are subsequently found to be operating a business in violation of the Municipal Code or other City ordinance.

B. Limitations on use. The following are examples of business activities that may be approved as home occupations, and uses that are prohibited as home occupations.

1. Uses allowed as home occupations. The following and other uses determined by the Director to be similar may be approved by the Director in compliance with this Section.

a. Art and craft work (ceramics, painting, photography, sculpture, etc.);

b. Tailors, sewing;

c. Office-only uses, including an office for an architect, attorney, consultant, counselor, doctor, insurance agent, planner, tutor, writer, and electronic commerce; and

d. Personal trainers and licensed massage therapy and physical therapy.

2. **Uses prohibited as home occupations.** Businesses with operating characteristics that have significant adverse impacts on the owners or occupants of the neighboring residential properties shall be prohibited as home occupations. Examples of such operating characteristics are: dust, glare, heat, noise, noxious gasses, odor, smoke, excessive traffic, vibration, use of explosives or highly combustible materials, and use of hazardous or toxic materials. The types of businesses that will be prohibited as home occupations include: vehicle repair, animal hospitals and boarding facilities, storage yards, medical clinics and laboratories, sex-oriented businesses, wood cutting businesses, welding and machine shop operations, and other similar businesses, and all uses covered in Section 9.42.105 (Medical Marijuana).

C. **Operating standards.** Home occupations shall comply with all of the following operating standards.

1. **Accessory use.** The home occupation shall be clearly secondary to the full-time use of the property as a residence.

2. **Visibility.** The use shall not require any exterior modification to the structure not customarily found in a dwelling, nor shall the home occupation activity be visible from a public right-of-way, or from neighboring residential properties.

3. **Signs.** There shall be no signs, other than one name plate, not exceeding two square feet in area, and only if attached flush to a wall of the structure. Hand lettered or magnetic door vehicle signs identifying the business are allowed; however, no vehicle sign shall be used to direct clients to the home occupation from off the site, pursuant to Section 9.38, Signs.

4. **Safety.** Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises. The use shall not employ the storage of explosive, flammable, or hazardous materials beyond those normally associated with a residential use.

5. **Off-site effects.** No home occupation activity shall create dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, vibration, or other hazards or nuisances as determined by the Director.

6. **Outdoor display or storage.** There shall be no window display or outdoor storage or display of equipment, materials, or supplies associated with the home occupation.

7. **Employees.** A home occupation shall have no on-site employees other than full-time residents of the dwelling, unless a Minor Use Permit is obtained that would allow on-site employees.

8. **Client/customer visits.** The home occupation shall be operated so as to not require more than 12 vehicle trips per day of clients, customers, and/or visitors to the residence. On-site presence of clients or customers shall be limited to one client or family at a time, and only between the hours of 9:00 a.m. and 8:00 p.m.

9. **Deliveries.** The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises in a manner different from normal residential usage, except for FedEx, UPS, or USPS-type home pick-ups and deliveries.

10. **Utility service modifications.** No electric or gas utility service to the dwelling shall be modified solely to accommodate a home occupation, other than as required for normal residential use.

9.42.100 - Live/Work Units

A. Purpose. This Section provides standards for the development of new live/work units and for the reuse of existing commercial and industrial structures to accommodate live/work opportunities where allowed by Article 2 (Zoning Districts and Allowable Land Uses). A live/work unit shall function predominantly as work space with incidental residential accommodations that meet basic habitability requirements. The standards of this Section do not apply to mixed use projects, which are instead subject to Section 9.42.110 (Mixed Use Projects).

B. Application requirements. An application for a Live/Work Unit on a former mill site, dry cleaner site, service station site, or other sites determined by the Director to possibly contain hazardous materials shall include a Phase I Environmental Assessment for the site, including an expanded site investigation to determine whether lead based paint and asbestos hazards are present in an existing structure proposed for conversion to live/work. The purpose of this requirement is to assess whether there are any hazardous or toxic materials on the site that could pose a health risk to the residents. If the Phase I assessment shows potential health risks, a Phase 2 Environmental Assessment shall be prepared and submitted to the Department in order to determine if remediation may be required.

C. Limitations on use. The nonresidential component of a live/work project shall only be a use allowed within the applicable zoning district by Article 2 (Zoning Districts and Allowable Land Uses). A live/work unit shall not be established or used in conjunction with any of the following activities:

1. Sex-oriented businesses;
2. Vehicle maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, etc.);
3. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use unless a Use Permit is obtained;
4. Welding, machining, or any open flame work unless a Use Permit is obtained; and
5. Any other activity or use, as determined by the Director or Building Official to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents, because of the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or would be hazardous because of materials, processes, products, or wastes unless a Use Permit is obtained.

D. Residential density. Live/work units shall not exceed a maximum density of 33 units per acre. The affordable housing requirements and incentives of Chapter 9.32 shall not apply to live/work units.

E. Occupancy requirement. The residential space within a live/work unit shall be occupied by at least one individual employed in the business conducted within the live/work unit.

F. Design standards.

1. **Floor area requirements.** The minimum floor area of a live/work unit shall be 1,000 square feet. No more than 30 percent or 400 square feet, whichever is greater, shall be reserved for living space as defined under "Live/Work Unit" in Article 10 (Glossary). All floor area other than that reserved for living space shall be reserved and regularly used for working space.

2. **Separation and access.** Each live/work unit shall be separated from other live/work units and other uses in the structure. Access to each live/work unit shall be provided from a public street, or common access areas. The access to each unit shall be clearly separate from other live/work units or other uses within the structure.

3. **Facilities for commercial or industrial activities, location.** A live/work unit shall be designed to accommodate commercial or industrial uses as evidenced by the provision of flooring, interior storage, ventilation, and other physical improvements of the type commonly found in exclusively commercial or industrial facilities used for the same work activity. The street-fronting ground floor area of a live/work unit shall be used only for non-residential purposes; the review authority may require a deed restriction to maintain this requirement.

4. **Integration of living and working space.** Areas within a live/work unit that are designated as living space shall be an integral part of the live/work unit and not separated from the work space, as required by Subsection F.2. The living space of a live/work unit shall have exterior access and an interior connection to the work space.

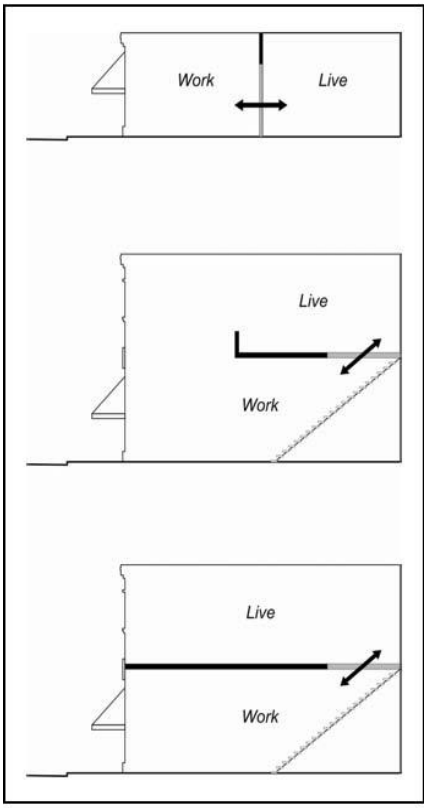

Figure 4-1 - Live/Work Arrangement Examples

5. **Mixed occupancy structures.** If a structure contains mixed occupancies of live/work units and other nonresidential uses, occupancies other than live/work shall meet all applicable requirements for those uses, and proper occupancy separations shall be provided between the live/work units and other occupancies, as determined by the Building Official.

6. **Parking.** Each live/work unit shall be provided with off-street parking spaces pursuant to Section 9.36.040 (Number of Parking Spaces Required). The review authority may modify this requirement for the use of existing structures with limited parking.

7. **Accessibility.** The non-residential portions of a live/work unit shall comply with all applicable provisions of the Americans with Disabilities Act (ADA).

G. Operating requirements.

1. **Sale or rental of portions of unit.** No portion of a live/work unit may be separately rented or sold as a commercial or industrial space for any person not living in the premises or as a residential space for any person not working in the same unit.

2. **Notice to occupants.** The owner or developer of any structure containing live/work units shall provide written notice to prospective live/work occupants and users that the surrounding area may be subject to levels of dust, fumes, noise, or other effects associated with commercial and industrial uses at higher levels than would be expected in more typical residential areas. State and Federal health regulations notwithstanding, noise and other standards shall be those applicable to commercial or industrial properties in the applicable zoning district.

3. **On-premises sales.** On-premises sales of goods is limited to those produced within the live/work unit; provided, the retail sales activity shall be incidental to the primary production work within the unit. These provisions shall allow occasional open studio programs and gallery shows.

4. **Nonresident employees.** The live/work unit approval may limit the number of employees who do not reside in the live/work unit on the basis of constrained parking or traffic conditions in the site vicinity. The number of employees shall be limited in compliance with Building Code and Fire Code requirements, based on the non-residential floor area within the live/work unit.

5. **Client and customer visits.** Client and customer visits to live/work units are allowed subject to any applicable conditions of the Use Permit, if applicable, to ensure compatibility with adjacent commercial or industrial uses, or adjacent residentially-zoned areas.

H. Changes in use. After approval, a live/work unit shall not be converted to either entirely residential use or entirely business use unless authorized through Use Permit approval. No live/work unit shall be changed to exclusively residential use in any structure where residential use is not allowed, where two or more residential units already exist, or where the conversion would produce more than two attached residential units.

I. Required findings. The approval of a Use Permit pursuant to Section 9.42.100 C for a live/work unit shall require that the review authority first make all of the following findings, in addition to those findings required for Use Permit approval by Section 9.72.080 (Use Permit and Minor Use Permit):

1. The proposed use of each live/work unit is a bona fide commercial or industrial activity consistent with Subsection C. (Limitations on use);

2. The establishment of live/work units will not conflict with nor inhibit commercial or industrial uses in the area where the project is proposed;

3. The structure containing live/work units and each live/work unit within the structure has been designed to ensure that they will function predominantly as work spaces with incidental residential accommodations meeting basic habitability requirements in compliance with applicable regulations; and

4. The proposed use of each live/work unit would not adversely affect the health or safety of live/work unit residents by creation of dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or be hazardous because of materials, processes, products, or wastes.

9.42.105 – Medical Marijuana: Cultivation and Dispensing [1]

A. Purpose. The purpose and intent of this section is to regulate the cultivation and dispensing of medical marijuana in a manner that protects the health, safety and welfare of the community. This section is not intended to interfere with a patient's right to medical marijuana, as provided for in California Health & Safety Code Section 11362, nor does it criminalize medical marijuana possession or cultivation by specifically defined classifications of persons, pursuant to state law.

B. Applicability. No part of this ordinance shall be deemed to conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. §800 et seq., nor to otherwise permit any activity that is prohibited under that Act or any other local, state or federal law, statute, rule or regulation. The cultivation, processing and dispensing of medical marijuana in the City of Arcata is controlled by the provisions of this section of the Land Use Code. Accessory uses and home occupations, where medical marijuana is involved shall be governed by the provisions of this section.

C. Release of Liability and Hold Harmless. The owner and permittee of a medical marijuana cooperative, collective or cultivation facility shall release the City of Arcata, and its agents, officers, elected officials, and employees from any injuries, damages, or liabilities of any kind that result from any arrest or prosecution of cooperative or collective or cultivation owners, operators, employees, or clients for violation of state or federal laws in a form satisfactory to the Director. In addition, the owner and permittee of each medical marijuana cooperative, collective or cultivation facility shall indemnify and hold harmless the City of Arcata and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by adjacent or nearby property owners or other third parties due to the operations at the cooperative, collective or cultivation facility, and for any claims brought by any of their clients for problems, injuries, damages, or liabilities of any kind that may arise out of the distribution, cultivation and/or on- or off-site use of medical marijuana provided at the cooperative, collective or cultivation facility in a form satisfactory to the Director.

D. Medical Marijuana for Personal Use. An individual qualified patient shall be allowed to cultivate medical marijuana within his/her private residence. A primary caregiver shall only cultivate medical marijuana at the residence of a qualified patient for whom he/she is the primary caregiver. Medical marijuana for personal use shall be in conformance with the following standards:

1. The medical marijuana cultivation area shall not exceed 50 square feet and not exceed ten feet (10') in height per residence;
   a. Medical marijuana cultivation lighting shall not exceed 1200 watts;
   b. The use of gas products (CO_2, butane, etc.) for medical marijuana cultivation or processing is prohibited;
   c. In accordance with Section 9.42.090.B.2., medical marijuana cultivation and sale is prohibited as a Home Occupation. Per Section 9.42.040, Accessory Uses, medical marijuana cultivation and sales is not considered an accessory use. No sale or dispensing of medical marijuana for personal use is allowed;

d. From a public right of way, there shall be no exterior evidence of medical marijuana cultivation either within or outside the residence;

e. The qualified patient shall reside in the residence where the medical marijuana cultivation occurs;

f. The qualified patient shall not participate in medical marijuana cultivation in any other residential location within the City of Arcata;

g. The residence shall maintain kitchen, bathrooms, and primary bedrooms for their intended use and not be used primarily for medical marijuana cultivation;

h. The medical marijuana cultivation area shall be in compliance with the current, adopted edition of the California Building Code § 1203.4 Natural Ventilation or § 402.3 Mechanical Ventilation (or its equivalent(s)); and

i. The medical marijuana cultivation area shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes.

2. Any proposed medical marijuana cultivation by an individual qualified patient or primary caregiver that does not meet the grow area standard of Section 9.42.105 D. 1. shall require a Zoning Administrator Interpretation of the need for additional cultivation area. Documentation, such as a physician's recommendation or verification of more than one qualified patient living in the residence, shall be submitted with the request showing why the cultivation area standard is not feasible. The request for Interpretation shall include written permission from the property owner. The Zoning Administrator shall review the submitted information and make an interpretation in accordance with Section 9.10.050. The Building Official may require additional specific standards to meet the California Building Code and Fire Code, including but not limited to installation of fire suppression sprinklers. Approved medical marijuana cultivation for personal use that exceeds 50 square feet shall conform to the following standards:

   a. Shall be in compliance with §9.42.105 D 1 a. – i. above; and

   b. The medical marijuana cultivation area shall not exceed an additional 50 square feet for the total of 100 square feet and not exceed ten feet (10') in height per residence; and

   c. At a minimum, the medical marijuana cultivation area shall be constructed with a 1-hour firewall assembly of green board; and

   d. Cultivation of medical marijuana for personal use is limited to detached single family residential properties, or the medical marijuana cultivation area shall be limited to a garage or self-contained outside accessory building that is secured, locked, and fully enclosed.

E. Permit requirements for Medical Marijuana Cooperatives or Collectives. Medical marijuana cooperatives or collectives may be established only in those zoning districts listed in Table 2-10, "Allowable Land Uses and Permit Requirements for Commercial, Industrial, and Public Facility Zoning Districts." Medical marijuana cooperatives or collectives shall only be allowed with an approved Use Permit in conformance with Section 9.72.080 (Use Permit and Minor Use Permit). 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 a Use Permit to operate a medical marijuana cooperative or collective. A medical marijuana cooperative or collective shall consist of a business form that satisfies state law to act cooperatively or collectively in the acquisition and distribution of medical marijuana.

Notwithstanding the provisions of Chapter 9 (Nonconforming Uses, Structures, and Parcels), an existing cooperative or collective in operation as of the effective date of this ordinance shall be brought into full compliance with the provisions of this section within one year of the effective date of the ordinance establishing this section.

1. Specific Regulations. The following specific regulations apply to medical marijuana cooperatives or collectives.

a. The total number of medical marijuana cooperatives or collectives within the City of Arcata shall be limited to four (4) until which time one (1) or two (2) of the four (4) cooperatives or collectives ceases to operate, then the total number shall be reduced to three (3) and ultimately two (2).

b. In addition to Section 9.72.080 F (Use Permit Findings and decision), the review authority should give special consideration to approving cooperatives or collectives located: within a 300 foot radius from any existing residential zoning district, within 500 feet of any other medical marijuana cooperative or collective as defined in the glossary which is located either inside or outside the jurisdiction of the City, or within 500 feet from any existing public park, playground, day care, or school.

c. Source of medical marijuana. A medical marijuana cooperative or collective shall only dispense marijuana from the following sources:

(1) Permitted Cooperative or Collective. If the Use Permit authorizes limited, on-site medical marijuana cultivation at the cooperative or collective, a permitted medical marijuana cooperatives' or collectives' on-site cultivation shall not exceed twenty-five (25) percent of the cooperatives' or collectives' total floor area, but in no case greater than 1,500 square feet and not exceed ten feet (10') in height.

(2) Off-site Permitted Cultivation. The cooperative or collective cultivates medical marijuana in an off-site location in accordance with applicable zoning regulations from the jurisdiction in which it is located. Zoning compliance documentation from the applicable jurisdiction shall accompany the Use Permit application and be updated annually.

(3) Qualified Patients. In the case of a medical marijuana cooperative or collective, the medical marijuana is acquired from an individual qualified patient who cultivated the medical marijuana in accordance with the standards in Section 9.42.105.D., the qualified patient received no monetary remittance, and the qualified patient is a member of the medical marijuana cooperative or collective. Pursuant to California Health and Safety Code §11362.765 (c) a collective or cooperative my credit its members for medical marijuana provided to the collective or cooperative, which they may allocate to other members.

d. Notwithstanding Section 9.72.080 (Use Permit and Minor Use Permit) a medical marijuana cooperative or collective application for a Use Permit shall include a detailed Operations Manual including but not necessarily limited to the following information:

(1) Authorization for the City, its agents and employees, to seek verification of the information contained within the application;

(2) A description of the staff screening process including appropriate background checks;

(3) The hours and days of the week the medical marijuana cooperative or collective will be open;

(4) Text and graphic materials showing the site, floor plan and facilities of the medical marijuana cooperative or collective. The material shall also show adjacent structures and land uses;

(5) A description of the security measures located on the premises, including but not limited to, lighting, alarms, and automatic law enforcement notification;

(6) A description of the screening, registration and validation process for qualified patients;

(7) A description of qualified patient records acquisition and retention procedures;

(8) The process for tracking medical marijuana quantities and inventory controls including on-site cultivation, processing, and/or medical marijuana products received from outside sources;

(9) Description of measures taken to minimize or offset energy use from the cultivation or processing of medical marijuana;

(10) Description of chemicals stored, used and any effluent discharged into the City's wastewater and/or stormwater system; and

(11) Other information required by the Community Development Director.

2. Operating Standards. Medical marijuana cooperatives or collectives shall comply with all of the following operating standards.

a. No dispensing medical marijuana to an individual qualified patient or primary caregiver more than twice a day;

b. Medical marijuana cooperatives or collectives shall only dispense medical marijuana to an individual qualified patient who has a valid, verified physician's recommendation. The medical marijuana cooperative or collective shall verify that the physician's recommendation is current and valid;

c. Medical cooperatives or collectives shall display the client rules and/or regulations in a conspicuous place that is readily seen by all persons entering the cooperative or collective. The client rules and/or regulations shall include, but not limited to:

(1) Each building entrance to a medical marijuana cooperative or collective shall be clearly and legibly posted with a notice indicating that smoking, ingesting or consuming medical marijuana on the premises or in the vicinity of the cooperative or collective is prohibited unless specifically authorized with the Use Permit.

(2) The building entrance to a medical marijuana cooperative or collective shall be clearly and legibly posted with a notice indicating that persons under the age of eighteen (18) are precluded from entering the premises unless they are qualified patients and/or they are under the supervision of their parent or legal guardian.

d. The hours of operation for an approved medical marijuana cooperative or collective shall be limited to between 8:00 a.m. to 8:00 p.m. or as specified within the Use Permit.

e. Medical marijuana cooperatives or collectives shall not permit the use of medical marijuana on-site unless specifically authorized under the Use Permit.

f. Medical marijuana cooperatives or collectives shall not permit the on-site display of marijuana plants except for approved signs according to Chapter 9.38 (Signs);

g. Medical marijuana cooperatives or collectives shall only permit the distribution of live plants, starts and clones as allowed by the approved Use Permit. Such distribution shall be limited to qualified patients or primary caregiver;

h. Medical marijuana cooperatives or collectives shall only permit the on-site display or sale of marijuana paraphernalia used for the consumption of medical marijuana as allowed by the approved Use Permit;

i. Medical marijuana cooperatives or collectives shall comply with other conditions as outlined in the Use Permit;

j. Medical marijuana cooperatives or collectives shall maintain all necessary permits, and pay all appropriate taxes. Medical marijuana cooperatives or collectives shall also provide invoices to vendors to ensure vendor's tax liability responsibility;

k. Medical marijuana cooperatives or collectives shall implement procedures as outlined in their approved Operations Manual;

l. Medical marijuana cooperatives or collectives shall submit an "Annual Performance Review Report" for review and approval by the Community Development Director. The "Annual Performance Review Report" is intended to identify effectiveness of the approved Use Permit, Operations Manual, and Conditions of Approval, as well as the identification and implementation of additional procedures as deemed necessary. The Community Development Director may review and approve amendments to the approved "Operations Manual"; and the frequency of the "Annual Performance Review Report". Medical marijuana cultivation and dispensing monitoring review fees pursuant to the current Planning and Zoning Fee Resolution shall accompany the "Annual Performance Review Report" for costs associated with the review and approval of the report.

3. **Permit Revocation or Modification.** A use permit may be revoked or modified according to Section 9.96.070 (Permit Revocation or Modification). Use Permit revocation proceedings may occur for non-compliance with one or more of the items 2.a. through l. above.

4. **Transfer of Use Permit.** The rights of an approved Use Permit to operate a medical marijuana cooperative or collective may be transferred to another cooperative or collective as a Use Permit modification according to Section 9.96.070 (Permit Revocation or Modification).

F. **Medical Marijuana Cultivation for Cooperative or Collective.** Except as permitted in Section 9.42.105 E. 1. c. (1) medical marijuana cultivation and processing for medical marijuana cooperatives or collectives is considered an agricultural use and may be established only in those zoning districts listed in Table 2-1 "Allowable Land Uses and Permit Requirements for Agricultural and Resource Zoning Districts" and 2-10, "Allowable Land Uses and Permit Requirements for Commercial, Industrial, and Public Facility Zoning Districts." Medical marijuana cultivation and processing for a medical marijuana cooperative or collective shall only be allowed with an approved Use Permit in conformance with Section 9.72.080 (Use Permit and Minor Use Permit). 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 a Use Permit to operate medical marijuana cultivation or processing facility.

Notwithstanding the provisions of Chapter 9 (Nonconforming Uses, Structures, and Parcels), an existing medical marijuana cultivation and processing structure or use in operation as of the effective date of this ordinance shall be brought into full compliance with the provisions of this section within one year of the effective date of the ordinance establishing this section.

1. **Specific Regulations**. The following specific regulations apply to medical marijuana cultivation and processing.

   a. The total number of medical marijuana cultivation and processing facilities within the City of Arcata shall be limited to four (4) until which time one (1) or two (2) of the cultivation and processing facilities ceases to operate, then the total number shall be reduced to three (3) and ultimately two (2). If a medical marijuana cooperative or collective allows for marijuana cultivation and processing pursuant to Section 9.42.105 E. 1. c. (1), the cooperative or collective shall be counted as one of the four (4) (or three (3), or two (2) as noted above) allowed marijuana cultivation and processing facilities.

   b. The grow area shall be within a self-contained structure, with a 1-hour firewall assembly made of green board, shall be ventilated with odor control, and shall not create a humidity or mold problem;

   c. The medical marijuana cultivation and processing facility shall not adversely affect the health or safety of the nearby residents or businesses by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes;

   d. The medical marijuana cultivation and processing facility must be permitted in conjunction with an associated medical marijuana cooperative or collective in accordance to applicable zoning regulations from the jurisdiction in which it is located;

   e. The medical marijuana cultivation and processing facility shall comply with stormwater, wastewater, and applicable greenhouse gas reduction requirements;

   f. The size and scale of the cultivation shall be proportional to the qualified patient load of an associated medical marijuana cooperative or collective in accordance to applicable zoning regulations from the jurisdiction in which it is located;

g. Medical marijuana cultivation and processing facilities shall not permit the on-site display of marijuana plants except for approved signs according to Chapter 9.38 (Signs);

h. Medical marijuana cultivation and processing facilities shall not permit the on-site display or sale of paraphernalia used for the use or consumption of medical marijuana;

i. Medical marijuana cultivation and processing facilities shall comply with other conditions as outlined in the Use Permit;

j. Medical marijuana cultivation and processing facilities shall maintain all necessary permits, and pay all appropriate taxes. Medical marijuana cultivation and processing facilities shall also provide invoices to vendors to ensure vendor's tax liability responsibility;

k. Notwithstanding Section 9.72.080 (Use Permit and Minor Use Permit) a medical marijuana cultivation and processing application for a Use Permit shall include a detailed Operations Manual including but not necessarily limited to the following information:

(1) Authorization for the City, its agents and employees, to seek verification of the information contained within the application;

(2) A description of the staff screening process including appropriate background checks;

(3) The hours and days of the week the medical marijuana cultivation and processing facility will be open;

(4) Text and graphic materials showing the site, floor plan and facilities of the medical marijuana cultivation and processing facility. The material shall also show adjacent structures and land uses;

(5) A description of the security measures located on the premises, including but not limited to, lighting, alarms, and automatic law enforcement notification;

(6) The process for tracking medical marijuana quantities and inventory controls;

(7) Description of measures taken to minimize or offset energy use from the cultivation or processing of medical marijuana;

(8) Description of chemicals stored, used and any effluent discharged into the City's wastewater and/or stormwater system; and

(9) Other information required by the Community Development Director.

l. Medical marijuana cultivation and processing facilities shall implement procedures as outlined in their approved Operations Manual;

m. Medical marijuana cultivation and processing facilities shall submit an "Annual Performance Review Report" for review and approval by the Community Development Director. The "Annual Performance Review Report" is intended to identify effectiveness of the approved Use Permit, Operations Manual, and Conditions of Approval, as well as the identification and implementation of additional procedures as deemed necessary. The Community Development Director may review and approve amendments to the approved "Operations Manual"; and the frequency of the "Annual Performance Review Report". Medical marijuana cultivation and processing monitoring review fees pursuant to the current Planning and Zoning Fee Resolution shall accompany the "Annual Performance Review Report" for costs associated with the review and approval of the report.

9.42.110 - Mixed Use Projects

This Section provides standards for the design of mixed use projects, where allowed by Article 2 (Zoning Districts and Allowable Land Uses). A mixed use project combines residential and nonresidential uses on the same site, with the residential units typically located above the nonresidential uses (vertical mixed use). Residential units may be also allowed at ground level behind street-fronting nonresidential uses (horizontal mixed use) only under the limited circumstances specified by this Section.

A. Design considerations. A mixed use project shall be designed to achieve the following objectives.

1. The design shall provide for internal compatibility between the residential and non-residential uses on the site.

2. Potential glare, noise, odors, traffic, and other potentially significant impacts on residents shall be minimized to allow a compatible mix of residential and nonresidential uses on the same site.

3. The design shall take into consideration potential impacts on adjacent properties and shall include specific design features to minimize potential impacts.

4. The design shall ensure that the residential units are of a residential character, and that appropriate privacy between residential units and other uses on the site is provided.

5. Site planning and building design shall provide for convenient pedestrian access from the public street into the nonresidential portions of the project, through such means as courtyards, plazas, walkways, and street furniture.

6. Site planning and building design shall be compatible with and enhance the adjacent and surrounding residential neighborhood in terms of building design, color, exterior materials, landscaping, lighting, roof styles, scale, and signage.

B. Mix of uses. A mixed use project may combine residential uses with any other use allowed in the applicable zoning district by Article 2 (Zoning Districts and Allowable Land Uses); provided, that where a mixed use project is proposed with a use to have Minor Use Permit or Use Permit approval in the applicable zoning district, the entire mixed use project shall be subject to that permit requirement.

C. Maximum density. The residential component of a mixed use project shall comply with the density requirements of the applicable General Plan designation and zoning district.

D. Site layout and project design standards. Each proposed mixed use project shall comply with the property development standards of the applicable zoning district, and the following requirements.

1. **Location of units.** Residential units shall not occupy ground floor space within the first 75 feet of floor area measured from each building face adjacent to a public or private street.

2. **Parking.** In order to encourage the development of residential uses in existing and new commercial areas, the use of shared parking provisions shall be incorporated into mixed use projects in compliance with Section 9.36.080 (Reduction of Parking Requirements).

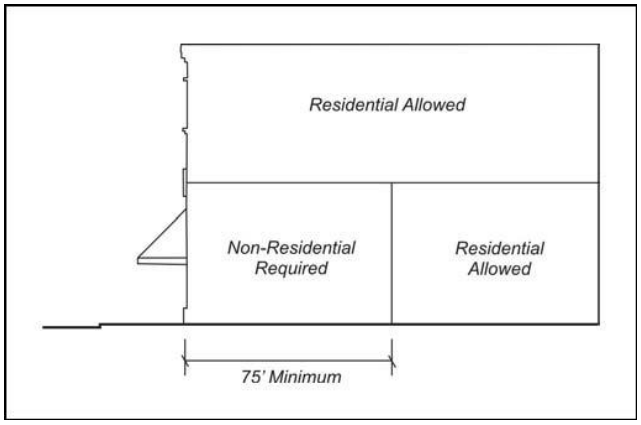

Figure 4-2 - Location of Residential in a Mixed Use Project

3. **Loading areas.** Commercial loading areas shall be located away from residential units and shall be screened from view from the residential portion of the project to the maximum extent feasible.

4. **Refuse and recycling areas.** Areas for the collection and storage of refuse and recyclable materials shall be located on the site in locations that are convenient for both the residential and nonresidential uses.

E. Performance standards.

1. **Lighting.** Lighting for commercial uses shall be appropriately shielded to limit impacts on the residential units.

2. **Noise.** Each residential unit shall be designed and constructed to minimize adverse impacts from nonresidential project noise, in compliance with Section 9.30.050 (Noise Standards).

3. **Hours of operation.** A mixed use project proposing a commercial component that will operate outside of the hours from 8:00 a.m. to 6:00 p.m. shall require Use Permit approval to ensure that the commercial uses will not negatively impact the residential uses within the project, or any adjacent residential uses.

9.42.120 - Mobile Homes and Mobile Home Parks

This Section provides requirements and development standards for the use of mobile homes as single-family dwellings outside of mobile home parks, and for mobile home parks, where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

A. Mobile home outside of a mobile home park.

1. **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.

2. **Mobile home design and construction standards.** A mobile home outside of a mobile home park shall comply with the following design and construction standards:

   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. The roof shall have eave and gable overhangs of not less than the industry standards measured from the vertical side of the mobile home, and the roof pitch shall be no less than the industry standards;

   c. The mobile home shall be placed on a foundation system, subject to the approval of the Building Official; and

   d. The mobile home is certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 USC Section 4401 et seq.), and has been constructed after January 1, 1974.

B. Mobile home park standards. The site for the mobile home park shall comply with the following requirements.

1. **Permit requirements.** A mobile home park shall require Design Review in compliance with Section 9.72.040, in addition to the Use Permit approval required by Article 2 (Zoning Districts and Allowable Land Uses).

2. **Allowable uses.** Use Permit approval for a mobile home park may authorize the following uses in addition to individual mobile homes.

   a. Accessory structures, including awnings, portable, demountable or permanent carports, fences or windbreakers, garages, porches, storage cabinets, a management facility, laundry facility, swimming facilities, recreation room, recreational vehicle storage areas, vending machines, and other uses determined by the review authority to be of a similar nature.

b. A golf course, lake, park, playground, riding and hiking trails, equestrian facilities, other similar recreational structures and facilities, clubhouses, community centers, laundries, and similar uses; provided that all of these are designed for and limited to use by residents of the mobile home park and their guests.

c. Public utility and public service uses and structures.

d. Accessory retail and service uses for park residents as authorized by Use Permit approval, and in compliance with Section 9.42.020 (Accessory Retail and Service Uses).

3. Standards. Each mobile home park shall comply with the following design and development standards.

a. Minimum site area. A mobile home park may be approved only on a site of one acre or larger.

b. Density. A mobile home park shall comply with the density limitations of the General Plan and the applicable zoning district.

c. Setback requirements.

(1) Property lines. Mobile homes and other structures shall be set back a minimum of 10 feet from all interior property lines, and 20 feet from the each street right-of-way adjoining the mobile home park. Park perimeter setback areas shall be landscaped and continually maintained, in compliance with Chapter 9.34 (Landscaping).

(2) Separation between structures. Each mobile home shall be separated from another mobile home or accessory structure by a minimum of 10 feet.

d. Maximum site coverage. The maximum percentage of site area to be occupied in a mobile home park by structures, parking, and driveways shall reflect the base zone requirements identified in tables 2-6 through 2-9.

e. Parking. Each mobile home shall be provided with at least one and no more than two off-street parking spaces, in compliance with Section 9.36.040.

f. Utilities. All utility distribution facilities (including cable television, communication and electric lines and boxes) within a mobile home park shall be placed underground. The developer is responsible for complying with these requirements, and shall make the necessary arrangements with the utility companies for the installation of the required facilities.

g. **Storage for RVs, boats, etc.** Each mobile home park shall be provided at least one storage area for boats, recreational vehicles and extra vehicles, at a minimum ratio of 100 square feet of vehicle storage area per mobile home space. Each storage area shall be completely enclosed with fencing six feet in height, and shall be completely screened from exterior view. An occupied travel trailer, camper, motor coach, motor home, trailer coach, or any similar vehicle not certified under the National Mobile Home Construction Safety Standards Act of 1974 (42 USC Section 4401 et seq.) shall not be allowed within a mobile home park.

h. **Fencing.** A solid masonry wall, fence, or other decorative landscape screening of the maximum height allowed by this Land Use Code shall be installed as required by the review authority as part of the Use Permit approval for the mobile home park.

i. **Landscaping.** Landscaping shall be provided in compliance with Chapter 9.34 (Landscaping).

j. **Signs.** A mobile home park may be allowed one externally illuminated identification sign not exceeding the multi-family standards as specified in Table 3-10 of Section 9.38.080.A. The sign shall be integrated into the mobile home park landscaping, at a location specified in the Use Permit approval.

k. **Skirting.** Skirting shall be provided along all sides of each mobile home.

l. **Internal streets.** Streets within a mobile home park, and all other areas for vehicle circulation or parking shall be at least 24 feet from curb-to-curb, and shall be increased in width by eight feet for curb parking space on each side of the street where curb parking is permitted. All roads and parking spaces shall be permanently paved. All internal streets shall have street signs designed to City standards.

9.42.130 - Multi-Family and Small Lot Single-Family Projects

New or remodeled multi-family projects, and subdivisions of detached single-family homes on parcels of 4,000 square feet or less, shall comply with the standards of this Section, where allowed by Article 2 (Zoning Districts and Allowable Land Uses). For the purposes of this Section, the term "remodeled" means the reconstruction or remodeling of at least 50 percent of the gross floor area of the original structure.

A. **Accessory structures.** Accessory structures and uses (e.g., bicycle storage, garages, laundry rooms, recreation facilities, etc.) shall be designed and constructed with an architectural style, exterior colors and materials similar to the structures in the project containing dwelling units.

B. **Building facades adjacent to streets.** A multi-family project of three or more dwelling units shall be designed so that at least 75 percent of the facade of each building adjacent to a public street is occupied by habitable space with windows. Each facade adjacent to a street shall have at least one pedestrian entry into the structure.

C. **Front setback pavement.** No more than 40 percent of the front setback area shall be paved for walkways, driveways, and/or other hardcover pavement.

D. Parking location. Off-street parking for a multi-family structure of three or more units shall be located so that it is not visible from the street fronting the parcel. A garage providing parking for a duplex or small-lot detached unit may be located in compliance with the following standards, in addition to the requirements of Chapter 9.36 (Parking and Loading).

1. **Front setback.** A garage shall be set back from the front property line at least 10 feet further than the facade of the dwelling, to reduce visual impact from the street.

2. **Side setback.** When a maintenance easement is granted by the owner of the adjacent parcel to the approval of the Director, a garage may be built to the side property line on that side, but shall be located at least eight feet from the other side property line. Otherwise, a garage shall be set back a minimum of five feet from each side property line.

3. **Rear setback.** A garage shall be set back a minimum of five feet from a rear property line.

4. **Facade width, parking orientation.** The front facade of a garage shall not exceed a width of 25 feet. Tandem parking is allowed.

E. Recreation space. Each multi-family residential project, except duplexes, shall provide permanently maintained outdoor open recreation space for each dwelling unit (private space), and for all residents (common space), in addition to required setback areas, except where the review authority determines that existing public park or other usable public open recreation space is within convenient walking distance, or that the residential units are part of a mixed use project.

1. **Area required.** Private and common open space shall be provided as required by Table 4-3.

Table 4-3 - Multi-family Project Recreation Space Requirements

Project Size	Minimum Common Recreation Space Required	Minimum Private Recreation Space Required
3 or 4 units	200 sf	150 sf for each unit
5 to 10 units	500 sf	
11 to 30 units	1,000 sf	
31 and more units	2,000 sf	

2. **Configuration of recreation space.** Required recreation space areas shall be designed and located as follows. Landscaping shall comply with the requirements of Chapter 9.34 (Landscaping Standards).

   a. **Common recreation space.** All required recreation space shall be: easily accessible; continuous, usable site elements; separated from parking areas; safe and secure. Each common recreation space area shall have a minimum dimension of 20 feet by 10 feet.

b. **Private recreation space.** Private recreation space shall be at the same elevation as, and immediately accessible from within the unit. Each private recreation space area shall have no dimension less than 5 feet.

The review authority may allow required recreation space to be in different locations and/or with different dimensions where it determines that the alternative approach will provide recreation space of equivalent utility and aesthetic quality.

3. **Maintenance and control of common recreation space.** Required common recreation space shall be controlled and permanently maintained in a common interest development by a Home Owners Association (HOA). Provisions for control and maintenance shall be included in property covenants of all common interest developments.

4. **Non-qualifying site features.** The following do not comply with the requirements of this Land Use Code for the provision of recreation space.

a. Recreational buildings in a multi-family development that are also not counted as residential floor area in the development.

b. Proposed street rights-of-way or school sites.

c. Public and private vehicle access easements.

d. Accessory buildings (except greenhouses, glass-covered patios, and similar roofed structures, when:

(1) The exterior wall above the foundation is transparent; or

(2) At least 50 percent of the exterior wall area above the foundation is transparent, and 50 percent or more of the roof area is transparent.

e. Open parking areas.

f. Driveways and access-ways for dwellings.

g. Land area utilized for garbage and refuse disposal or other servicing maintenance.

h. Areas under a deck with less than 8 feet of vertical clearance.

F. **Outdoor lighting.** Outdoor lighting shall be installed and maintained along all vehicular access ways and major walkways, in compliance with 9.30.070 (Outdoor Lighting). The lighting shall be directed onto the driveways and walkways within the development and away from adjacent properties. Lighting of at least one foot candle shall also be installed and maintained within all covered and enclosed parking areas and shall be screened to minimize glare onto public sidewalks. Lighting fixtures/lamps shall be the most energy efficient available, including fluorescent, compact fluorescent, low pressure sodium, high pressure sodium, or other lighting technology that is of equal or greater energy efficacy. All proposed lighting shall be shown on the required landscape plan.

G. Storage. A minimum of 100 cubic feet of lockable storage area shall be provided for each dwelling outside of the unit, with no dimension less than 30 inches.

H. Laundry facilities.

1. **Rental units.** Where multi-family units are to be rented, the project shall be provided common laundry facilities consisting of at least one clothes washer and dryer for each five dwelling units. Washers and dryers may be coin-operated.

2. **Ownership units.** Where multi-family units are to be individually owned, each unit shall be provided an individual laundry area within the unit or its garage, of sufficient size to accommodate a clothes washer and dryer. If located in the garage for an individual unit, the laundry area shall not encroach into the required parking area.

I. Television antennas. Exterior television antennas, other than satellite dishes less than 39 inches in diameter, are not allowed, except for a single common, central antenna, with underground cable service to each dwelling unit. This restriction shall be included in any property covenants of a common interest development.

9.42.140 - Outdoor Retail Displays and Sales

A. Applicability. The provisions of this Section apply to mobile and permanent facilities for outdoor display, sales (e.g., garden nurseries, lumber yards, mobile retail vendors, news and flower stands, and similar uses where merchandise is displayed for sale), and outdoor dining areas, where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

B. Mobile retail vendor outdoor displays and sales. Mobile vendor outdoor displays and sales shall include, but are not limited to the following: mobile eating and drinking vendors, mobile prepared food vendors, mobile flower vendors, and mobile merchandise vendors. These and similar activities are not allowed to operate as a business within a public right-of-way unless an Encroachment Permit is obtained.

1. **Additional requirements for mobile eating and drinking vendors.** Mobile eating and drinking vendors include, but are not limited to sandwich wagons, recreational vehicle cafes, hot dog wagons, ice cream wagons, and similar uses. These activities are allowed subject to the following standards for each vendor:

   a. **Parking.** If located at a site for more than four hours per day, a minimum of one off-street parking space shall be provided.

   b. **Seating.** If located at a site for more than four hours per day, a minimum of 16 outdoor seating spaces with tables shall be provided.

   c. **Restroom.** If located at a site for more than four hours per day, a portable restroom facility shall be provided.

   d. **Hours of operation.** Hours of operation shall be limited from 6 a.m. to 10 p.m. daily, except for the Central Business District.

   e. **Exceptions.** Exceptions to minimum standards shall require a Minor Use Permit.

C. Permanent outdoor displays and sales. The permanent outdoor display and sale of merchandise is allowed subject to the following standards.

1. Outdoor display and sales areas shall not encroach into required setback areas or the public right of way. In zoning districts where no setback area is required, the outdoor sales area shall be set back a minimum of 10 feet from adjoining property lines unless otherwise allowed through a Minor Use Permit approval.

2. Displayed merchandise shall occupy a fixed, specifically approved, location that does not disrupt the normal function of the site or its circulation, and does not encroach upon driveways, landscaped areas, parking spaces, or pedestrian walkways. A display shall not obstruct intersection visibility or otherwise create hazards for pedestrian or vehicle traffic.

3. The outdoor display and sales area shall be directly related to a business occupying a permanent structure on the subject parcel.

4. The review authority may require that outdoor sales and activity areas other than vehicle sales lots, produce stands, and nursery product sales be screened from the view of adjoining public rights-of-way by decorative walls, fences, or landscaping.

5. Additional signs, beyond those normally allowed for the subject use, shall not be provided as a result of the outdoor display and sales area.

D. News and flower stands.

1. Location requirements. A news or flower stand shall:

a. Be located parallel and abutting the wall of a structure if located in the downtown area.

b. In the case of a privately owned stand, it shall not be located within three feet of a display window of any structure abutting the sidewalk, or so as to interfere with or restrict the reasonable use of the window for display purposes.

c. The activity shall not be located within a public right-of-way unless an Encroachment Permit is obtained.

2. Design and construction requirements.

a. A permanent stand shall be soundly constructed of wood, metal, or other suitable permanent material, and designed in a manner and color to be compatible with the adjacent structures whether the stand is opened or closed. Security doors shall be designed as an integral part of the structure.

b. Shelving shall not exceed eight feet in height nor two feet in depth.

3. Maintenance. The news and flower stand shall be maintained in a clean and neat condition and in good repair, at all times.

4. Signs.

a. The stands shall not be used for advertising or publicity purposes. Signs shall be for identification only, with size and design in compliance with Chapter 9.38 (Signs).

b. The owners or operators of the outdoor news or flower stand shall display, in a place readily visible to the public, a telephone number and address where the owners may be reached.

5. Additional product sales. In addition to the sale of newspapers, magazines, and other periodicals, for newsstands, and flowers and plants, for flower stands, the owners or operators may sell other related accessory products, not to exceed 10 percent of the total merchandise displayed.

E. Outdoor dining areas.

1. An outdoor dining area may be allowed accessory and incidental to a restaurant with indoor eating area on the same site; provided, the outdoor eating area shall also comply with the parking requirements of Section 9.36.040 for restaurants.

2. An outdoor eating area within the public right-of-way shall require an Encroachment Permit in addition to Minor Use Permit approval, and shall use only City approved furniture and enclosures. In no event shall sidewalk passage be reduced to below ADA standards.

3. Signs shall comply with Chapter 9.38.

F. Produce stands. This Section establishes standards for the development and operation of produce stands, where allowed by Article 2 (Zoning Districts and Allowable Land Uses). Produce stands are also similar in use to that of a Farmers Market.

1. Products. Sales from a produce stand shall be limited to agricultural products such as vegetables, fruits, nuts, firewood, etc.

2. Maximum size. A produce stand shall not exceed 400 square feet in floor area, or dimensions of 20 feet on each side, with a maximum height of 15 feet unless it is located in the Agricultural and Resource Zoning Districts where the maximum floor area can reach 1000 square feet.

3. Access. The location and type of access to a public road from the produce stand site shall require an Encroachment Permit and the approval of the Public Works Director.

9.42.150 - Outdoor Storage

An outdoor storage or work area shall comply with the following requirements, where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

A. **Enclosure and screening required.** Outdoor storage in commercial areas shall be entirely enclosed as approved by the review authority. The enclosure shall have a minimum height of six feet and a maximum height of eight feet.

B. **Maximum height of stored materials.** The materials within the storage area shall not be higher than the fence, except where authorized by the Minor Use Permit for the storage area.

C. **Landscaped setback.** In any case where an outdoor storage area abuts a street right-of-way, the required screening wall or fence shall be set back from the right-of-way as required by the applicable zoning district, and the set back area shall be landscaped to the approval of the Director, and in compliance with Chapter 9.34 (Landscaping Standards).

D. **Exceptions.** Exceptions to minimum standards shall require a Minor Use Permit.

9.42.160 - Recycling Facilities

This Section establishes standards and procedures for the siting and operation of various types and sizes of commercial recycling facilities, where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

A. **Reverse vending machines.** Reverse vending machines shall comply with the following standards.

1. **Accessory use only.** Each machine shall be installed only as an accessory use to an allowed primary use.

2. **Location requirements.** If located outside of a structure, a machine shall not occupy parking spaces required by the primary use.

3. **Signs.** Sign area shall not exceed four square feet for each machine, exclusive of operating instructions. The sign area shall be subject to the overall site sign area limitations in Section 9.38.080 (Sign Standards by Zone).

4. **Lighting.** Each machine shall be illuminated to ensure comfortable and safe operation if the machine is accessible between dusk and dawn. The light source shall be shielded so that glare and reflections are confined within the boundaries of the site.

B. **Small collection facility.** Where allowed by Table 2-10, a small collection facility shall comply with the following standards.

1. **Location requirements.** A small collection facility shall:

   a. Not be located within 50 feet of any parcel zoned or occupied for residential use; and

   b. Be set back at least 10 feet from any public right-of-way, and not obstruct pedestrian or vehicular circulation.

2. **Maximum size.** A small collection facility shall not occupy more than 350 square feet nor three parking spaces, not including space that would be periodically needed for the removal of materials or exchange of containers.

3. **Appearance of facility.** Collection containers and site fencing shall be of a color and design that is compatible and harmonious with the surrounding uses and neighborhoods.

4. **Operating standards for small collection facilities.** Small collection facilities shall:

   a. Not use power-driven processing equipment, except for reverse vending machines;

   b. Accept only glass, metal or plastic containers, paper, and other recyclable materials;

   c. Use containers that are constructed with durable waterproof and rustproof materials, secured from unauthorized removal of material, and shall be of a capacity sufficient to accommodate materials collected and the collection schedule, and shall be maintained in a clean and orderly manner;

   d. Be screened where determined by the review authority to be necessary because of excessive visibility.

5. **Signs.** Non-illuminated signs may be provided as follows:

   a. Identification signs are allowed with a maximum area of 15 percent for each side of the structure or 12 square feet, whichever is greater. In the case of a wheeled facility, the side shall be measured from the ground to the top of the container; and

   b. Additional directional signs, consistent with Chapter 9.38 (Signs), may be approved by the Director if found necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way.

6. **Parking requirements.**

   a. No additional parking space shall be required for customers of a small collection facility located in the established parking lot of the primary use. One additional space shall be provided for the attendant, if needed.

   b. Use of parking spaces by the patrons and the attendant shall not reduce available parking spaces below the minimum number required for the primary use unless a parking study, determined to be acceptable by the Director, shows that existing capacity is not fully utilized during the time the recycling facility would be on the site.

C. Large collection facility. Where allowed by Table 2-10, a large collection facility that is larger than 350 square feet, or on a separate parcel not accessory to a primary use, shall comply with the following standards.

1. **Location requirements.** The facility shall not abut a parcel zoned for residential use.

2. **Container location.** Any containers provided for "after hours" donation of recyclable materials shall be permanently located at least 100 feet from any residential zoning district, constructed of sturdy, rustproof material(s), have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of materials.

3. **Screening.** The facility shall be screened from public rights-of-way, by solid masonry walls or located within an enclosed structure.

4. **Setbacks, landscaping.** Structure setbacks and landscaping shall be provided as required for the applicable zoning district.

5. **Outdoor storage**. Exterior storage of material shall be in sturdy containers that are secured and maintained in good condition. Storage shall not be visible above the height of the required solid masonry walls.

6. **Operating standards.**

   a. The site shall be maintained clean, sanitary, and free of litter and any other trash or rubbish, shall be cleaned of loose debris on a daily basis, and shall be maintained free from rodents and other disease vectors.

   b. Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining parcels.

D. Processing facilities. Where allowed by Table 2-10, processing facilities shall comply with the following standards:

1. **Location requirements.** The facility shall not abut a parcel zoned or occupied for residential use;

2. **Limitation on activities.** Allowed activities are limited to baling, briquetting, compacting, crushing, grinding, shredding, and sorting of source-separated recyclable materials and repairing of reusable materials. The facility shall not bale, compact, or shred ferrous metals, other than beverage and food containers. Outbound truck shipments from the site shall not exceed an average of two each day;

3. **Maximum size.** The facility shall not exceed 45,000 square feet of floor or ground area;

4. **Container location.** Containers provided for "after hours" donation of recyclable materials shall be permanently located at least 100 feet from any residential zoning district, constructed of sturdy, rustproof materials, have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of the materials;

5. **Screening.** The facility shall be screened from public rights-of-way, by solid masonry walls or located within an enclosed structure;

6. **Outdoor storage.** Exterior storage of material shall be in sturdy containers or enclosures that are secured and maintained in good condition. Storage shall not be visible above the height of the required solid masonry walls; and

7. **Operating standards.** Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining parcels.

9.42.164 - Formula Restaurants

Where restaurants are allowed by Article 2 (Zoning Districts and Allowable Land Uses), after July 5, 2002, the number of formula restaurants in the City shall be limited to nine establishments. A new formula restaurant shall only be allowed if it replaces an existing formula restaurant in one of the following business districts: Janes Road (one restaurant allowed), Northtown (one restaurant allowed), Uniontown (two restaurants allowed), and Valley West/Giuntoli Lane (five restaurants allowed). Replacement Formula Restaurants are allowed within the business district boundaries as identified Figure 4-3. No other business district shall allow a formula restaurant.

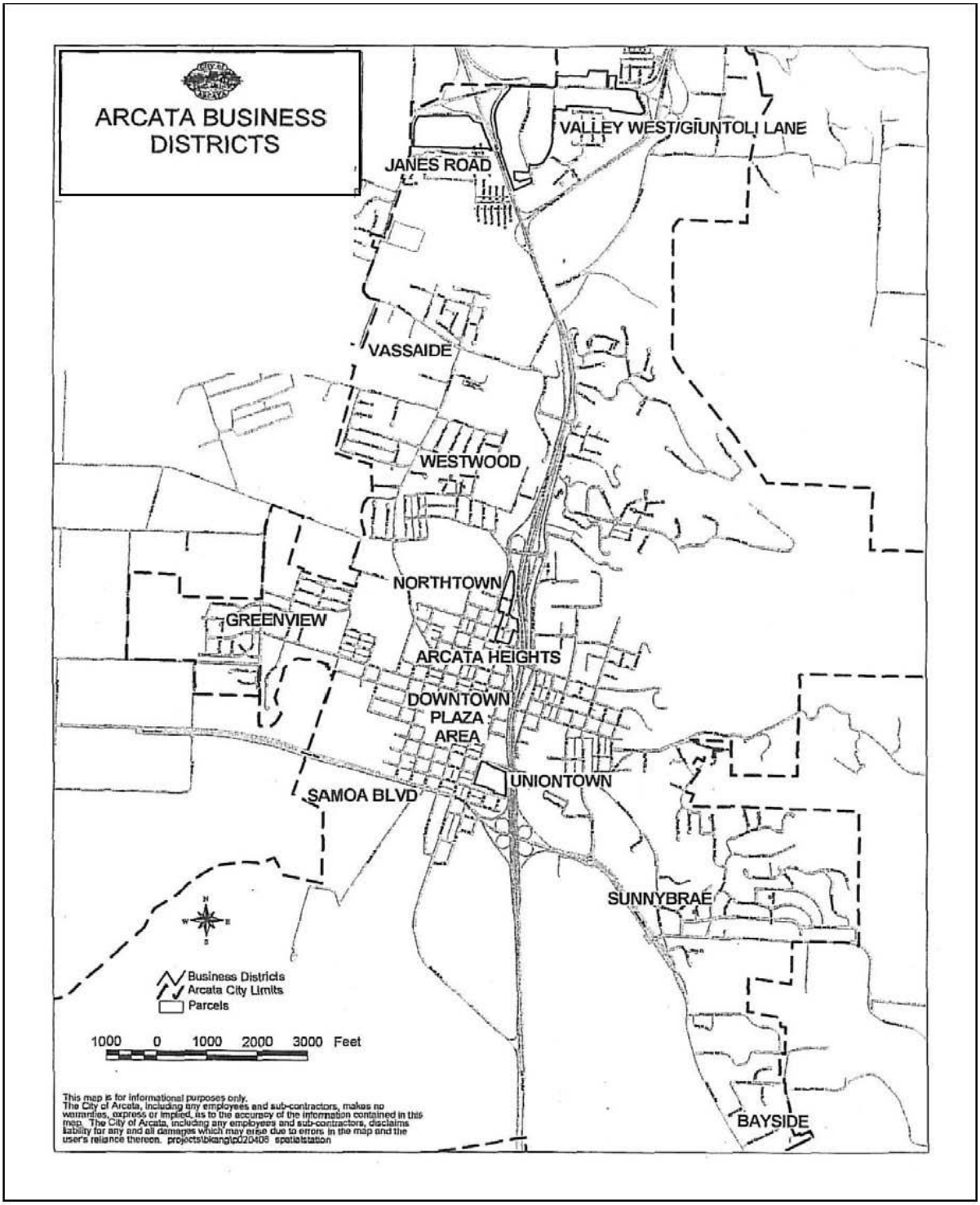

Figure 4-3 - Arcata Business Districts

9.42.170 - Second Units

This Section establishes standards for residential second units, where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

A. Limitation on number of units. No more than one second unit shall be approved on a single parcel.

B. Relationship to primary use.

1. **Standards.** A second unit shall be incidental and subordinate to the primary single-family residential use of the site in terms of size, location, and appearance, and shall not alter the character of the primary structure. The architectural style, including roof pitch and exterior materials of the second unit shall be similar in appearance to the primary dwelling unit.

2. **Timing of construction.** A second unit may be constructed simultaneously with or after the primary dwelling. In addition, an existing dwelling that complies with the development standards for second units in Subsection E may be considered a second unit, and a new primary unit may be constructed which would then be considered the primary dwelling unit, but which must maintain the relationship with Subsection B.1 above.

3. **Exceptions.** Variation from the above standards identified in Subsection B.1 may be approved by the Historic and Design Review Commission (HDRC).

C. Minimum site area. A parcel proposed for a second unit shall be a minimum of 5,000 square feet.

D. Owner Occupancy. The property owner shall occupy either the primary dwelling or the second unit.

E. Development standards. A second unit shall be designed to comply with the following standards:

1. **Height limit.** The height of a second unit shall be no greater than the height of the primary dwelling unit as measured as the vertical distance from the natural grade to the highest point on the roof on the primary dwelling unit. Exceptions are limited to chimneys.

2. **Maximum floor area.** The residential floor area of a second unit shall not exceed 50 percent of the residential floor area of the primary dwelling.

F. Exceptions. Exceptions from the above standards in Subsections C, D, and E may be approved with a Minor Use Permit.

G. Off-street parking requirements. A second unit shall require parking consistent with the requirements of Section 9.36.040 (Number of Parking Spaces Required).

9.42.180 - Service Stations

This Section establishes standards for the development and operation of motor vehicle service stations, where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

A. Permit and application requirements. A service station shall require Design Review in compliance with Section 9.72.040, in addition to the Minor Use Permit required by Article 2. Each application for a new or remodeled service station shall include a photometric plan identifying all proposed light sources and their illumination levels, to assist in evaluating compliance with the outdoor lighting requirements of Subsection D.5 and Section 9.30.070 (Outdoor Lighting). The City may require an applicant to pay the cost for a lighting consultant engaged by the City to evaluate photometric plans and recommend alternatives to proposed lighting.

B. Limitations on location.

1. Prohibited locations. A new service station site shall not abut a residential zoning district or residential use.

2. Separation between stations. A new service station shall not be closer than 500 feet to another service station except when both are at the same street intersection. The distance shall be measured in a straight line from the nearest property line of the sites for each service station. No more than two service stations shall be located at the same street intersection.

C. Site requirements. A site proposed for new service station shall:

1. Be located on an arterial street on a site with a minimum of 150 feet of frontage; and

2. Have a minimum area of 15,000 square feet and a minimum depth of 100 feet.

The review authority may grant an exception to this requirement for a service station within a retail site complex if the review authority determines that the exception improves traffic circulation or reduces traffic. Approval of the exception shall also require that the review authority ensure that the service station is effectively integrated into the architecture and design of the overall retail complex.

D. Site planning standards. The layout of a new service station site constructed after the effective date of this Land Use Code and its site features shall comply with the following standards.

1. Site access and driveways.

a. Curb cuts for service station driveways shall be separated by a minimum of 30 feet from edge-to-edge.

b. A driveway shall not be located closer than 50 feet to the end of a curb corner nor closer than 25 feet to an interior property line.

c. The width of a driveway shall not exceed 25 feet, measured at the sidewalk.

d. Each dispenser island shall be provided a stacking area that can accommodate a minimum of three waiting vehicles.

2. **Pavement.** A service station site shall be paved with a permanent surface of concrete or asphalt material and shall contain drainage facilities in compliance with all Federal, State, and local laws, rules, and regulations. Any unpaved portion of the site shall be landscaped and separated from the paved area by curbs or other barrier approved as part of the Design Review for the site.

3. **Drainage.** All surface drainage which could potentially be in contact with spilled oil and/or gasoline must be treated by a City approved oil water separator prior to entering the City stormwater system, in compliance with the Stormwater Ordinance. All roof and canopy drainage must be segregated.

4. **Landscaping.** Landscaping, consisting of trees, ground cover, shrubs, vines, and/or other plant materials approved by the review authority shall be installed, permanently maintained and, if necessary, replaced, in compliance with the requirements of Chapter 9.34 (Landscaping Standards).

5. **Lighting.** Exterior lights, including canopy, perimeter, and flood shall be stationary, and shielded or recessed within the roof canopy to ensure that all light is directed away from adjacent properties and public rights-of-way. Lighting shall not be of a high intensity so as to cause a traffic hazard, be used as an advertising element, or adversely affect adjacent properties, in compliance with Section 9.30.070 (Outdoor Lighting). Lighting fixtures/lamps shall be the most energy efficient available, including fluorescent, compact fluorescent, low pressure sodium, high pressure sodium, or other lighting technology that is of equal or greater energy efficacy.

6. **Signs and banners.** Signs, banners, and promotional flags shall comply with Chapter 9.38 (Signs).

7. **Solid waste and recyclables storage.** The storage and disposal of solid waste and recyclable materials, including used or discarded motor vehicle parts or equipment, and fluids, shall comply with all applicable Federal, State, and local requirements. Outdoor solid waste and recyclable storage areas shall be screened by a solid masonry wall with a height of six feet, or as approved by the review authority. The wall design, materials, and colors shall be compatible with the primary structures on the site, as determined by the review authority.

E. Building design standards.

1. **Architectural character.** Subject to the requirements of Design Review, service station architecture shall fit with the existing or intended character of the surrounding area as determined by the review authority.

2. **Restrooms.** Each service station shall maintain one or more restrooms available for use by the general public without charge.

F. Facility operating standards.

1. **Restriction on outdoor activities.** Outdoor activities on a service station site shall be limited to fueling, replenishing air, water, oil and similar fluids, and the replacement of minor parts (e.g., lamp bulbs, wiper blades, and other similar items) requiring only the use of small hand tools while a vehicle is being serviced at the dispenser island. Where minor auto repair is permitted by Article 2, all repair activities shall occur entirely within an enclosed structure.

2. **Display.** There shall be no outdoor display of equipment or merchandise, except as allowed in compliance with Subsection G.1 (Outdoor storage).

3. **Vehicle parking.** Vehicles shall not be parked on sidewalks, parkways, driveways, or alleys, and shall not be parked on the premises for the purpose of sale.

4. **Convenience sales - Parking.** Where allowed, the sale of beer and wine, other drinks, food, and/or other merchandise shall be provided off-street parking shall be provided in compliance with Chapter 9.36 (Parking and Loading).

G. Appurtenant uses. The following appurtenant uses are prohibited unless specifically allowed as part of Minor Use Permit approval.

1. **Outdoor storage**. One or more outdoor storage and display cabinets or enclosures other than the primary structure(s) may be approved by the review authority, provided that their combined total area shall not exceed 50 square feet. The construction and finish of storage and display cabinets shall be compatible with the primary structure(s) on the site, as determined by the review authority. Outdoor storage and display cabinets may be used only for the display and sale of brake fluid, fuel additives, oil, transmission fluid, windshield wipers and fluid, and other similar merchandise. The outdoor storage of tires shall be prohibited.

2. **Tow truck operations.** Where tow truck operations are approved as part of a service station by the review authority, no abandoned, disabled, junked, wrecked, or otherwise non-operational motor vehicles shall remain on site for more than ten days, and shall be stored entirely within an enclosed structure.

3. **Rentals.** The rental or storage of trailers, travel trailers, vehicles, and other similar materials and merchandise, except the short term storage of vehicles allowed in compliance with Subsection G.2 (Tow truck operations), above.

4. **Prohibited uses.** The following uses are prohibited.

   a. The rental, sale or storage of garden supplies and tools.

   b. Incidental uses such as pinball or video game machines, pool tables, or laundry facilities.

H. Removal of tanks upon cessation or change of use. If, for any reason, a service station ceases to sell fuel for more than twelve months, all fuel dispensers and signs shall be removed from the site and all fuel storage tanks shall be removed or treated in compliance with Federal and State regulations, subject to the approval of the Fire Department. An extension to the twelve month period may be granted by the Zoning Administrator if the owner of the service station can demonstrate that due diligence has been exercised, and through no fault of their own, the owner was unable to meet the timeline requirements of this chapter to resolve any required repairs or reconstruction of the facility.

9.42.190 - Windmills for Electricity Generation

Where allowed by Article 2 (Zoning Districts and Allowable Land Uses), a windmill proposed for the generation of electricity, hereafter referred to as a "windmill," shall comply with the requirements of this Section.

A. Application requirements. The Use Permit application shall include all information and materials required by Section 9.72.080, and the following.

1. Standard drawings and an engineering analysis of the system's tower, showing compliance with the California Building Code (CBC), and certification by a California-licensed professional mechanical, structural, or civil engineer. A "wet stamp" shall be required for all drawings and analysis.

2. Plans and specifications drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the California Electric Code.

3. Evidence that the provider of electric utility service to the site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant intends, and so states in the application, that the system will not be connected to the electricity grid.

4. Evidence that the proposed height of the windmill tower does not exceed the height recommended by the manufacturer or distributor of the system.

B. Limitations on location. No more than one windmill shall be approved on a single parcel closer than 500 feet from another windmill in the residential zoning districts.

C. Windmill design standards.

1. Setback requirements. A windmill shall not be located closer to a property line than the height of the tower.

2. Height limit. A windmill tower shall not exceed a maximum height of 65 feet on a parcel less than five acres in size, or a maximum height of 80 feet on a parcel of five acres or more in size; provided that, in all cases, the system shall comply with all applicable Federal Aviation Administration (FAA) 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).

3. Windmill turbine. A turbine proposed for the electricity grid shall have been approved by the California Energy Commission (CEC) as qualifying under the Emerging Renewables Fund of the CEC's Renewables Investment Plan, or certified by a national program recognized and approved by the CEC.

D. Noise standards. A windmill shall be designed, installed, and operated so that noise generated by the system shall not exceed the lesser of 60 decibels (dBA), or the maximum noise levels established by Section 9.30.050 (Noise Standards) for the applicable zoning district, as measured at the property line, except during short-term events including utility outages and severe wind storms.

9.42.200 – Housing for Homeless [2]

This Section establishes standards for the development and operation of emergency shelters, transitional housing or supportive housing (hereafter "facility") where allowed by Article 2 (Zoning Districts and Allowable Land Uses) and by the Housing for Homeless Combining Zone per section 9.28.110. Standards that apply to other residential developments in the same zone per Article 2 shall apply. This section 9.42.200 shall not impose any additional standards on transitional or supportive housing locating in a permitted zone per Article 2.

A. Permit and application requirements. A facility locating in a zone specified in Article 2 shall require a Use Permit as specified in Article 2. A facility locating in the combining zone per section 9.28.110 (Figure 2-23), with residential units located above nonresidential uses or at ground level behind the street-fronting nonresidential uses pursuant to Section 9.42.110 (a) shall be principally permitted, and shall not require a Coastal Development Permit. A facility shall require Design Review in compliance with Section 9.72.040 and the item shall be noticed as outlined in Section 9.74.

B. Limitations on location.

1. **Eligible locations.** A new facility shall be an eligible use in zones specified in Table 2 – 10, in compliance with section 9.42.110 (a), as well as locations within the Housing for Homeless Combining Zone per section 9.28.110.

2. **Separation between emergency shelters.** A new emergency shelter shall not be closer than 300 feet to another emergency shelter. The distance shall be measured along the street frontage from one emergency shelter to another emergency shelter.

C. Lighting. Adequate external lighting shall be provided for security purposes to ensure fully lit parking, gathering, and waiting areas.

D. Building design standards.

1. **Number of Beds.** The facility shall contain a maximum of 40 beds per half-acre and shall serve no more than 40 persons. Per Section 9.100.020, Definitions, the optimum size for a homeless facility is 20 to 40 beds. For the purposes of determining density, the Residential-High Density development standard shall be used. If a facility is considered Affordable Housing, it would be entitled to a density bonus.

2. **Client Waiting Areas.** Facilities shall have an interior, enclosed client waiting and intake area large enough to accommodate the number of persons equal to 25% the number of beds. The area shall be based on space required for seated persons. The facility shall also have an adjoining, exterior overflow waiting area of equal size to the interior waiting area. The exterior waiting area shall be fenced, screened, gated, and shall not obstruct sidewalks or driveways.

3. **Client Gathering Areas.** Facilities shall have an interior multipurpose area separate from the sleeping area. The multipurpose area shall be large enough to accommodate maximum occupancy for the number of beds. The facility shall have an exterior gathering area equal to at least 100 ft^2 per bed, fenced, screened, and landscaped.

E. Facility operating standards.

1. **On-Site Management.** The facility shall provide a management plan for City review and approval. The management plan must be of sufficient detail for the Review Authority to make a determination. The management plan must document that management is sufficient for adequate control of the facility. The management plan shall include descriptions of:
    a. On-site manager and operational costs associated with an on-site manager
    b. Target Clients
    c. Case Management
    d. Client Services
    e. Service Limitations
    f. ADA Compliance
    g. Behavioral Guidelines
    h. Parking
    i. Facility Maintenance
    j. Emergency Plan
    k. Security (per item 4 below)

2. **Vehicle parking.** The number of off-street parking spaces shall be calculated based on the amount of office space at the facility plus 1 parking space per 10 beds. The square footage of office space shall be used to determine the number of spaces per the standards specified in Table 3-6 for Service Uses (residential care and medical services).

3. **Length of Stay.**
    a. Emergency Shelter: Temporary shelter shall be available to residents for no more than 60 days. Extensions up to a total stay of 180 days in any continuous 12-month period may be provided if no alternative housing is available.
    b. Transitional Housing or Temporary Supportive Housing: Housing shall be available to residents for no more than 24 months.
    c. Permanent Supportive Housing: Time limits shall not be imposed on permanent residency facilities.

4. **Security.** The management plan shall specify the security plan for the facility. The facility shall only accept clients between the hours of 7am and 8pm, except in cases where clients come from a pre-arranged off-site location designated in the management plan. The facility must have a minimum of 1 fully trained staff person with at least 1 year of homeless services experience on site at all times when a client is on the premises. The management plan must document how the facility staff will coordinate with Law Enforcement and Emergency Services, including medical services, in case of an emergency. The management plan shall specify how the facility will discharge clients after hours (8pm to 7am).

5. **Site Specific Standards.**
    a. APNs 021-122-007 and 021-121-010 are limited to development of transitional housing or supportive housing.
    b. APNs 507-251-039 and 507-251-040 are limited to bussed-in clients only, and hours of operation shall be limited to 7pm to 8am.

CHAPTER 9.44 -TELECOMMUNICATIONS FACILITIES

Sections:

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9.44.010 - Purpose

This Chapter establishes development standards consistent with Federal law to: regulate the placement and design of telecommunications facilities to promote an aesthetic appearance to preserve the historic, cultural, and archaeological values of Arcata, and to ensure public safety and welfare; pursue additional benefits from the facilities to the public by encouraging the leasing of publicly owned properties where feasible for the development of communication facilities; acknowledge and provide the community benefit associated with the provision of advanced communication services within the City; and to implement General Plan Policy PF-5d.

9.44.020 - Definitions

The technical terms and phrases used in this Chapter are defined in Article 10 (Glossary) under "Telecommunications Facilities."

9.44.030 - Applicability

A. Applicability of Chapter. The location, permit requirements, and other provisions of this Chapter shall apply to all telecommunications facilities within the City, except as provided in Subsection B. All telecommunications facilities shall also comply with all applicable requirements of State and Federal law.

B. Exceptions. The following are exempt from the requirements of this Chapter.

1. The replacement or modification of previously permitted facilities or equipment determined by the Director to be of a minor nature, and that do not increase the number or height of antennas or significantly change or enlarge the ancillary related equipment at the site.

2. An antenna that is one meter (39.37 inches) or less in diameter or diagonal measurement, that is designed:

a. To receive direct broadcast satellite service, including direct-to-home satellite service, as defined by Section 207 of the Telecommunications Act of 1996, Code of Federal Regulations Title 47, and any interpretive decisions thereof issued by the Federal Communications Commission; or

b. For subscribing to a multipoint distribution service.

3. A satellite earth station (SES) antenna of two meters (78.74 inches) or less in diameter or diagonal measurement, located in a commercial or industrial zoning district, that is designed to transmit or receive radio communications by satellite or terrestrial communications antenna. These antennas may require a building permit and approval of the placement by the Director to ensure maximum safety is maintained. In order to avoid tripping hazards and the creation of an attractive nuisance, these antennas shall be placed whenever possible, on the top of buildings as far from the edge of rooftops as possible.

4. An amateur and/or citizens band antenna operated by a person holding a license issued by the FCC in compliance with 47 C.F.R. Part 97, and used solely in connection with that license; provided that there shall be no more than one antenna support structure on a single parcel and that the antenna structure complies with the height limits of the applicable zoning district.

9.44.040 - Permit Requirements

A. Use Permit required. Use Permit approval is required for all telecommunications facilities subject to this Chapter.

B. Application requirements. In addition to the information required for a Use Permit application by Chapter 9.70 (Permit Application Filing and Initial Processing) the application for a telecommunication facility shall include, but may not be limited to all of the following information and materials.

1. General information.

a. A notarized statement signed by the applicants that all information included in the submittal is materially accurate, true, complete, and verifiable. Inaccurate, untrue, misleading or false information submitted in pursuit of a Use Permit by the applicants, the provider company, or their agents may be grounds for denial of a Use Permit.

b. The exact legal name, address or principal place of business, and phone numbers of applicants and any co-applicants, as well as any agents for the applicants or co-applicants. The landowner of the subject property, licensed carriers, and tenants for the facility shall be considered co-applicants.

c. The name, title, address and phone number of the person to whom correspondence or communication regarding the applicants are to be sent.

d. Original signatures for the applicants and all co-applicants applying for the Use Permit. If the applicants or co-applicants will be represented by an agent, original signature authorizing the agent to represent the applicants and/or co-applicants.

e. Copies of all submittals pertaining to: FCC licensing; environmental impact analysis; FAA notice; aeronautical studies; and all data, assumptions, and calculations relating to service coverage and power levels.

f. Details of proposed method of finance surety.

g. Required plans and engineering plans, prepared, stamped and signed by a professional engineer licensed to practice in California.

2. Siting information. Applicants shall provide a zoning or assessor's map that clearly locates all existing and proposed facilities for their carrier in the City and outside the City within one mile of its corporate limits. Applicants shall also provide a vicinity plan at a scale of one-inch equals 40 feet that shows at a minimum the following (additional materials may be required):

a. Property lines for the site;

b. Property lines of all properties adjacent to the site within 300 feet;

c. Existing tree cover on the site and adjacent properties within 300 feet, by dominant species and average height, as measured by or available from a verifiable source;

d. Outline of all existing buildings, including purpose (e.g. residential buildings, garages, accessory structures, etc.) on the site and all adjacent properties within 1000 feet;

e. The proposed location of the facility, including mounts and equipment shelters;

f. Proposed security-barrier, indicating type and extent as well as point of controlled entry;

g. The location of all roads, public and private, on the subject property and on all adjacent properties within 500 feet including driveways proposed to serve the facility;

h. Distances, at grade, from the proposed facility to each building on the vicinity plan;

i. Contours at each two feet above mean sea level for the site and adjacent properties within 500 feet;

j. All proposed changes to the existing site, including grading, vegetation removal, and temporary or permanent roads and driveways;

k. Representations, dimensioned and to scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the facility; and

l. Lines representing the sight line showing viewpoint (point from which view is taken) and visible point (point being viewed) from the sight lines.

3. **Additional visuals.** Applicants shall submit sight lines and photographs as follows.

   a. Sight line representations should be drawn from the closest public roads and the closest residential buildings (viewpoint) to the highest point (visible point) of the facility. Each sight line should be depicted in profile, drawn at a scale of one-inch equals forty 40 feet. The profiles should show all intervening trees and buildings. The number and locations of the representations shall be determined by the Director.

   b. Each sight line should be illustrated by one, four-inch by six-inch color photograph of what can currently be seen (also called an existing or before-condition photograph).

   c. Each of the existing-condition photographs should have the proposed facility superimposed on it to show what will be seen from public roads if the proposed facility is built, including antennas, mounts, equipment shelters, cables as well as cable units, and security barriers, if any, for the total height, width and breadth.

4. **Cross-sections.** Applicants shall submit cross-sections through the site which illustrate the following:

   a. Antennas, mounts and equipment shelters, with total elevation dimensions and average ground level of the highest point;

   b. If the security barrier will block views of the facility, the barrier drawing should be cut away to show the view behind the barrier;

   c. Any existing structures on the site to remain;

   d. Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned;

   e. Grade changes, or cuts and fills, to be shown as original grade and new grade line, with two-foot contours above mean sea level; and

   f. Construction sequence and routes used to transport materials and equipment to the site.

5. **Radio frequency radiation (RFR) information.** Applicants shall provide a statement listing the existing and maximum future measurements of RFR from the proposed facility for the following situations.

   a. Existing, or ambient: the measurements of existing RFR.

   b. Existing plus proposed facility: maximum estimate of RFR from the proposed facility plus the existing RFR environment.

   The certification shall be signed by a RF engineer, stating that the RFR measurements are accurate and meet FCC requirements.

6. Operational characteristics.

a. Certification acceptable to the Director that the proposed facility will at all times comply with all applicable health requirements and standards pertaining to electromagnetic and/or radio frequency radiation;

b. A report, as required by the Police Department, to evaluate the potential for interference (e.g., HF, UHF, VHF, 800 mHz). The applicant shall be responsible for paying any costs incurred by the City, including the costs of retaining consultants, to review and analyze the report.

C. Master Use Permit. A service provider who intends to establish multiple wireless telecommunications facilities within the City is encouraged to apply for the approval of all facilities under a Master Use Permit. Under this approach, all proposed facilities may be acted upon by the City as a single application, ensuring feasibility of long range company projections. An application for a Master Use Permit in compliance with this Chapter shall include the following information.

1. Written documentation of any facility sites in the City and in other adjacent cities and unincorporated areas in which the applicant has a legal or equitable interest, whether by ownership, lease, or otherwise.

2. Written documentation for each facility site identified in Subsection C.1 that none of the sites is already providing, or does not have, by adjusting the site, the potential to provide adequate coverage and/or adequate capacity to the City.

3. Written documentation that specifies potential adjustment to the existing facility sites, including changes in antenna type, orientation, gain, height, or power output.

4. Written documentation demonstrating that the applicant has examined all telecommunication facility sites in the City and in the other adjacent cities and unincorporated areas in which the applicants have no legal or equitable interest, whether by ownership, lease, or otherwise, to determine whether those facility sites may be used to provide coverage and/or adequate capacity to the City.

5. Written documentation demonstrating that the applicant has analyzed the feasibility of repeaters in conjunction with all facility sites to provide adequate coverage and/or adequate capacity to the City. Radial plots of all repeaters considered for use in conjunction with these facility sites shall be provided as part of the application.

D. Communications consultant required. At the time of filing a Use Permit application for a telecommunication facility, the applicant shall hire independent consultants whose services shall be paid for by the applicants. These consultants shall each be qualified professionals with a record of service to municipalities in one of the following fields: telecommunications engineering; structural engineering; monitoring of electromagnetic fields; and if determined necessary by the Director, other consultants. The applicants shall grant permission for the City's independent consultants to conduct site visits as the consultants deem necessary.

E. Required findings for approval. The approval of a Use Permit for a telecommunication facility shall require that the review authority first make the following findings, in addition to those required for Use Permit approval by Section 9.72.080 (Use Permit and Minor Use Permit):

1. The telecommunication facility complies with all applicable requirements of this Chapter;

2. The telecommunication facility will not adversely impact the character and aesthetics of any public right-of-way;

3. The proposed location is the most appropriate for the neighborhood;

4. The facility is of the minimum size necessary for the intended use; and

5. The facility will be set back and screened to effectively reduce visual and safety impacts.

9.44.050 - Limitations on Location

A. Zoning district priorities. A telecommunication facility shall not be approved or located within other than the PF (Public Facility) zoning district; except that the review authority may approve a facility within the CG, CC, CV, IL, or IG zoning districts if it first determines that the applicant has demonstrated that all PF zoning district options are infeasible, and that there is no site within a PF district where the telecommunication facility would provide adequate coverage.

B. Co-location required. A new telecommunication facility shall be co-located with existing facilities and with other planned new facilities whenever feasible, and whenever determined by the review authority to be aesthetically desirable. A service provider shall co-locate a new telecommunication facility with non-communications facilities (e.g., light standards, water tanks, and other utility structures) where the review authority determines that this co-location will minimize the overall visual impact.

1. A service provider shall exhaust all reasonable measures to co-locate their telecommunications facilities on existing towers or with or within existing ancillary support equipment facilities before applying for a new telecommunication facility site.

2. Each service provider shall provide the City with responses from contacts with all other potential providers who have, or who are reasonably likely to be installing facilities within the vicinity of the proposed facility and have offered to participate in a joint installation project on reasonable terms.

3. In order to facilitate co-location, Use Permit conditions of approval for a new facility shall require each service provider to cooperate in the siting of equipment and antennas to accommodate the maximum number of operators at a given site where determined by the review authority to be feasible and aesthetically desirable.

C. Siting on historically significant structure prohibited. No telecommunication facility shall be sited on a structure that is listed on the National Register of Historic Places or the California Register, identified as an historic structure in a local historic survey or registry or as determined by a qualified architectural historian as having significant historic contribution to the area.

9.44.060 - Facility Design and Development Standards

Each proposed telecommunication facility shall comply with all of the following standards.

A. Facility placement.

1. A telecommunication facility located on the roof of a structure that complies with applicable height limits shall be set back from the nearest roof edge the equivalent of the height of the tower or a minimum of 10 feet, whichever is greater.

2. Telecommunication facilities other than towers and antennas shall be located either within a structure, underground, in a rear yard (not visible from a public right-of-way) or on a screened roof top area. A ground-mounted facility that is located within a front or side setback or within a public right-of-way shall be underground so that the facility will not detract from the image or appearance of the City.

3. A telecommunication facility shall be at least 1000 feet from any residence, and shall be at least 1,500 feet from any historic district, school, or hospital.

B. Height limitations.

1. All ground mounted telecommunication equipment, antennas, poles, or towers shall be of a minimum functional height.

2. The height of tower located on the ground shall not exceed 10 feet, unless the review authority determines that additional height, up to a maximum of 30 feet, will not create adverse visual or safety impacts.

3. The height of a telecommunication facility located on a structure other than a dedicated support tower shall not exceed 15 feet above the highest point of the structure and shall at no time exceed the height allowed by the subject zoning district.

4. An antenna mounted on the side of a structure shall not extend above the structure's parapet so that it is visible from below against the sky.

C. Colors and materials. All antennas, poles, towers, or equipment, including ancillary support equipment, shall have a non-reflective finish and shall be painted or otherwise treated to match or blend with the primary background and minimize visual impacts. Antennas attached to a structure shall be painted or otherwise treated to match the exterior of the structure or the antenna's background color. All ground-mounted equipment shall be covered with a clear anti-graffiti type material of a type approved by the review authority or shall be adequately secured to prevent graffiti.

D. Screening, landscaping. All ground mounted equipment, antennas, poles, or towers shall be sited to be screened by existing development, topography, or vegetation. Ground mounted facilities shall be located within structures, underground, or in areas where substantial screening by existing structures or vegetation can be achieved. Additional new vegetation or other screening may be required by the review authority. The applicant shall use the smallest and least visible antennas possible to accomplish the owner/operator's coverage objectives.

E. Additional screening and landscaping. As part of project review, the review authority may require additional screening and/or landscaping, undergrounding, an alternative color scheme, or relocation of a tower or ancillary equipment to a less obtrusive area of the site where it would have a less prominent visual presence due to slope, topography, size, or relationship to public right-of-ways.

F. Power lines. All power lines to and within a telecommunication facility site shall be underground.

G. Backup power supplies. A backup power supply (i.e., generator) located in an industrial zoning district shall be enclosed within a structure and operated in compliance with Subsection 9.44.060.D (Screening). In any zoning district, ancillary power supplies and fuel storage tanks to support backup power supplies shall require Use Permit approval.

9.44.070 - Operation and Maintenance Standards

A. Contact and site information. The owner or operator of any facility shall submit and maintain current at all times basic contact and site information. The applicant shall notify the City of any changes to the information submitted within 30 days of any change, including change of the name or legal status of the owner or operator. This information shall include the following:

1. Identity, including name, address, and telephone number, and legal status of the owner of the facility including official identification numbers and FCC certification, and if different from the owner, the identity and legal status of the person or entity responsible for operating the facility;

2. Name, address, and telephone number of a local contact person for emergencies;

3. Type of service provided; and

4. Identification signs, including emergency phone numbers of the utility provider, shall be posted at all communication facility sites.

B. Facility maintenance. All telecommunications facilities and related equipment, including lighting, fences, shields, cabinets, and poles shall be maintained in good repair, free from trash, debris, litter, graffiti, and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed by the service provider from any facility or equipment as soon as practicable, and in no instances more than 48 hours from the time of notification by the City.

C. Landscaping maintenance. All trees, foliage, and other landscaping elements on a telecommunication facility site, whether or not used as screening, shall be maintained in good condition at all times in compliance with the approved landscape plan. The facility owner or operator shall be responsible for replacing any damaged, dead, or decayed landscaping as promptly as reasonably possible. The review authority may also require a landscape maintenance agreement.

D. Noise. Each telecommunication facility shall be operated so as to minimize the generation of noise that is audible from off the site. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. on weekday nights. At no time shall equipment noise from any source exceed an exterior noise level of 60 dB at the property line.

E. Site inspection required. Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards identified in this Chapter.

F. Exterior lighting. Any exterior lighting shall be manually operated and used only during night maintenance or emergencies, unless otherwise required by applicable Federal law or FCC rules. The lighting shall also comply with Section 9.30.070 (Outdoor Lighting).

9.44.080 - Discontinuance and Site Restoration

All equipment associated with a telecommunication facility shall be removed within 30 days of the discontinuance of the use and the site shall be restored to its original pre-construction condition, to the approval of the Director. The service provider shall provide the City with a notice of intent to vacate a site a minimum of 30 days before site vacation. This removal requirement, and appropriate bonding requirements, shall be included in the terms of a lease for a facility on public property. A private lease for a facility located on private property is encouraged to include terms for equipment removal, since the property owner shall be ultimately responsible for removal of the equipment.