

Ordinance #940
Adopted 1992

Includes Amendments
up to Ord. #1405 in
2008

Replaced by Ord. #1501
on 01/05/2012

Chapter 17.01 AUTHORITY, PURPOSES AND EFFECTS**17.01.010 Citation.**

This title shall be known and cited as the "Manteca zoning ordinance." (Ord. 940 §1, Ex. A(part), 1992)

17.01.020 Authority.

This title is adopted pursuant to the authority contained in Section 65850 et seq. of the California Government Code. (Ord. 940 §1, Ex. A(part), 1992)

17.01.030 Purposes of the zoning ordinance.

The purpose of the zoning ordinance is to protect and to promote the public health, safety, peace, comfort, convenience, prosperity and general welfare. More specifically, the zoning ordinance is adopted in order to achieve the following objectives:

- A. To provide a precise guide for the physical development of the city in such a manner as to achieve progressively the arrangement of land uses depicted in the Manteca general plan consistent with the goals and policies of the general plan;
- B. To foster a harmonious, convenient and workable relationship among land uses;
- C. To promote the stability of existing land uses that conform with the general plan and to protect them from inharmonious influences and harmful intrusions;
- D. To ensure that public and private lands are ultimately used for the purposes which are most appropriate and most beneficial from the standpoint of the city as a whole;
- E. To promote a safe, effective traffic circulation system;
- F. To foster the provision of adequate off-street parking and off-street loading facilities;
- G. To facilitate the appropriate location of community facilities and institutions;
- H. To protect and enhance real property values;
- I. To safeguard and enhance the appearance of the city. (Ord. 940 §1, Ex. A(part), 1992)

17.01.040 Applicability.

This title shall apply, to the extent permitted by law, to all property in incorporated Manteca, whether owned by private persons, firms, corporations or organizations; by the United States or any of its agencies; by the state or any of its agencies or political subdivisions; by any county or city, including the city; or by any authority or public entity organized under the laws of the state. Any governmental agency shall be exempt from the provisions of this title only to the extent that such property may not be lawfully regulated by the city. (Ord. 940 §1, Ex. A(part), 1992)

17.01.050 Compliance with this title.

A. It shall be unlawful for any building or structure to be moved, erected, used, altered, enlarged or rebuilt or for any use to be established or changed that does not strictly conform to the provisions of this title.

B. It shall be unlawful for any yard, open space or land to be used for any purpose or in any way not specifically permitted by this title.

C. No department, official or employee of the city vested with the duty or authority to issue permits or licenses for buildings, structures or uses subject to the requirements of this title shall issue a permit or license in conflict with the provisions of this title; any permit or license issued in conflict with any provision of this title shall be null and void. Further, no permit or license shall be issued by any department, official or employee by the city for any building, structure or use subject to the requirements of this title on a parcel of land where the department, official or employee is aware that a violation of this title exists. (Ord. 940 §1, Ex. A(part), 1992)

17.01.060 Violations of the title.

Any person using any building, structure or parcel of land in violation of any provision of this title is guilty of a misdemeanor and shall be prosecuted to the fullest extent of the law under Chapter 17.59 of this title. (Ord. 940 §1, Ex. A(part), 1992)

17.01.070 Relationship to other regulations and requirements.

A. The regulations of this title and requirements or conditions imposed pursuant to this title shall not supersede any other regulations or requirements adopted or imposed by the city council, any board, commission or department of the city or any other local, state or federal agency that has jurisdiction by law over uses and development authorized by this title. All uses and development authorized by this title shall comply with all other such regulations and requirements. Where two or more ordinances regulate the same use or activity, the more restrictive ordinance shall apply.

B. Nothing contained in this title shall be deemed to repeal or amend any regulation of the city requiring a permit or license or both for any business, trade or occupation nor shall anything in this title be deemed to repeal or amend the building code of the city.

C. In no case shall the time limit for action required by this title for any approving body exceed time limits as set forth in Government Code Section 65920 et seq., otherwise known as the permit streamlining act. (Ord. 940 §1, Ex. A(part), 1992)

17.01.080 Buildings under construction.

Any building or structure for which a building permit has been issued prior to the effective date of this title may be completed and used in accordance with the plans, specifications and permits on which such building permit was granted, if construction was commenced within one year after the issuance of such permit and diligently

pursued to completion. No extensions of time shall be granted for commencement of construction. (Ord. 940 §1, Ex. A(part), 1992)

17.01.090 Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this title is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title. The city council declares that it would have passed this title, and each section, subsection, sentence, clause and phrase thereof, regardless of the fact that any or one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. (Ord. 940 §1, Ex. A(part), 1992)

17.01.100 Fees.

The city council shall establish by resolution, and may amend and revise from time to time, fees for processing the various applications authorized or required by this title. All fees shall be paid at the time an application is filed, and no processing shall commence until the fee is paid in full. (Ord. 940 §1, Ex. A(part), 1992)

17.01.110 Permit streamlining act.

It is the intent of this title that all actions taken by the decision-making body pursuant to this title that are solely adjudicatory in nature be within a time frame consistent with the provisions of Government Code Section 65920 et seq. (the Permit Streamlining Act). Nothing in this title shall be interpreted as imposing time limits on actions taken by the decision-making body pursuant to this title that are legislative in nature or that require both adjudicatory and legislative judgements. (Ord. 940 §1, Ex. A(part), 1992)

Chapter 17.03 ESTABLISHMENT OF ZONING DISTRICTS

17.03.010 Purpose.

The purpose of this chapter is to establish zoning districts for the regulation of land uses in the city. (Ord. 940 §1, Ex. A(part), 1992)

17.03.020 Establishment of base zoning districts.

In order to classify, regulate, restrict and segregate the uses of lands and buildings, to regulate and restrict the height, bulk and construction of buildings, to regulate the area of yards and other open spaces around buildings, and to regulate intensity of land use and the density of population, the following base zoning districts are established:

Residential	
R-E	Residential estate district
R-1	Single-family residential district

Residential	
R-2	Single-family residential attached district
R-3	Limited multiple-family residential district
R-4	Multiple-family residential/institutional district
Commercial	
C-N	Neighborhood commercial district
C-C	Community commercial district
C-G	General commercial district
C-R	Recreation commercial district
C-H	Highway commercial district
CBD	Central business district
C-O	Office commercial district
Industrial	
BIP	Business/industrial park district
M-1	Light industrial district
M-2	Heavy industrial district
Special Purpose	
O-S	Open space district
PQP	Public/quasi public district
AG	Agriculture district.

(Ord. 940 §1, Ex. A(part), 1992)

17.03.030 Establishment of the PUD combining zone district.

In order to classify, regulate and segregate the uses of lands and buildings, to regulate and restrict the height, bulk and construction of buildings, to regulate the areas of yards

and other open spaces around buildings, and to regulate intensity of land use and the density of population, the following combining zone district is established:

PUD Planned Unit Development Combining Zone District.(Ord. 940 §1, Ex. A(part), 1992)

17.03.040 Official zoning map.

The boundaries of the zoning districts established by this title are not included in this title but are shown on the official zoning map maintained by the planning director. The official zoning map and all notations, references and other information shown thereon shall be as much a part of this title as if the matters and information set forth on such maps were fully described herein. (Ord. 940 §1, Ex. A(part), 1992)

17.03.050 Uncertain boundaries.

Where uncertainty exists as to the boundaries of any district shown on the official zoning map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams or railroads shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following lot lines, city limits or extraterritorial boundary lines shall be construed as following such lines, limits or boundaries.
- C. In the case of unsubdivided property or where a district boundary divides a lot, the location of such boundary, unless indicated by dimension, shall be determined by the use of the scale appearing on the official zoning map.
- D. In the case of any remaining uncertainty, the city council shall determine the location of boundaries.
- E. Where any public street or alley is officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.
- F. Where any private right-of-way or easement of any railroad, railway, transportation or public utility company is vacated or abandoned and property is unclassified, such property shall be automatically classified as being in the O-S district. (Ord. 940 §1, Ex. A(part), 1992)

17.03.060 Highway commercial changed to general commercial district.

All references in this code to highway commercial district (C-H) are changed to general commercial district (C-G). (Ord. 1088 §12, 1998)

Chapter 17.05 DISTRICT REGULATIONS

17.05.010 Purpose.

A. AG Agriculture District. The primary purpose of the AG district is to designate areas suitable for agricultural uses and to prevent the encroachment of incompatible uses onto agricultural lands and the premature conversion of such lands to nonagricultural

uses. Uses in the AG district are limited primarily to agricultural uses, housing as a secondary use, and other activities compatible with agricultural uses.

B. R-E Residential Estate District. The primary purpose of the R-E district is to provide for the development, protection and stability of single-family detached housing and compatible uses within very low-density residential neighborhoods of the city. Due to the unique nature of R-E areas, special attention must be given to standards of development to ensure the preservation of a very low-density character and appearance.

C. R-1 Single-Family Residential District. The primary purpose of the R-1 district is to provide for the development, protection and stability of single-family detached housing and compatible uses within the low-density residential neighborhoods of the city. Attention shall be given to development in the R-1 district to ensure adequate light, air, privacy and open space for individual housing, and to provide space for community facilities and institutions which are complementary with a low-density residential environment.

D. R-2 Single-Family Residential Attached District. The primary purpose of the R-2 district is to protect existing conventional single-family housing, while encouraging the development of more affordable, innovative single-family attached housing and compatible uses. Neighborhood amenities, property ownership and development standards are the same as the R-1 district, except that the lot width requirement has been modified to provide incentive for development of this type dwelling without reducing the quality of housing in Manteca.

E. R-3 Limited Multiple-Family Residential District. The primary purpose of the R-3 district is to protect existing medium-density multiple-family housing, and to encourage the development of new medium-density multiple-family housing and compatible uses. The density provisions of the R-3 district are intended to ensure adequate lot area for dwelling units of varying sizes and to provide useable open spaces for families with children as well as for couples and single persons.

F. R-4 Multiple-Family Residential District. The primary purpose of the R-4 district is to provide areas for high-density multiple-family housing and compatible uses. The R-4 district is intended to provide a complete and attractive environment for those persons who desire apartment and condominium living.

G. C-O Office Commercial District. The primary purpose of the C-O district is to provide areas suitable for business and professional offices. The C-O district may serve as a buffer between retail, commercial and residential areas. Uses in the C-O district are limited to low-intensity commercial activities and generally higher-density residential developments.

H. C-N Neighborhood Commercial District. The primary purpose of the C-N district is to provide areas for small-scale retail and service-oriented commercial activities serving nearby residential areas. The C-N district will be limited to district areas of less than three acres and be located on major collector streets.

I. C-C Community Commercial District. The primary purpose of the C-C district is to provide areas for a wide range of commercial activity oriented to serving the entire city and surrounding areas. The C-C district provisions are intended to stabilize, improve and protect the commercial characteristics of the community business district, as well as provide for appropriate public and quasi-public uses.

J. CBD Central Business District. The primary purpose of the CBD district is to maintain the downtown area as the city's primary pedestrian-oriented, commercial and financial center while also providing for high-density residential uses and mixed uses.

K. C-G General Commercial District. The primary purpose of the C-G district is to provide areas for wholesale, warehousing and heavy commercial activities, including regional shopping centers, recreation and entertainment, and commercial activities that cater to tourists and highway travelers in areas proximate to Interstate 5 and State Routes 99 and 120. The C-G district should be located on major arterials and in proximity to highways. Attention shall be given to development to ensure that entrances to the city are developed and maintained in an attractive manner.

L. C-R Recreation Commercial District. The primary purpose of the C-R district is to provide areas suitable for commercial uses normally considered to be recreation-oriented and for commercial uses associated with major recreation areas. The C-R district should be located so as to ensure a healthy and safe environment for recreation while at the same time providing easy access for visitors.

M. BIP Business/Industrial Park District. The primary purpose of the BIP district is to provide for business, professional and administrative offices, medical and dental laboratories, laboratories, financial institutions, wholesale, warehouses, distribution centers, light manufacturing, public and quasi-public uses, and similar and compatible uses, and to promote a business, industry and research area which is not dependent on rail transport and does not require outdoor storage; and to foster and encourage development of specialized manufacturing and research institutions. It is intended that the BIP district be characterized by high standards of cleanliness, quiet, open space and design quality, and that retail commercial or service activity shall be limited to twenty percent of the primary use building floor area.

N. M-1 Light Industrial District. The primary purpose of the M-1 district is to provide areas for a range of businesses engaged in research, testing, activities related to contractor and construction industries, and light industrial manufacturing activities, wholesale, warehouses, and distribution centers, public and quasi-public uses, and similar and compatible uses which are not dependent on rail transport and may involve limited outdoor storage. Attention shall be given to development within the M-1 district to ensure that appropriate standards are incorporated into a project's design which will result in a compatible and harmonious setting in terms of site orientation, building placement, landscaping and the provision of pedestrian and vehicular circulation, and that retail commercial or service activity shall be limited to twenty percent of the primary use building floor area.

O. M-2 Heavy Industrial District. The primary purpose of the M-2 district is to provide areas appropriate for manufacturing, processing, assembling, research, wholesale, storage, trucking terminals, railroad and freight stations, public and quasi-public uses, and similar and compatible uses, and activities likely to have significant heavy truck traffic, potentially objectional noise, odor or visual impact. Retail commercial or service activity shall be limited to twenty percent of the primary use building floor area.

P. O-S Open Space District. The primary purpose of the O-S district is to provide for very low intensity uses that are compatible with the natural, open space character of the area. Any use other than a park or other open space shall be clearly incidental and secondary to the primary open space character of the area.

Q. PQP Public/Quasi-Public District. The primary purpose of the PQP district is to provide for publicly and privately owned uses that provide services to the community.

R. PD Planned Development Combining District. The primary purpose of the PD overlay district is to encourage and facilitate the creative and innovative use of land which may otherwise be limited or prohibited by the standard provisions of this title. The PD combining district is designed to allow diversity in the relationship between buildings and open spaces to create interesting physical environments and to maximize the development potential of underutilized or problematic land areas. The PD combining district may be combined with any base district. Development within the PD combining district shall conform to the standards specified for the base district with which the PD is combined except to the extent that deviations from such base district standards promote the creative and innovative use of land and remain sensitive to surrounding land uses. The PD combining district shall be applied to areas that are two acres or larger, except projects of less than two acres may be considered when determined that the development area is underutilized or problematic (i.e., in-fill, re-use, redevelopment), and that the surrounding area will be better served by the project. (Ord. 1332 §1(part), 2006; Ord. 1175 §1, 2000; Ord. 1088 §1, 1998; Ord. 940 §1, Ex. A(part), 1992)

17.05.020 Regulations for base districts.

A. Permitted and Conditionally Permitted Uses. Permitted and conditionally permitted uses for base districts shall be as specified in Table I in Chapter 17.07 of this title.

B. Development Standards. Development standards for base districts shall be as specified in Table 2 in Chapter 17.09 of this title.

C. Parking and Loading. Off-street parking and loading for base districts shall be provided in accordance with the requirements of Chapter 17.15 of this title.

D. Signs. Signs in base districts shall comply with the requirements of Chapter 17.17 of this title.

E. Landscaping. Landscaping in base districts shall be provided in accordance with the requirements of Chapter 17.19 of this title.

F. Site Plan and Design Review. Site plan and design review shall be required for the establishment of a new use, a change in a use, and the erection or alteration of any structure or addition to any structure, including secondary residential housing, except for single-family housing and minor changes in use, in accordance with the standards and procedures of Chapter 17.29 of this title.

G. The following provisions shall apply to all C districts:

1. All uses except automobile dealerships, service stations, parking and loading facilities, plant nurseries, and open-air restaurants, except as provided for in Section 17.07.020(B)(15) shall be conducted within a building. (Ord. 1241 §3, 2003; Ord. 940 §1, Ex. A(part), 1992)

Chapter 17.07 PERMITTED AND CONDITIONALLY PERMITTED USES

17.07.010 Purpose.

The purpose of this chapter is to set out land uses permitted and conditionally permitted in the zone districts established by this title and to establish regulations that apply to specific uses. This chapter applies to all uses in all base zone districts established by this title. (Ord. 940 §1, Ex. A(part), 1992)

17.07.020 Permitted and conditionally permitted uses.

A. Master List of Uses. Table 1 sets out permitted and conditionally permitted uses in the city by zone district.

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Table 1

Permitted and Conditionally Permitted Uses

P	Permitted Uses
C	Conditional Uses
P/C	Permitted-Indoor, Conditional-Outdoor
A	Accessory Uses
S	See Special Conditions
SU	Special Use Permit
Residential	R-E, R-1, R-2, R-3, R-4
Commercial	C-N, C-C, C-R, C-O, CBD, C-G
Manufacturing	BIP, M-1, M-2
Special Purpose	PQP, O-S, A-G

Use Type	R-E	R-1	R-2	R-3	R-4	C-N	C-C	C-R	C-O	CB D	C-G	BIP	M-1	M-2	PQ P	O-S	A-G
RESIDENTIAL USES																	
Apartment				P	P	C1	C1		C1	C1							
Boarding or rooming house				P	P				C								
Community care facility, small	P	P	P	P	P				C								
Condominium, townhouse style				P	P				C								
Condominium, apartment style				P	P	C1	C1		C1	C1							
Duplex		P2		P	P				C								
Fraternity or sorority house					P				C								
Garage, converted to residential use	C3	C3	C3	C3	C3												
Multi-family manufactured home				P	P				C								
Fourplex				P	P				C								
Residential hotel					P				C	C							
Secondary residential units	P32	P32							P32								
Senior citizen housing development	C	C		C	C										C		
Single-family dwelling, detached	P	P		P	P				C								C
Single-family dwelling, detached, dwelling group				C	C												
Single-family dwelling, attached		P2	P	C	C				C								

Single-family manufactured home	P4	P4		P4	P4				C4							P4
Single-family manufactured home, temporary																
Single-family mobilehome park				C	C											
Triplex				P	P				C							
AGRICULTURAL USES																
Growing and Harvesting Crops																
Christmas trees	A/C														C	P
Field crops	A/C														P	P
Flowers and horticultural specialties	A/C														P	P
Greenhouse/plant nursery	A	A				C	P				P				P	P
Growing of agricultural crops for domestic use of the resident occupant	P	P	P	P	P				P						P	P
Nut and fruit trees	A/C														P	P
Vine crops	A/C														P	P
Breeding, Raising, and Keeping Animals																
Bee keeping	A/C														P	P
Birds, including show or racing pigeons and other small fowl	A5														P	P
Horses, donkeys, or mules	A6														C6	P6
Beneficial insects	A/C														P	P

Kennel	A/C										C7						P7
Poultry	A5																C
Rabbits or fur-bearing animals	A5																C
Sheep or goats	A/5															C	P
Animal husbandry	C5	C5	C5	C5	C5	C5	C5	C5	C5	C5	C5	C5	C5	C5	C5	C5	C5
RECREATIONAL, ENTERTAINMENT, AND TOURIST FACILITIES																	
Health club						C	P	P	C	C	P	A					
Bingo parlor								P			P						
Bowling alley							P	P		C	P						
Campground								C			C						
Card room							C	C			C						
Arcade center (indoor)							C	P		C	P						
Amusement complex							P/C			P/C	P						
Amusement center							C	P		C	C						
Circus or carnival, temporary							C8	C8			C8	C8					C8
County club	C9				C9			P9			P						
Dance hall, ballroom, or discotheque							C	P		C	P						
Equestrian establishment	A/C							P			C					C	P
Fishing or fly casting pond	A/C							P								C	C
Golf course	C9							P9								C9	
Golf driving range	A/C							P								C	
Guest ranch	A/C							P			P						A/C

Hiking or equestrian trail							P									C	P
Hotel							P	P		P	P						
Indoor recreation, indoor training facility						C	P		C	C	P	C			P		
Miniature golf course							C	P			P						
Motel							P10	P10		C10	P10						
Movie theater, drive-in								C11			C						
Movie theater, walk-in						C	P	P		P	P						
Night club							C	P		C	P						
Park or playground	P	P	P	P	P			P	P		P				P	P	C
Pool or billiard parlor							C	P		P	P						
Private club	A/C						P	P		P	P						
Race track, automobile, bicycle, horse, or motorcycle								P			C				C		
Recreational vehicle park								P			P			P		C	
Resort hotel								P			P						
Roads or trails for motor driven vehicles								C								C	
Shooting range or gun club	A/C							P			P/C					C	
Skating rink, roller or ice							C	P			P						
Sports/entertainment complex, indoor								C			C		C		C		
Sports/entertainment								C			C				C	C	

t complex, outdoor																	
Swimming pool, private	A12	A12	A12	A12	A12												
Swimming pool, public facility						C	C	P			C				P	C	
Tennis courts	C	C	C	C	C	C	C	P			C				P	C	
Theater, live							P	P			C				P		
COMMERCIAL USES																	
Offices																	
Business or professional					C	P	P		P	P	P	P	C	C			
Financial institution, including bank, savings and loan, or credit union						P/C 33	P	P	P	P	P	C			P		
Real estate					C	P	P		P	P	P						
Temporary on-site real estate tract sales	C13	C13	C13	C13	C13												
Medical, dental, optical					C	P	P		P	P	P						
General Retail Sales																	
Antiques						P	P			P	P						
Appliances						P	P			P	P						
Art gallery						P	P			P	P						
Automobile, light truck, RV or garden implement, new & used sales, leasing							C				P	C					
Heavy truck or farm implement new & used sales, leasing							C				P	P	C				
Automobile, light truck, RV or garden							P			C	P	P	P				

implement, tires, parts/accessories																	
Heavy truck or farm implement tires, parts/accessories						P				P	P	P					
Bicycle					P	P	P		P	P							
Boat						C				P							
Bookstore, general					P	P		C	P	P							
Building materials and lumber										P	C						
Christmas tree, temporary					C	C	C		C	P							C
Clothing and apparel					P	P			P	P							
Computer						P			P	P							
Department store					C	P			P	P							
Drug paraphernalia						C											
Drugs and pharmaceuticals					P	P		P	P	P							
Electrical supply										P	P						
Fabric, drapery, or upholstery					P	P			P	P							
Feed						C				P	C	P					C
Firewood										P		P					C
Floor covering					P	P			P	P	C						
Florist					P	P		C	P	P							
Furniture and appliances					P	P			P	P							
Gardening and landscaping supply					C	P				P							
Gift and card					P	P			P	P							
Gun						P			P	P							

Hardware, general					P	P			P	P	C					
Heating supply										P	P					
Hobby supplies					P	P	P		P	P						
Home or office furnishings					P	P			P	P						
Jewelry and watches					P	P			P	P						
Lapidary					P	P			P	P						
Lawnmower					C	P			C	P						
Leather goods and luggage					P	P			P	P						
Locksmith or key and lock shop					P	P			P	P						
Military surplus						C			C	P	C					
Mobilehomes										P						
Motorcycles						C				P						
Musical instruments					P	P			P	P						
Newspaper or magazine					P	P		C	P	P						
Office machines and equipment						P			P	P						
Paint and wallpaper					P	P			P	P						
Pawn shop						P			P	P						
Pet store					P	P			P	P						
Photographic supply or camera					P	P			P	P						
Plumbing supply										P	P					
Pottery, ceramics, statuary					P	P			P	P						
Records and tapes					P	P			P	P						
Recreational vehicles						C				P						

Shoes						P	P			P	P						
Sporting goods and athletic equipment						P	P	P		P	P						
Stamps and coins						P	P			P	P						
Stationary and office supply						P	P		C	P	P						
Swimming pool and supplies							P				P						
Tobacco						P	P			P	P						
Toys						P	P			P	P						
Used clothing and household goods							C			C	P						
Variety						P	P			P	P						
Adult Business							SU			SU	SU						
Food and Beverage Retail Sales																	
Bakery, small						P	P			P	P						
Brewery, Micro, with food service							P			P	P	P					
Brewery, Micro											P		P				
Catering							C			C	P						
Convenience Market						C	C				P						
Drive-in food market or dairy						C	C				P						
Farmers market							C				P/C						
Food store						P	P	A			P						
Fruit stand							C				P				A	A	
Liquor store						P	P			P	P						
Specialties, including meat, vegetables, health foods, or						P	P			P	P						

candy																	
Supermarket					C	P			C	P							
Eating and Drinking Establishments																	
Bar, tavern, or cocktail lounge						C			C	P							
Cafeteria						A14	A14	A14	A14	A14	A14	A14	A14				
Ice cream parlor						P	P		P	P							
Refreshment stand/Kiosk					C	C			C	P	C	C	C				
Restaurant, cafe, or coffee shop						P	P		P	P	P	C					
Restaurant, fast food						C	P		C	P							
Restaurant, drive-in						C	C			P							
Restaurant, with alcohol service						P	P		P	P							
Soda Fountain						P	P		P	P							
Services																	
Agricultural services										P	P						
Ambulance								C		P	C						
Appliance repair					C	P			C	P	C						
Artist studio				C	C	P			P	P							
Automobile body repair & painting, indoor										P							
Automobile rental						C				P							
Automobile repair						C				P							
Automobile services, specialized					C15	C15				P	SU	SU					
Automobile service station						C				P15							

Automobile towing						C	C				P	C					
Automobile wash						C	C				P						
Automobile wash, self-service						P	P			P	P						
Bath house, including sauna, spa, Turkish, steam, or tanning											P						
Barber or beauty shop						P	P		C	P	P						
Carpet cleaning						C	P				P	C					
Equipment, heavy, or truck or trailer rental											P	C					
Equipment, light, rental						C	P			C	P						
Furniture cleaning, refinishing, or upholstery							C			C	P	C					
Interior decorator						P	P		P	P	P						
Janitorial service						C	P			C	P	P					
Laboratory, medical, dental, optical, or biological (non- experimental)						C			P	C	P	P					
Laboratory, testing or classifying (non- experimental)							C		P	C	P	P					
Laundromat, self- service						P	P				P						
Laundry, dry cleaning, pressing, or dyeing						C	C			C	P						
Laundry, dry cleaning, pressing, pick-up only						P	P			P	P						

Massage therapy, certified						P			P	P	P	C				
Mini-storage						C30				C30	C	C				
Pest control						C				P	C	P				
Pet grooming					P	P			P	P						
Photography studio					P	P			P	P						
Picture framing					P	P			P	P						
Printing, cartography, lithography, or blue-printing						P		C	P	P	P					
Publishing						C			C	P	P	P				
Recycling, collection facility, small					C16	C16	C16	C16	C16	C16	C16	C16				
Shoe shine stand					P17	P17	P17	P17	P17	P17						
Shoe repair					P	P			P	P						
Specialized services, multiple occupancy										P	SU	SU				
Tailor or dressmaker					P	P		C	P	P						
Tanning salon					P	P	P		P	P	C					
Taxidermist						P			P	P						
Telegraph					P	P		P	P	P						
Ticket agency						P			P	P						
Travel agency					P	P		C	P	P						
Truck rental										P	C					
Truck fueling station										P	C					
Truck service and repair										P		C				
Veterinary out-patient clinic					C	C			C	P						
Veterinary hospital						C18			C18	P18						

Wedding chapel							P			P	P						
Contracting Services																	
General, building, heating & air-conditioning, plumbing, electrical, painting, engineering, carpentry, roofing, masonry, concrete, etc.											P19	P	P				
Contractor or towing service storage yard											P/C	P/C	P/C				
Cold storage facility											C						
INDUSTRIAL USES																	
Agricultural Industries																	
Biomass energy conversion														C			
Brewery													C	C			C
Canning, freezing or packing vegetables												C	C	C			C
Cold storage facility for agricultural products											C	C	C	P			C
Creamery											C		C	C			C
Distillation for alcoholic beverages													C	C			
Flour mill													C	C			
Feed mill													C	C			
Fruit, vegetable, and plant products processing													C	C			C
Glucose processing													C	C			

Grain elevator or storage													C	C			
Honey extraction												C	C				C
Oil extraction, nonmineral														C			
Prepared meat plant													P	P			
Seed enhancement										P	P	P					
Slaughter house or meat packing														C			
Sugar refinery														C			
Tanning, curing, or storage of hides														C			
Tasting room						P	A		P	P		P	P				C
Winery													C	C			C
Industrial Manufacturing or Assembly																	
Acids														C			
Aircraft														P			
Ammonia or chlorine														C			
Automobile														C			
Asphalt														C			
Acetylene or other gas														C			
Appliances, light													C	C			
Appliances, heavy														C			
Batteries														C			
Blast furnace or smelting														C			
Boiler works														C			
Brick, tile, or terra														C			

cotta products																
Building materials													C			
Cabinet shop									C	P	C					
Candle											C	C				
Carbon												C				
Carpet or mattress											C	C				
Celluloid or pyroxin												C				
Cement												C				
Ceramics										C	C	C				
Chemical blending												C				
Clothing, garments or shoes											P	P				
Coal, wood, or tar distillation												C				
Concrete blocks												C				
Cosmetics, perfumes, or toiletries											C	C				
Creosote												C				
Detergent												C				
Disinfectant												C				
Drugs and pharmaceutical										C	C	C				
Electronic equipment									P	P	P	P				
Explosives, fireworks or ammunition, including storage																
Fertilizer												C20				
Food products, not including fish or																

meat																	
products, sauerkraut, or vinegar												C	C				
Furniture										C	C	C	C				
Glass													C				
Glue													C				
Ice													C				
Linoleum or oiled products													C				
Machinery												C	C				
Monument works										C	C	C	C				
Musical instruments										C	C	C					
Neon signs										P	C	C	C				
Oil refining													C				
Paint, shellac, turpentine or similar products													C				
Paint mixing												C	C				
Paper or pulp													C				
Pesticide													C				
Plastics													C				
Potash													C				
Pottery										C	C	C	C				
Prefabricated buildings, structures or mobilehomes											C	C	C				
Rubber													C				
Soap													C				
Sodium compounds													C				

Starch													C			
Steel fabrication (non-structural)												C	C			
Steel fabrication (structural)													C			
Stone													C			
Textiles												C	C			
Trusses												C	C			
Industrial Storage																
Automobile										C	C	P				
Bottled gas													C			
Cargo containers												C	P			
Chemical containers													C			
Cold storage												P	P			
Draying or freight									P/C	P	P	P				
Equipment and building material									P/C	P	P	P				
Feed										P	P	P				
Fireworks or explosives													C			
Lumber									P/C	P	P	P				
Minerals and ore storage and loading													P			
Moving and storage									P/C	P	P	P				
Petroleum or petroleum-based fuels													C			
Recreational vehicle									C	C	C					
Salavage or junk yards												C	C			
Truck and heavy										C	C	P				

equipment																	
Warehouse										C	P	P	P				
Other Industrial Uses																	
Assaying										P	C	P	P				
Bag cleaning												P	P				
Bakery, large												P	P				
Beverage bottling works										C	C	P	P				
Billboard sign fabrication and storage																	
Boat building and major repair												C	P				
Cabinet or carpenter shop										C	P	P					
Concrete batch plant												C	P				
Electroplating													P				
Jewelry										P	P	P	P				
Laboratory, experimental											P	P	P				
Machine shop										C	P	P	P				
Metal, glass or paper recycling facility										C	C	C	C				
Material extrusion or forming										P/C	C	C	C				
Newspaper, magazine, or book printing											P	P					
Optical equipment											P	P					
Photographic processing plant or wholesale supply											P	P					

Research and development											P	P	P				
Rock, gravel, sand, or soil crushing, processing, or distribution													C	P			
Sandblasting											P/C	C	C	P			
Sheet metal shop											P	P	P	P			
Tire retreading											C	C	P	P			
Well drilling service											P	P					
Welding or blacksmith											C	C	P	P			
Wholesale distribution											P/C	P	P	P			
Transportation Facilities																	
Airport, private																C	C
Airport, public use															C	C	
Automobile parking lot, commercial					C	C	P		P	P	P						
Automobile parking garage, commercial					C	C	P		P	P	P						
Bus depot							C				P		C				
Heliport	C21	C21	C21	C21	C21	C21	C21	C21	C21	C21	C21	C21	C21	C21	C21	C21	C21
Multimodal station							C			C	P	P					
Railroad depot, multimodal station											P						
Railroad freight classification or switching yard														P			
Taxi depot							C				P						
Transitional ancillary						S	S	S	S	S	S						

parking facility																	
Truck and motor freight transfer												C	P	P			
Truck and motor freight terminal												C	C	P			
Utility and Communication Facilities																	
Communications building											P	C	P	P	C		
Microwave relay station											C	C	P	P	C		
Public utility buildings and yards											P	P	P	P	C		
Radio, television, or commercial communications transmitter, receiver, or translator											C	C	P	P	C	C	
Satellite antenna, residential	P22	P22	P22	P22	P22												
Transmission lines, towers, poles, pipelines, and underground facilities for gas, water electricity, telephone or telegraph service owned and operated by a public utility company	C	C	C	C	C	C	C	C	C	C	C	C	P	P	C	C	C
Utility substation											C	C	P	P	C		
RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES																	

Administrative offices, accessory structure and attendant equipment storage for natural resource extraction or processing uses												C	C	P	P		
Quarries, gravel pits, extractions	C23	C23	C23	C23	C23	C23	C23	C23	C23	C23			C23	C23	C23	C23	C23
Cogeneration facilities												C	C	C	P	C	
WASTE FACILITIES																	
Sewage treatment plant															C	C	C
Transfer station														C	C	C	
INSTITUTIONAL USES																	
Art gallery, public or nonprofit							P		C	P	P						
Auditorium, public							C	P		C	P						
Cemetery, mausoleum, columbarium						C24	C24					C24				C24	C24
Mortuary						P	P			C	P						
Charitable or public service organization					C	P	P		C	C	P					C	
Child day-care home	P25	P25	P25	P25	P25												
Child day-care center	C25	C25	C25	C25	C25	P25	P25		C25	C25	P	C25					
Church	P	P	P	P	P	C	C				C					C	
Clinic, medical or physical therapy					C	P	P		P	C	P						
Club or lodge				C26	C26	C	P	P			P						
Convalescent					C	C	P				P						

hospital																	
Community care facility, large					C	C	C		C								
Community care facility, senior	C	C		C	C	C	C		C								
Community or senior citizens center					C26	C	P	P			P				P	C	
Crematory											C			P			
Fire Station	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Government office or building											P				P	C	
Hospital					C	C			C		P						
Labor union hall						C	P	P			P						
Library											P				P	C	
Museum											P				P	C	
Nursing home					C27	C27					P27						
Police station											P				P	C	
Post office											P				P		
Public agency or public utility buildings and facilities											P/C				P		
Sanitarium					C	C					P						
Water treatment plan															P		
Zoo								P							P	C	
Educational Institutions and Schools																	
College or university							C		P		C				P		
College or university, extension							C			C	P				P		

Elementary school	P	P	P	P	P										P		
High school, junior	P	P	P	P	P										P		
High school, senior	P	P	P	P	P										P		
Preschool					C	P	P				P				P		
Private school	C	C	C	C	C		C		P		C				P		
Specialized Schools																	
Art, craft, or music school						C	P		C	C	P				P		
Business or trade school						C	P		C	C	P				P		
Dance school						C	P		C	C	P				P		
Driving school						C	P		C	C	P				P		
Martial arts school						C	P		C	C	P				P		
Photography						C	P		C	C	P				P		
Swim school						C	P		C	C	P				P		
MISCELLANEOUS USES																	
Flea market or swap meet											C	C	C				
Garage sale	P28	P28	P28	P28	P28												
Massage parlor						C	P			C	P						
Outside retail sales						C17	C17	C17	C17	C17	C17						
Revival, temporary							C				C				C	C	C
Sound studio, radio, TV, recording, or movie							C		C	C	P	C					
Special events, sponsored by organization						P29	P29	P29	P29	P29	P29	P29	P29		P29		

B. Special Conditions. The following special conditions apply to the uses indicated by the corresponding number on Table 1 described in this chapter.

1. Apartments in Non-R Districts.

a. Residential uses in the C-N, C-C, C-O or CBD districts shall comply with the development regulations applicable to the R-4 district; no residential use is allowed on the ground floor in any non-R district.

b. A single manager's apartment unit shall be allowed as an accessory use to a mini-storage facility. The residential unit shall be provided with a minimum of two hundred square feet of outdoor private open space, one exterior entrance into the unit, and two parking spaces, one of which may be uncovered.

2. Duplex Units in the R-1 District. In the R-1 district, duplex, dwelling group, and single-family attached units shall be allowed on lots that contain a minimum of twelve thousand square feet, and shall be subject to site plan review.

3. Garage, Converted to Residential Use. A garage which is attached to a single-family dwelling located in an R district may be converted to a residential use provided a use permit is approved by the city and provided there are a minimum of two useable on-site parking spaces. Parking on any adjacent property or within the street right-of-way may not be used to meet on-site parking requirements.

4. Manufactured Homes.

a. A manufactured home shall constitute a permitted use in all R districts, provided that any such manufactured home is certified under the standards set forth in the National Manufactured Housing Construction and Safety Standards Act of 1976 (42 USC 5401 et seq.), as amended at the time of any application for placement of such manufactured home upon a permanent foundation system.

b. A manufactured home developed in an R district shall be subject to the following requirements:

i. The manufactured home shall be placed on a permanent foundation in accordance with the standards set forth in the Uniform Building Code.

ii. The manufactured home's electrical, gas, water and drain connections shall be made permanent in a manner applicable to permanent buildings. Gas shut-off valves, meters and regulators shall not be located beneath the manufactured home.

iii. Prior to occupancy, the manufactured home owner shall request and shall secure from the building department a certificate of occupancy pursuant to Section 18851(b)(2) of the California Health and Safety Code.

5. Commercial Raising of Small Animals. In the R-E district, the raising of poultry, rabbits, chinchillas, hamsters and other small animals shall be limited to lots of not less than twenty thousand square feet in area, provided that there shall be not less than one thousand square feet of lot area for each fowl or small animal.

6. Private Stables.

a. In the R-E district, horse keeping shall be limited to one horse on a lot of not less than two acres in area, provided that one additional horse may be kept for each additional one acre of lot area.

b. Private stables and paddocks shall be located on the rear half of the lot and not closer than twenty feet to any lot line nor closer than forty feet to any dwelling on the same or adjoining property.

7. Commercial Kennels. Commercial kennels for dogs and cats, riding academies and public stables shall be located no closer than two hundred feet to any lot line, shall provide automobile ingress and egress and parking spaces designed so as to minimize traffic hazards and congestion.

8. Circus or Carnival. A circus, carnival or other use involving temporary assemblages of over two hundred people is permitted with a use permit in any district, except an R district, provided that such activity shall be located no closer than three hundred feet to any dwelling.

9. Country Clubs and Golf Courses.

a. All facilities, including but not limited to golf fairways, swimming pools and tennis courts shall be located no closer than twenty feet to any lot line, except where the lot line adjoins an R district.

b. All facilities, including but not limited to golf fairways, swimming pools and tennis courts shall be located no closer than twenty-five feet to any lot line, adjoining an R district, and shall provide a minimum six-foot high, view-obscuring wall, hedge or screen planting.

c. Retail uses such as restaurants, bars and professional shops are permitted without a use permit.

10. Motels.

a. No vehicular entrance to, or exit from any motel, shall be located closer than one hundred feet along a street to any school, public playground, church, hospital, library or institution for dependents or for children, which is on the same side of the street and within the same block as the entrance or exit in question.

b. Any motel site shall have a minimum area of twenty thousand square feet; all areas not used for access, parking, circulation, buildings and services shall be completely and permanently landscaped and the entire site shall be maintained in good condition.

c. Buildings shall be located no closer than ten feet to any lot line.

11. Drive-In Theaters. Drive-in theaters shall be located adjacent to an arterial street with ingress and egress designed so as to minimize traffic congestion on the adjacent arterial street, shall be located no closer than two hundred feet to any R district, and be screened from such district such that any noise shall not disturb residents, and shall maintain lighted signs and other lights in such a way as to not disturb neighboring

residents. The projection screen shall be oriented so as to minimize visibility from any arterial street.

12.1 Swimming Pool or Spa, Private. A private swimming pool or spa, as defined, shall be subject to compliance with the following regulations:

- a. The swimming pool or spa is to be solely for the use and enjoyment of residents and their guests. The pool or spa may not be closer than three feet to a side or rear lot line.
- b. The swimming pool or spa area, or the entire property or yard area on which it is located, shall be enclosed by a masonry wall, chain-link or solid fence not less than six feet in height so as to prevent uncontrolled access by children. All gates and doors opening through such enclosures shall be equipped with a self-closing and self-latching device and installed in accordance with current building code requirements.
- c. Swimming pool and spa filtration equipment shall not be closer than fifteen feet to the main building on an adjoining lot.
- d. Swimming pool and spa filtration equipment shall not be located in the front or street side yard.

12.2 Swimming Pool or Spa, Community. A community swimming pool or spa, as defined, shall be subject to compliance with the following regulations:

- a. The swimming pool or spa is to be solely for the use and enjoyment of the residents, employees or guests, as the case may be.
- b. The swimming pool or spa area, or the entire property or yard area on which it is located, shall be enclosed by a masonry wall, chain-link or solid fence not less than six feet in height. All gates and doors opening through such enclosure shall be equipped with a lock and self-closing and self-latching device designed to keep and be capable of keeping the door or gate securely closed when not in actual use. The lock and latching device shall be no higher than forty-four inches above the adjacent deck or walkway surface. All such gates or doors shall be kept locked when the spa, pool or body of water is not in use or when no adult attendant is present.
- c. A warning sign not smaller than two hundred twenty square inches in area shall be posted at each door or gate opening to said swimming pool or spa enclosed area. The sign shall indicate that no child is allowed within the enclosed spa, pool or body of water area unless an adult is present and that children shall be supervised at all times by an adult.

12.3 a. All locking gates and doors required by subsections 12.1 and 12.2 above shall be capable of being opened without a key from within the pool or spa area without any special knowledge or effort so as to allow emergency exiting.

b. All locking gates and doors required by subsections 12.1 and 12.2 above shall have a key lock box approved by the Manteca fire department. Said key lock box shall be installed no more than three feet from said gates and doors and shall contain all

necessary keys or cards needed to open said gates or doors in order to provide emergency access to the pool or spa.

13. Real Estate Tract Offices. Real estate tract office (temporary) and model units in any district shall be located on the property to which they are appurtenant. A use permit may be granted which shall be limited to a one-year period. Thirty days prior to the expiration time the applicant may request and be granted one extension of time of one additional year. Thirty days after the expiration of the use permit, or any extension thereof, all commercial activity shall cease and the temporary office building, if any, shall be removed at the owner's expense.

14. Cafeteria. Cafeterias are permitted as an accessory use only and shall be conducted and entered from the building of the use to which they are accessory.

15. Automobile Service Stations. Applications for service stations shall include a site plan that designates areas for any material or equipment such as tires, rental trailers or other merchandise, kept outside for sale or rental, and shall include provisions for the upkeep and screening of such spaces. No service station shall have an entrance or exit for vehicles closer than one hundred feet to a school, public playground, church, hospital, public library or institution for dependents or for children, which is on the same side of the street and in the same block as the entrance or exit in question.

16. Recycling, Collection Facility. Any person or business which establishes a small consumer-oriented facility for the collection of recyclable material shall be required to secure a conditional use permit for such activity. Such facilities shall be located in a C (commercial) district, CBD (central business district), M (manufacturing district, or BIP (business industrial park) and shall be subject to the following requirements:

- a. Facilities located within one hundred feet of a property zoned or occupied for residential use shall operate only during the hours between nine a.m. and five p.m.;
- b. May not occupy an area greater than five hundred square feet;
- c. If located within an existing improved parking facility, the overall on-site parking shall not be reduced beyond what is required for all the uses located on the same property;
- d. A minimum of two on-site parking spaces shall be provided adjacent to the recycling collection facility (except when the facility is located within the AB103 parking district);
- e. May be no closer than ten feet to any street line;
- f. Shall not obstruct pedestrian or vehicular circulation;
- g. Reverse vending machines occupying less than fifty square feet of floor area and accessory to an existing use do not require use permit approval. The reverse vending machines shall be placed adjacent to the main building and shall not obstruct pedestrian or vehicular circulation.

17. Outside Retail Sales. Except for special event sidewalk sales conducted by local merchants as approved by the city council, any person engaged in the business of vending, selling or offering for sale any goods, wares or merchandise from any stand or

display, within one hundred feet of any street, alley or other public places, shall be required to secure a use permit for such activity. The use shall not be located closer than three hundred feet to any dwelling, shall not cause traffic operating conditions—including street operation, intersection operation and operation of any turning movement in an intersection—to exceed level of service C, and shall be operated in such a manner so as not to be a nuisance to surrounding uses.

18. Veterinarian Hospital. A veterinarian hospital or office shall be located no closer than one hundred feet for any R district or restaurant, hotel or motel in any district, and shall be subject to the provisions of Chapter 17.13 of this title.

19. Contracting Services. Contracting services in the BIP district shall not involve outdoor storage yards. Contracting services in the CG district which involve outdoor storage yard shall require a conditional use permit and conform to Section 17.090.090 “Outdoor storage.” Contracting services in the MI district shall be permitted outdoor storage by right.

20. Fertilizer Plants and Yards. Fertilizer plants and yards shall be located no closer than one thousand feet to any R district, shall provide automobile parking and truck loading area together with ingress and egress designed so as to minimize traffic hazards and congestion, and shall be subject to the provisions of Chapter 17.13 of this title.

21. Heliport or Landing Strip for Aircraft. A heliport or landing strip for aircraft for emergency use only may be located in any district subject to the provisions of Chapter 17.13 of this title and to securing a use permit.

22. Satellite Antenna, Residential. No residential satellite antenna shall be located in any required front or street side yard setback area.

23. Quarries, Gravel Pits and Excavations.

a. The planning commission shall have the power to grant and revoke use permits, in accordance with Chapter 17.39 of this title, valid for specified periods of time, to permit extractions from or deposits on the earth of rock, stone, gravel, sand, earth, minerals or building or construction materials other than those listed in subsection 23b of this section.

i. The city engineer shall make such inspections as he deems necessary or as are required by the planning commission to ensure that all work is carried out in accordance with the provisions of the use permit. The actual cost to the city of all inspection services shall be paid for by the applicant.

ii. The conditions under which a use permit for evacuation from or deposit on the earth of such materials may be issued, shall include requirements deemed necessary to protect the public health, safety, comfort, convenience or general welfare; insurance against liability arising from production or activities or operations incident thereto; provisions to ensure completion of the work, and cleaning up and planting in accordance with approved plans; designation of area in which work may be done; designation of slope to which excavation may be made, and/or the grade of fill slopes;

provisions for controlling dust; hours during which vehicular traffic must be controlled in and around said operation; enclosure by fences of exterior boundaries of property; and any other conditions deemed necessary by the planning commission.

iii. A bond, satisfactory to the city engineer, may be required to ensure compliance with all use permit conditions.

b. The following extractions from or deposits on the earth of rock, stone, gravel, sand, earth, minerals or building or construction materials shall be permitted in any district without a use permit.

i. Excavations for the foundation or basement of a building or swimming pool for which a building permit has been issued, or deposits on the earth of any building or construction materials to be used in a structure for which a building permit has been issued.

ii. Grading in a subdivision which has been approved by the city in accordance with the Manteca land division ordinance and that is consistent with the city's standard plans and specifications.

24. Cemetery, Crematory, Mausoleum or Columbarium. A cemetery, crematory, mausoleum or columbarium may be located in any zone district subject to the provisions of Chapter 17.13 of this title and subject to securing a use permit. Such uses shall be located adjacent to an arterial street with ingress and egress designed so as to minimize traffic congestion on the adjacent arterial street. The use shall provide a minimum six-foot high, view-obscuring wall on all lot lines abutting any R district.

25. Child Day-Care Facilities and Preschools. Child day care facilities and preschools shall maintain a minimum six-foot high solid board or screening fence around any play area, be located on a site at least ten thousand square feet in an area, and shall not cause traffic operating conditions including street operation, intersection operation and operation of any turning movement in an intersection to exceed level of service C on collectors and local streets.

26. Clubs, Community Buildings, Social or Recreational Establishments, Lodges and Fraternal Organizations.

a. In R districts, all buildings shall be located no closer than ten feet to the side lot lines, and twenty-five feet to the rear lot line; front yard setbacks shall be the same as for other uses in the R district.

b. Setbacks shall be consistent with the requirements of the zoning district. For projects abutting a residential zoning district, an eight-foot solid masonry wall measured from the adjacent higher surface shall be constructed in accordance with the city standard plans and specifications.

c. There shall be no external evidence of any incidental commercial activity nor access to any space used for such activity other than from within the main buildings.

d. Any such use must be able to provide access without causing traffic operating conditions—including street operation, intersection operation and operation of any turning movement in an intersection—to exceed level of service C on collectors or local streets.

e. The use shall not generate noise which exceeds standards set forth in Chapter 17.13 of this title.

27. Nursing Homes.

a. Approval must be obtained from proper agencies concerning health and safety conditions, and said home must be licensed by such agencies.

b. An off-street loading area for an ambulance shall be provided and shall be screened from view from the street and from neighboring properties.

c. If an incinerator is provided, it shall be located on the rear one-half of the property and the stack shall not be closer than fifteen feet to any lot line. The effluent from such stack shall comply with the provisions of Chapter 17.13 of this title.

28. Garage or Yard Sales. A garage or yard sale may be conducted on any developed lot in an R district, subject to the following requirements:

a. No more than two such sales may be conducted on any one lot in any one calendar year.

b. Each sale period shall be for no more than three days, unless additional time is approved by the community development director.

c. All related signs shall conform to the requirements of Chapter 17.17 of this title.

29. Special Event, Sponsored by an Organization. A farmers market or an arts and crafts fair sponsored by an organization is a permitted activity. In the case of an arts and crafts fair these activities shall consist of not less than ten vendors offering for retail sale, original handmade items, textiles, ceramics, paintings and soft sculptures. In the case of the farmers market the activities shall consist of not less than ten vendors offering for retail sale agricultural produce. In addition to this minimum requirement the activity can include secondary vendors, such as, but not limited to, food vendors, entertainment, educational booths.

30. Light Duty Truck Rental Accessory Use to a Mini-Storage Use. Rental of light duty trucks to the general public may be allowed as accessory to a mini-storage facility use upon approval of a conditional use permit and compliance with the following conditions:

a. The truck rental service shall be accessory and incidental to the mini-storage use, inclusive of sign identification;

b. Rental trucks and trailers may not at any time be stored or parked in the public right-of-way or in required access or fire lanes or required customer parking spaces; parking on the street shall be cause for revocation of the use permit;

c. Except as provided below, rental trucks shall be stored in areas screened from view in accord with 17.05.020(G)(1);

d. A minimum of two thirty-foot deep on-site parking spaces identified for exclusive parking of rental trucks may be provided outside of the screened storage area. These spaces may be no closer than fifty feet to a street line, shall not be located opposite a residential use and shall not be visually intrusive;

e. If there is no provision for after-hour drop-off of rental trucks at this location, signs clearly visible during the day and the evening shall be installed which state that the facility does not accept after-hour drop-off. It shall also indicate the location and the telephone number of the nearest authorized rental facility that will accept after-hour drop-off of rental trucks;

f. In the event the number of rental vehicles exceeds the number of spaces designated for this purpose, the excess vehicles shall be moved to a location within the gates of the mini-storage facility.

31. Transitional Ancillary Parking Facilities. Transitional ancillary parking may be provided in conjunction with those commercially zoned lots delineated for such use on Map 1 of Section 17.07.020(A). Lots upon which such parking may be provided shall not be used for any other commercial purpose. Such parking may be provided specifically in support of adjacent commercial uses only if it can be demonstrated that such a facility will not adversely impact the nearby residents or diminish the integrity of adjacent residential uses. No such parking facility shall be established until an application for use permit has been submitted to and approved by the planning commission in accordance with the procedures set forth in Section **17.49.050** of this title. A use permit application shall be denied if conditions cannot be established that will maintain the quality and assure the integrity of the adjacent residential uses.

In addition to the findings stipulated in Section 17.37.030(A) for the granting of a conditional use permit, the planning commission may approve or conditionally approve an application for a transitional ancillary parking facility if it finds all of the following:

a. The transitional parking facility is an accessory use to an existing business or group of businesses.

b. The transitional parking facility will eliminate an existing parking deficit, not replace existing parking.

c. The transitional parking facility conforms to the design and development standards set forth in this section.

d. The transitional parking facility design ensures that there is an appropriate transition and buffer between the commercial development and the adjacent residential uses, and that the design, scale, and size of the parking facility will not adversely impact the nearby residents or diminish the integrity of the adjacent residential district.

In addition to requirements stipulated in Chapter 17.15, transitional parking facilities shall be located in R districts and shall be subject to the following special design standards:

- a. Transitional parking in an R district shall be contiguous to or separated only by an alley from the commercial development to be served, and shall extend no more than three residential lots or one hundred fifty feet into the R district, whichever is less;
- b. If the parking facility provides above grade level parking, there shall be a minimum thirty-foot separation between the parking structure and any adjacent R district lot not used for transitional parking. This shall include a minimum five-foot wide landscape planter (inside dimension) adjacent the property line that shall contain trees and shrubs to provide a visual buffer between the structure and the adjacent R district property;
- c. The parking facility shall have a minimum five-foot landscape planter (inside dimension) at the property line of any adjacent R district property not used for transitional parking;
- d. A minimum seven-foot high masonry wall shall be installed along any adjacent R district property not used for transitional parking. The wall design shall be compatible with the surrounding properties and neighborhood;
- e. Access to and from the parking facility shall be from the adjacent commercial property or established alley. There shall be no additional access allowed on to the residential street;
- f. A minimum four-foot high masonry wall shall be installed at the fifteen-foot landscaped setback provided along the residential street frontage. The wall and landscape design shall be compatible with that of the adjacent residential uses;
- g. If the lot designated for transitional parking use contains a dwelling(s), the parking lot design shall conform to the following:
 - i. Provide seven hundred fifty square feet of private open space between each dwelling and the parking facility,
 - ii. A minimum seven-foot high masonry wall with five-foot wide landscape planter (inside dimension) on the parking lot side shall separate each dwelling from the parking facility,
 - iii. Vehicular access to dwellings shall not be through the parking facility.

32. The community development director may approve a second residential unit if all of the following is found:

- a. The second residential unit conforms to the design and development standards for second residential units established in Section 17.39.030.
- b. The second unit maintains the scale of adjoining residences and is compatible with the design of the existing dwellings in the neighborhood in terms of building materials, colors and exterior finishes.

33. Banks, Financial Institutions, Including Bank, Savings and Loan or Credit Union. If the use includes a drive up service, teller, or ATM a conditional use permit shall be obtained. (Ord. 1366 §1(part), 2007; Ord. 1287 §I, 2004; Ord. 1221 §1, 2002; Ord. 1185 §§1, 2, 2001; Ord. 1175 §2, 2000; Ord. 1147 §§I—VII, 2000; Ord. 1129 §1, 2000; Ord. 1127 §1, 2000; Ord. 1120 §§1, 2, 1999; Ord. 1099 §§1, 2, 1999; Ord. 1097 §§1, 2, 1998; Ord. 1096 §1, 1998; Ord. 1088 §§3, 4, 1998; Ord. 1032 §1, 1996; Ord. 1021 §1, 1995; Ord. 990 §2, 1994; Ord. 962 §1, 1993; Ord. 940 §1, Ex. A(part), 1992)

17.07.030 The keeping of animals.

In any district on a lot with a principal permitted use, no more than six small animals may be kept, provided none are kept for commercial use. Not more than three of such animals may be dogs or cats over ten weeks of age and not more than two may be pot belly pigs. No roosters, ducks, turkeys, geese, pea fowl, guinea fowl, goats, sheep or hogs, except pot belly pigs shall be allowed.

Permitted small animals or fowl, exclusive of dogs and cats or pot belly pigs, shall be kept in cages located no closer than twenty feet to an adjacent property, shall be maintained clean and odorless at all times, and shall not become a public nuisance. A use permit may be issued for the commercial raising of small animals, or fowl, or for general animal husbandry, but not including the raising of hogs, on lots of one acre or more. (Ord. 971 §3, 1993; Ord. 940 §1, Ex. A(part), 1992)

Chapter 17.09 DEVELOPMENT STANDARDS

17.09.010 Purpose.

The purpose of this chapter is to provide for open areas around structures for access to and around buildings; to protect access to natural light, ventilation and direct sunlight; to ensure the compatibility of land uses; to provide space for privacy, landscaping and recreation; to regulate the height of structures; to support public safety; to regulate outdoor storage areas; and to preserve neighborhood character. (Ord. 1241 §4, 2003; Ord. 940 §1, Ex. A(part), 1992)

17.09.020 Development standards for base zone districts.

A. Development Standards. Development standards for base zone districts shall be as specified in Table 2.

B. Calculating Lot Width. The width of a lot shall be measured at the front lot line. (Ord. 1185 §3, 2001; Ord. 1175 §3, 2000; Ord. 1088 §5, 1998; Ord. 940 §1, Ex. A(part), 1992)

17.09.030 Front yard setbacks.

A. Lots Situated Between Lots Improved With Buildings. Notwithstanding the minimum front yard setbacks specified in Table 2, on a lot situated between lots already improved with buildings, the minimum front yard setbacks shall be the average depth of the front yards on the improved lots adjoining the side lines of the lot.

B. Lots on Partially Improved Blocks. Notwithstanding the minimum front yard setbacks specified in Table 2, where a lot is not situated between lots improved with buildings and where lots comprising forty percent of the frontage on a block are improved with buildings, the minimum front yard setback shall be the average depth of the existing front yards on the improved lots in the block.

Table 2

Development Standards

Zoning District	Floor Area Ratio (FAR)	Min.Total Lot Area (sq. ft.)	Min. Lot Area Per Unit (sq. ft.)	Min.1 Lot Width (feet)	Max. Lot Minimum Yard Setbacks: Front	Max. Lot Minimum Yard Setbacks: Side	Max. Lot Minimum Yard Setbacks: Both Sides	Max. Lot Minimum Yard Setbacks: Rear	Max. Lot Minimum Yard Setbacks: Front Porch (feet)	Coverage (%) or Minimum Open Space Per Dwelling Unit (sq. ft.)	Max. Building Height
A-G	n/a	40,000	Same	100	50	15	30	30	n/a	35%	2 stories 30 feet
R-E	n/a	20,000	Same	1002	50	15	30	30	20	35%	2 stories 30 feet
R-1	n/a										
R-1-10	n/a	10,000	Same	852	25	12	20	25	15	40%	2 stories 30 feet
R-1-8	n/a	8,000	Same	752	20	12	19	20	10	40%	2 stories 30 feet
R-1-6	n/a	6,000	Same	602	20	12	17	20	10	40% for two story 45% for one-story	2 stories 30 feet
R-2	n/a	3,750	Same	37.52	20	12	n/a	20	10	40%	2 stories 30 feet

Zoning District	Floor Area Ratio (FAR)	Min.Total Lot Area (sq. ft.)	Min. Lot Area Per Unit (sq. ft.)	Min.1 Lot Width (feet)	Max. Lot Minimum Yard Setbacks: Front	Max. Lot Minimum Yard Setbacks: Side	Max. Lot Minimum Yard Setbacks: Both Sides	Max. Lot Minimum Yard Setbacks: Rear	Max. Lot Minimum Yard Setbacks: Front Porch (feet)	Coverage (%) or Minimum Open Space Per Dwelling Unit (sq. ft.)	Max. Building Height
R-3	n/a	6,000	2,925	602	20	6	15	20	10	400 sq. ft.	2 stories 30 feet
R-4	n/a	6,000	2,050	602	15	6	15	15	15	400 sq. ft.	3 stories 35 feet
C-N	.60	5,000	n/a	50	n/a	n/a	n/a	n/a	n/a	n/a	2 stories 30 feet
C-C	.60	5,000	n/a	50	n/a	n/a	n/a	n/a	n/a	n/a	3 stories 35 feet
C-G	.60	10,000	n/a	70	n/a	n/a	n/a	n/a	n/a	n/a	3 stories 35 feet
C-R	n/a	10,000	n/a	70	n/a	n/a	n/a	n/a	n/a	n/a	3 stories 35 feet
CBD	2.0	10,000	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	3 stories 35 feet
C-O	.60	5,000	n/a	50	15	5	n/a	n/a	n/a	n/a	3 stories 35 feet
BIP	.50	20,000	n/a	n/a	50/40	20	n/a	10	n/a	50%(2) 35%(1)	2 stories 35 feet
M1	.50	20,000	n/a	n/a	25	10	n/a	25	n/a	n/a	n/a
M2	.50	20,000	n/a	n/a	25	10	n/a	25	n/a	n/a	n/a

Zoning District	Floor Area Ratio (FAR)	Min.Total Lot Area (sq. ft.)	Min. Lot Area Per Unit (sq. ft.)	Min.1 Lot Width (feet)	Max. Lot MinimumYard Setbacks: Front	Max. Lot Minimum Yard Setbacks: Side	Max. Lot Minimum Yard Setbacks: Both Sides	Max. Lot Minimum Yard Setbacks: Rear	Max. Lot Minimum Yard Setbacks: Front Porch (feet)	Coverage (%) or Minimum Open Space Per Dwelling Unit (sq. ft.)	Max. Building Height
PQP	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
O-S	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

1 Minimum lot depth is one hundred (100) feet for all zoning districts.

2 Minimum lot width for any cul-de-sac lot in an "R" district is forty-five (45) feet along the curve.

C. Standards for Calculating Front Yard Depth.

1. In computing average front yard depth, a depth of no greater than ten feet more than the required front yard for the district in question shall be used in lieu of any greater existing front yard depth.

2. On a lot that is not rectangular or approximately rectangular in shape, the required front yard shall be the shortest distance between the structure and the front lot line. (Ord. 1183 §2, 2001; Ord. 940 §1, Ex. A(part), 1992)

17.09.040 Side and rear yards.

A. Corner Lots.

1. On a corner lot adjacent to a key lot in an R district, the street side yard shall not be less than ten feet.

2. On the street side of a corner lot, the side yard shall not be less than ten feet.

3. The width of a corner shall be at least ten percent greater than the minimum lot width established for the district in which the lot is situated, but in no event less than a minimum of seventy feet.

4. No obstruction to view in excess of three feet in height shall be placed on any corner or reverse corner lot within a triangular area formed by the extension of the lot line to a point of intersection and a line connecting them at a distance of twenty-five feet to the intersection, except that street trees which are pruned at least eight feet above the established grade of the curb so as not to obstruct clear view by motor vehicle drivers shall be permitted.

5. On the interior side of a corner lot in an R district, the side yard shall be not less than twelve feet.

B. Lots Abutting Nonresidential Uses. Where the side or rear lot line of a lot zoned for nonresidential use abuts a lot in an R district, the minimum side or rear yard on such lot shall be the same as required in the abutting R district.

C. Standards for Calculating Side and Rear Yard Depth.

1. On a lot in an R district which is not rectangular or approximately rectangular in shape, the required side and rear yards shall be computed in a manner prescribed by the planning director, provided that no main building shall be closer than ten feet to the rear lot line or five feet to the side lot line.

2. In any district in which a rear yard is required, if the rear of the lot abuts an alley, one-half the width of the alley to a maximum of ten feet may be considered as a part of the rear yard.

3. On a corner or reversed corner lot, the rear yard otherwise required may be reduced by fifty percent.

D. Dwellings in Nonresidential Districts. In a district other than an R district, any dwelling located above a nonresidential use shall maintain the same front, side and rear yards as are required for such nonresidential use. (Ord. 940 §1, Ex. A(part), 1992)

17.09.050 Structures in required yards.

A. Architectural Projections Into Required Yards. The following architectural features may project into required yards or courts, provided that no projection shall extend into a public utility easement:

1. Cornices, canopies, eaves or other architectural features may project up to two feet into any yard, provided such projection shall not exceed one-half the otherwise required yard width or depth.

2. Fire escapes may project up to four feet six inches into any yard, provided that they are not closer than two feet to any lot line.

3. An uncovered stair and any necessary landings may project up to six feet into a required front or rear yard, or four feet into a required side yard, provided such stair and landing, except for a railing, shall not extend above the floor level of the first floor of the building, and provided that no stair or landing shall be closer than two feet to any lot line.

4. Bay windows, balconies and chimneys may project up to three feet into any required yard, provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located and provided such projections shall not exceed one-half of the otherwise required yard width or depth.

5. On a rectangular lot, a residential L-shaped dwelling designed to project to the rear yard setback, or, an addition to an existing dwelling proposed to project into a rear yard setback, may extend not closer than ten feet to the rear lot line, provided that the overall required rear yard setback is maintained.

B. Fences, Walls and Landscape Related Structures.

1. Solid fences, walls, hedges and retaining walls not more than seven feet in height may occupy any required yard or other open space, except that fences, walls, hedges and retaining walls shall be no higher than three feet six inches when located in the required front yard setback area, in the required set back area along the side street of a corner lot, and along the rear or side lot line of a reversed corner lot where it abuts the front yard of the adjoining key lot.

a. In the R districts, solid fences, hedges or retaining walls between the height of three feet six inches and seven feet may be located to within twenty feet of the existing or future back-of-sidewalk.

2. Within the front or street side yard of a corner lot in any district there shall be no solid fence, wall or hedge higher than three feet six inches, nor any obstruction, other than a post, building column or tree not more than two feet in diameter, between the height of three feet six inches and ten feet above the top of the curb, or if no curb exists, above the maximum street grade.

a. In the R districts, solid fences, hedges or retaining walls between the height of three feet six inches and seven feet may be constructed to within five feet of the existing or future street side yard back-of-sidewalk.

3. Notwithstanding any other regulations herein, open weave chain link fences no higher than four feet may occupy the required front yard area, or the required setback area along the side street of a corner lot and along the rear or side lot line or a reversed corner lot and where it abuts the front yard of the adjoining key lot. Vision through the chain link fence shall remain totally unobstructed at all times.

4. Notwithstanding any other regulations herein, incidental decorative landscape features such as an arbor or trellis shall be permitted within the front yard setback area of single-family residential lots. Such features shall be not closer than six feet to the main building or five feet to the side lot line. Such feature shall not exceed a height of twelve feet or an area of one-half square foot per linear foot of lot frontage.

a. Such feature shall not have any solid obstruction which exceed two feet in diameter between the height of three feet six inches and twelve feet.

b. On a corner lot such feature shall not obstruct the vision of vehicular traffic.

5. The height of a fence shall be measured from the higher property elevation.

C. Location of Air Conditioning Unit. No air conditioning unit shall be located closer than fifteen feet to the main building on an adjacent lot. (Ord. 1366 §1(part), 2007; Ord. 940 §1, Ex. A(part), 1992)

17.09.060 Exceptions to height provisions.

Height limits established by this title shall not apply to the following structures, provided that no structure in excess of height limit for the district in which it is situated may be used for eating or sleeping, or for advertising:

1. Church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, lines and poles, windmills, chimneys, smokestacks, flag poles, radio towers, and masts and aials.
2. Public assembly, churches, schools and other permitted public and semi-public buildings, provided these uses are located on the ground floor of such buildings and provided that for each one foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional one foot over the side and rear yards required for the highest building otherwise permitted in the district.
3. Elevator and stair penthouses, water tanks, monitors and scenery lofts, provided no linear dimension of any such structure exceeds fifty percent of the corresponding street lot line frontage; towers and monuments, fire towers, hose towers, cooling towers, gas holders or other structures where the manufacturing process requires a greater height; provided, however, that any structure above the height otherwise permitted in the district shall occupy no more than twenty-five percent of the area of the lot and shall be located not less than twenty-five feet to every lot line, except the front lot line. (Ord. 940 §1, Ex. A(part), 1992)

17.09.070 Existing lots of record.

In any district for which a minimum lot area is established, a lot of record having less than the required area and/or width may be used subject to the following requirements:

1. If a lot is narrower than the width specified for the district in which it is situated, the side yards may be reduced by an amount proportional to the amount by which the lot width falls below the district requirement, provided that no side yard may be reduced to less than four feet in width.
2. The depth of the rear yard of any such lot shall be at least ten feet or twenty percent of the depth of the lot, whichever is greater. (Ord. 940 §1, Ex. A(part), 1992)

17.09.080 Provisions for accessory buildings.

A. Relation to Existing Structures. A detached accessory building may be constructed on a lot on which exists a permitted main building to which said accessory building is related, except that in the case of new construction, the accessory building may be built and used for utility purposes for not more than one year in connection with the construction of the main building provided a building permit is taken out for the entire project including both buildings prior to beginning any construction.

B. Standards for Accessory Structures. A detached accessory building, other than a covered patio as defined herein, not more than fifteen feet in height, may occupy

not more than fifty percent of a required rear yard, subject to the following requirements:

1. Within an R district, no detached accessory building shall be closer than five feet to the main building, inclusive of roof covering.
2. On a corner lot, no detached accessory building shall be located so as to encroach on the half of the lot nearest any street.
3. On a corner lot adjacent to a key lot, no detached accessory building shall be located nearer to the rear lot line than a distance equal to the side yard required on such key lot.
4. On a through lot having frontage on two more or less parallel streets, no detached accessory building shall be located on the one fourth of the lot nearest either street.
5. Within an R district, no detached accessory building shall be located closer than three feet to a side or rear lot line, and no closer than thirty inches to the side or rear lot line inclusive of roof covering.
6. Within an R district, an accessory building with less than one hundred and twenty square feet of gross roof area and less than seven feet in height, may be located on the side or rear lot line.
7. Within a C district, an accessory building exceeding one hundred square feet of gross roof area shall require site plan approval.

C. Covered Patio.

1. An attached covered patio may extend over a required rear or side yard, provided it does not extend closer than three feet to a side lot line, or ten feet to a rear lot line, inclusive of the roof covering, and may occupy not more than fifty percent of the required rear or side yard. A covered patio in the required side yard of an interior lot shall be no closer than forty feet to the front lot line. The appropriate building code requirements shall be adhered to.
 - a. Latticed patio roof covers may encroach to within five feet of the rear lot line, inclusive of overhangs.
2. A covered patio may not occupy more than fifty percent of a required yard, and shall be subject to the following requirements:
 - a. On a corner lot, a covered patio shall not encroach on any half of the lot nearest the streets.
 - b. A covered patio shall not be closer than five feet to a side or rear lot line, inclusive of roof covering.
 - c. A detached covered patio shall not be closer than five feet to a side or rear lot line, inclusive of roof covering.

D. Second-Story Balconies. No second-story balcony or deck shall be constructed on an existing single-family residence without prior approval of the community development director.

1. Upon receipt of an application to construct a second-story balcony or deck on an existing single-family residence, the community development director shall, not less than ten days prior to determining to grant or deny the application, mail a notice to all property owners within one hundred feet of the project site stating that: (1) the application has been made; and (2) they have ten days to file a written objection with the community development director. The notice shall also state that the filing of each objection will result in a public hearing in accordance with Section **17.49.070** of this title and will require the objecting party to pay the fee required for such hearing. A hearing required pursuant to this section shall be held as specified in Section **17.49.070** of this title. (Ord. 1366 §1(part), 2007; Ord. 940 §1, Ex. A(part), 1992)

17.09.090 Provisions for outdoor storage.

The purpose of the regulations and standards in this section is to provide consistent screening and surfacing standards for outdoor storage within the commercial and industrial zones where outdoor storage is permitted.

Outdoor storage.

When outdoor storage is provided for in the commercial and industrial districts it shall conform to the following:

A. Screening.

1. Outdoor storage areas in a commercial or industrial zone shall not be visible from any public street or freeway, existing or planned residential area; publicly accessible open space area, parking area, access driveway, or other similar thoroughfare;

2. The following minimum screening requirements shall apply to all commercial and industrial outdoor storage areas:

a. Screening walls and fences shall be architecturally compatible with the main structure and shall not have barbed wire or razor wire visible from any street or public access.

b. No screening wall or fence shall be located within a required landscape planter along the street frontage.

c. No storage may exceed the height of the screening wall or fence. Walls or fences shall not exceed fifteen feet in height.

B. Surfacing. Outdoor storage areas shall be surfaced with a minimum thickness of two inches of asphalt concrete (Type A) over ninety-five percent relative compaction native soil or a minimum thickness of six inches of Class B concrete. Such surfacing shall be permanently maintained free of structural defects. A Use permit may be granted to allow outdoor storage on unimproved surface.

1. A use permit may be granted to allow outdoor storage of goods and materials if the following findings can be made:

- a. That the surfacing type is appropriate to the type of product displayed.
- b. That the type of surfacing proposed will conform to all performance standards and all applicable federal and state air quality standards.
- c. That there will be no storage of vehicles or any type of equipment that uses any type of fuel.
- d. That there will be no storage of hazardous materials.

Upon approval of a use permit, other surfacing appropriate to the product displayed, including compacted gravel, turf, landscaping, etc., graded and drained as to dispose of all surface water accumulated within the area to a public storm drain, may be permitted.

C. Lighting. Any lighting used to illuminate an outdoor storage area shall be directed and shielded as to not illuminate any adjacent residential areas. (Ord. 1241 §5, 2003)

Chapter 17.10 COMMONLY-OWNED PROPERTY MAINTENANCE ASSOCIATION (COM)

17.10.010 Purpose.

A commonly-owned property maintenance (COM) association provides a mechanism for maintaining commonly-owned areas within a residentially-zone project. (Ord. 1326 (part), 2006)

17.10.020 Applicability.

Any residential project proposed within the boundaries of the city of Manteca that will include commonly-owned land, roadways or amenities may opt to use a commonly-owned property maintenance (COM) association for the continued management, maintenance, repair and replacement of private streets, curb, gutter, utilities, sidewalks, landscaping, lighting, open space and amenities associated with the specific project. These projects would include planned unit developments, condominiums, condominium conversions, and projects that contain private, commonly-owned streets. (Ord. 1326 (part), 2006)

17.10.030 Standards and requirements.

A. Membership. Membership in the COM association is mandatory and automatic for all property owners within a project. The money collected in assessments is used for the operation of the association and the continued maintenance of the commonly-owned property. Each property owner generally owns an interest separate from the other owners, coupled with the commonly-owned area, with specific rights and obligations in respect to the operation and continued maintenance of the common area. The common areas include, but are not limited to, private roadways, landscaping,

irrigation, sidewalks, curbs and gutters, lighting, specific project amenities and other specified facilities.

B. Governing Documents. Pre-established covenants, conditions and restrictions (CC&R's) and association by-laws define the rights and obligations of both the association and the members and create a binding relationship between the two. These governing documents require mutual obligations to be performed by the individual owners as well as the association, and run with the land. The member rights and obligations include requiring adherence to the rules and the payment of assessments that fund the association's operations. Mandatory lien-based economic charges or assessments are levied on each property owner in order to manage, maintain, repair and replace all commonly-owned property.

There shall be covenants, conditions, and restrictions (CC&R's) established specific to the project as well as adopt by-laws for forming and continuing the COM association in perpetuity. A copy of the draft association CC&R's and by-laws shall be submitted to the community development department, the public works department, and the city attorney for review prior to approval of a final map.

1. The CC&R's generally define the portions of the development owned by the individual property owners and those owned, managed and maintained collectively through the COM association.

2. By-laws are formally adopted governing regulations for the administration of the association and address requirements for membership, voting rights of members, election procedures, board procedures and provide the mechanism for financial support of the association through assessments.

C. Analysis and Assessment. The CC&R's shall include a detailed twenty-year life-span cost analysis for the management, maintenance, repair and replacement of all commonly-owned property and amenities to be used to determine COM association member fee. This cost analysis shall include immediate as well as long-term management, maintenance, replacement and repair of all commonly-owned areas and amenities. It is this cost analysis that determines association fees.

D. Deed Restriction. There shall be recorded on each individually-owned parcel of the subdivision, as notification, the following statement: "A commonly-owned property maintenance (COM) association and associated CC&R's have been assigned to this parcel. In the event that the association defaults for any reason the city of Manteca reserves the right to form an assessment district and private lighting and landscape maintenance district to maintain the roadway, landscaping, open space and amenities noted on Subdivision Map # XXX as lots A, B, and C, et al, without public hearing or protest. Owners of this parcel shall be subject to assessment fees for the maintenance of parcels A, B, and C, et al, as are determined to be adequate by the city council. Alternately, the city reserves the right to transfer the responsibility of maintenance of parcels A, B, and C, et al, from the defaulted COM association to a third-party property

manager, with the owner of this parcel assessed fees to compensate for the management, maintenance, repair, and/or replacement of said property.”

E. There shall be recorded on each of the commonly-owned parcels, known on Subdivision Map # XXX as lots A, B, and C, et al, of the following statement: This parcel to be maintained in perpetuity by a commonly-owned property maintenance (COM) association as required by the city of Manteca. Ownership of this parcel shall be vested in the current owners of parcels numbered 1 through 10, et al, of Subdivision Map # XXX. In the event that the COM association defaults in its duty of management, maintenance, repair, and/or replacement of this parcel as determined by the city the current property owners of said parcels # 1 through 10, et al, shall be held liable and responsible for any and all assessed fees necessary to manage, maintain, repair, and/or replace this commonly-owned property. (Ord. 1326 (part), 2006)

17.10.040 Rights reserved.

The city reserves the right to require a cash deposit equal to one-twentieth of the submitted cost analysis to manage, maintain, repair or replace the commonly-owned area and amenities in the event the association defaults and/or disbands. Such deposit will be held in an interest-bearing escrow account until which time the city requires the funds for the management, maintenance, replacement or repair of said association in the event of association default and/or disbandment.

In the event that the association defaults and disbands for any reason the city of Manteca reserves the right to form an assessment district and a private lighting and landscape maintenance district to maintain the roadway, landscaping, utilities, lighting, open space and any amenities noted as commonly-owned areas. Members of the established association community shall be subject to assessed fees for the management, maintenance, repair and replacement as are determined to be adequate by the city council. Alternately, the city reserves the right to transfer the responsibility of maintenance of the commonly-owned area from the defaulted COM association to a third-party property manager, with the association members (as owners of the commonly-owned areas) assessed fees to compensate for the maintenance, repair, replacement and management of said property. (Ord. 1326 (part), 2006)

Chapter 17.11 SITE IMPROVEMENTS AND DEVELOPMENT FEES

17.11.010 Purpose.

The purpose of this chapter is to establish standards for site improvements and dedications and to set forth requirements for the payment of fees established for the purpose of funding improvements necessitated by a development project. (Ord. 940 §1, Ex. A(part), 1992)

17.11.020 Dedication and improvements.

A. In developments bordering on or traversed by an existing street, or a proposed street as shown in the general plan or on any master, official or precise plan of streets and highways, the applicant shall be required to:

1. Dedicate all necessary rights-of-way to widen a bordering or traversing local, collector or arterial street to its ultimate half width as determined by the city, provided, however, that the maximum street width for dedication purposes shall not exceed eighty-four feet.
 2. Setback all facilities the required distance from planned right-of-way lines along a local, arterial or collector street as shown on any master, official or precise plan of street and highways.
 3. Install at applicant's expense, all curbs, gutters, sidewalks, parking lanes and the outside traveling lane along one side of a bordering, or along both sides of a traversing local, collector or arterial street, as required by the city.
 4. Install utilities and drainage facilities to the full extent of the service requirements generated by the development as determined by the city.
- B. Unless otherwise permitted by the city, all improvements and paving shall be completed by the applicant within ninety days after commencement of the development; and where the city must install paving, the city shall complete said paving within one hundred eighty days after the commencement of the development or within ninety days after completion of the improvements by the applicant, whichever is longer.
- C. All improvements shall be installed in accordance with the city standards existing at the time the project is approved.
- D. Prior to the approval of the site plan, the public works director shall evaluate the extent of ultimate public right-of-way improvements. When either the total cost of the public right-of-way improvements exceed one hundred thousand dollars or site development conditions may occur which would jeopardize the health or safety of the public within the ultimate public right-of-way, the applicant will be required to execute a development agreement between himself/herself and the city. The development agreement shall:
1. Specify the period within which the applicant or his/her agent or contractor shall complete all improvement work, and providing that if he/she shall fail to complete such work within such period, the city may complete the same and recover the full cost and expense thereof from the applicant.
 2. Provide for inspection of all improvements by the city engineer.
 3. Provide for the construction of the improvements in units.
 4. Provide for an extension of time on the conditions therein specified. To ensure his full and faithful performance thereof, the applicant shall file with the aforesaid agreement, a bond for such sum as is deemed sufficient by the city engineer to cover the cost of such improvements and incidental expenses to cover replacement or repair of existing streets and other improvements damaged in the construction of the development. Such bond shall be executed by a security company authorized to transact a security business in the state and must be approved by the city attorney as to form and by the city engineer as to sufficiency. Applicant shall reimburse

city for all cost of city in connection with the inspection by city engineer of the improvement work to be done and performed by the developer. Applicant shall advance to city a cash amount representing two percent of the improvement bond prior to execution of the development agreement. Any balance due the city or refund due the applicant shall be paid to the city or to applicant, as case may be, upon the completion and acceptance of the improvements. (Ord. 940 §1, Ex. A(part), 1992)

17.11.030 Development Fees.

The applicant shall be required to pay all applicable development fees that may be established from time to time by the city council for the purpose of funding improvements necessitated by the applicant's project.

A. In any action establishing, increasing or imposing a fee as a condition of approval for a development project, the city shall do all of the following:

1. Identify the purpose of the fee.
2. Identify the purpose to which the fee is to be put. If the use is financing public facilities, the facilities shall be identified.
3. Determine how there is reasonable relationship between the fee's use and the type of development project on which the fee is imposed.
4. Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.

B. In any action imposing a fee as a condition of approval of a development project by the city, the city shall determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

C. Upon receipt of a fee subject to this section, the city shall deposit, invest, account for, and expend the fees pursuant to Government Code Section 66006.

D. The local agency shall make findings once each year with respect to any portion of the fee remaining unexpended or uncommitted in its account five or more years after deposit of the fee to identify the purpose to which the fee is to be put and to demonstrate a reasonable relationship between the fee and the purpose for which it was charged. The findings required by this subsection shall be required for moneys in the possession of the city only and are not required with respect to letters of credit, bonds or other instruments taken to secure payment of the fee at a future date.

E. The city shall refund to the then current record owner or owners of lots or units of the development project or projects on a prorated basis the unexpended or uncommitted portion of the fees and any interest accrued thereon, for which need cannot be demonstrated pursuant to subsection D of this section. Such refunds shall be made pursuant to Government Code Section 66001. (Ord. 940 §1, Ex. A(part), 1992)

Chapter 17.13 PERFORMANCE STANDARDS

17.13.010 Purpose.

The purpose of this chapter is to permit objective and precise measurement of the impact of nuisances; to establish permissible limits for each nuisance; to ensure that all uses will provide necessary control measures to protect the community from hazards and nuisances; to protect any industry from arbitrary exclusion; and to establish procedures to secure these purposes.

Compliance with the performance standards procedure as set forth herein is required:

- A. Prior to the issuance to a building permit for any use in any district.
- B. For any existing use, whether or not previously issued a zoning conformance approval, when the building inspector or planning director has reason to believe such use is not conforming to these standards. (Ord. 940 §1, Ex. A(part), 1992)

17.13.020 General.

Land or buildings shall not be used or occupied in a manner creating any dangerous injurious, noxious, fire, explosive or other hazard; noise, vibration, smoke, dust, order or form of air pollution; heat, cold, dampness, electrical or other disturbance; glare, refuse or wastes; other substances, conditions or elements which would adversely affect the surrounding area. All uses shall conform to the regulations of this chapter in addition to the regulations set forth for the district in which the use is situated. (Ord. 940 §1, Ex. A(part), 1992)

17.13.030 Standards for determinations.

Measurements necessary for enforcement of performance standards set forth in Section **17.43.040** of this chapter shall be taken at the following points:

- A. Except in the M-1 and M-2 districts, at the lot line of the establishment or use in any district.
- B. In the M-1 and M-2 districts, at the district boundary of five hundred feet to the exterior wall of the establishment or use, whichever is less. (Ord. 940 §1, Ex. A(part), 1992)

17.13.040 Control of dangerous and objectionable conditions.

A. Noise. The maximum sound pressure level radiated by any use or facility at the points of measurement specified in Section 17.13.030, shall not exceed the computed noise level values specified in Table 3, after applying corrections, except that normal household appliances or equipment in use during the hours of seven a.m. to seven p.m. shall not be subject to these regulations. The sound pressure level shall be measured with a sound level meter and associated octave band analyzer meeting the American National Standards Institute's standard S1.4-1971 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

The maximum permissible sound pressure levels at the points of measurement specified in Section **17.13.030** of this chapter, are shown below in Table 3.

Table 3

Maximum Permissible Sound Pressure Levels

Receiving Land Use Category	Time Period	Maximum Exterior Noise Level (dBA)
Single and limited multiple family	10 p.m.—7 a.m.	50
	7 a.m.—10 p.m.	60
Multiple family, public institutional and neighborhood commercial	10 p.m.—7 a.m.	55
	7 a.m.—10 p.m.	60
Medium and heavy commercial	10 p.m.—7 a.m.	60
	7 a.m.—10 p.m.	65
Light industrial	Anytime	70
Heavy industrial	Anytime	75

The following corrections are applicable:*

1. Daytime operation only (7 a.m. 7 p.m.)	+5 decibels
2. Noise source operates less than:	
a. 20% of any one hour period	+5 decibels
b. 5% of any one hour period	+10 decibels

c. 1% of any one hour period	+15 decibels
3. Noise of impulsive character (hammering, etc.)	-5 decibels
4. Noise rising or falling in pitch or volume (hum, screech, etc.)	-5 decibels

* Apply only one of these corrections

B. Vibration. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at the points of measurement specified in Section **17.13.030** of this chapter nor shall any vibration produced exceed 0.002g peak at up to fifty CPS frequency, measured at the point of measurement specified in Section **17.13.030** of this chapter using either seismic or electronic vibration measuring equipment. Vibrations occurring at higher than fifty cps frequency of a periodic vibration shall not induce accelerations exceeding .001g. Single impulse periodic vibrations occurring at an average interval greater than five minutes shall not induce accelerations exceeding .01g.

C. Odors. No emission of odors shall be permitted in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air to four volumes of clean air at the points of measurement specified in Section **17.13.030** of this chapter. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is established as a guide in determining such quantities of offensive odors Table III. Odor Thresholds in Title 5, Air Pollution Abatement Manual, copyright 1959 by Manufacturing Chemists' Association, Inc., Washington, D.C. and such manual, and/or table as subsequently amended.

D. Glare.

1. No direct glare shall be permitted with the exception that parking areas and walkways may be illuminated by luminaries so hooded or shielded that the maximum angle of the cone of direct illumination shall be sixty degrees if the luminary is not less than six feet above the ground. Such luminaries shall be placed not more than twenty feet above ground level and shall not be in excess of ten-foot candles.

2. Indirect glare shall not exceed that value which is produced by an illumination of the reflecting surface, not to exceed:

- a. Ten foot-candle (maximum);
- b. Four foot-candle (average);
- c. One foot-candle (minimum);
- d. Any light or combination of lights shall not cast light on residential property and shall not exceed 0.0 foot-candles as measured from said property (See Figure 1).

Figure 1



E. Heat. Heat emitted at any point shall not at any time cause a temperature increase on any property in excess of ten degrees F., whether such change be in the air or on the ground, in a natural stream or lake, or in any structure on such adjacent property.

F. Radioactivity or Electric Disturbance. No activities shall be permitted which emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

G. Smoke, Fumes, Gasses, Dust, Particulate Matter. No emission shall be permitted at any point which would violate current regulations for such emission as established by federal and state air quality standards.

H. Liquid or Solid Wastes. No discharge of any matter shall be permitted at any point into any public sewer, private sewage system, or stream or into the ground, except in accordance with standards approved by the state and county departments of health and local ordinances. There shall be no accumulation outdoors of solid wastes conducive to the breeding of rodents or insects, unless stored in closed containers. (Ord. 1366 §1(part), 2007; Ord. 940 §1, Ex. A (part), 1992)

Chapter 17.15 PARKING AND LOADING

17.15.010 Purpose.

The purpose of this chapter is to reduce street congestion and promote the safety and convenience of the residents of and visitors to Manteca by requiring the provision of adequate and well-designed off-street parking and loading in connection with the land uses authorized by this title.

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

A. Parking required by this chapter shall be provided at the time any main building or structure is erected or enlarged, or use is established, changed or expanded.

B. Except as provided in Sections **17.15.030** and **17.15.035** when a change in use or expansion in floor area creates an increase of ten percent or more in the amount of off-street parking or loading area required by the previous use, parking and loading spaces shall be provided for the increased demand. Where existing buildings not now meeting the requirements of this chapter are proposed to be enlarged or increased in

capacity in excess of ten percent, off-street parking shall be provided as required in the chapter for the entire floor area of the structure.

C. Except as provided in Sections **17.15.030** and 17.15.035, the number of new parking spaces provided shall be in addition to the number existing prior to the change in use or enlargement, unless the preexisting number is greater than the number required by this chapter for the previous use, in which case the number in excess of the prescribed minimum may be deducted from the number required to be provided to serve the change in use or enlargement.

D. Requirements for uses not specifically listed herein shall be determined by the community development director, based upon the requirements for comparable uses and upon the particular characteristics of the use.

E. Off-Street Parking and Nonconforming Structures. No building as it exists at the time of the effective date of the ordinance codified in this title shall be deemed to be nonconforming solely by reason of the lack of off-street parking spaces, provided that any portion of the premises being used for off-street parking in connection with any such building shall not be reduced below the requirements of this chapter. (Ord. 1366 §1(part), 2007; Ord. 1148 §§I, II, 2000; Ord. 940 §1, Ex. A(part), 1992)

17.15.020 Required parking spaces.

A. General Requirements. The following general requirements apply to the provision and maintenance of required parking spaces.

1. Required loading and guest parking areas shall be designated as such and restricted to such use.

2. Parking facilities required for one use shall not be considered as providing such facilities for any other use. In the case of mixed uses within a single lot of development, the total requirement for off-street parking and loading spaces shall be the sum of the requirements for each of the various uses, except as provided by Section **17.15.050** of this chapter.

3. When the calculation for parking spaces required by this section results in the requirement of a fractional space, such fraction, if one-half or greater, shall be considered one additional space; if the fraction is less than one-half, it shall result in no additional spaces.

4. No area may be utilized and counted both as a required parking space and a required loading space.

5. No repair work or servicing of vehicles shall be conducted on a designated parking area.

6. Whenever a single lot or establishment contains several different activities, the overall requirement for off-street parking and loading shall be the sum of the requirements for each such activity calculated separately.

7. Where the required parking is determined to be at least one space, said space shall be in addition to providing at least one accessible parking space.

B. Required Spaces. Parking spaces shall be provided in the number set forth in this subsection. Requirements for the land use specified in the column on the left are set forth in the column on the right (where "sf." refers to square feet and "gfa." refers to gross floor area). These requirements shall be considered minimum standards.

The number of parking spaces for uses or building types not specified below in Table 4 shall be determined by the community development director in accordance with the general purposes and standards contained in this chapter.

TABLE 4
REQUIRED PARKING SPACES

Use	Number of Required Parking Spaces
Residential Uses	
Single-family dwelling units	2 covered spaces for each dwelling
Secondary residential units	1 space for each secondary unit
Townhouses, condominiums and apartments	2 spaces for each dwelling, one of which will be covered; additionally, projects with seven or more units shall have .25 guest parking spaces for each dwelling unit. Garages may be provided in addition to the above
Boarding houses and group quarters	1 for each sleeping room, or 1 for each 100 square feet of sleeping area where sleeping rooms do not exist
Manufactured homes	2 covered spaces for each dwelling
Commercial uses	
Auto repair	3 for each service area, plus 1 for every 300 square feet of office area

Use	Number of Required Parking Spaces
Call centers	7 for every 1,000 square feet of gross floor area
Retail stores, shops, supermarkets, stores, etc.	1 for every 300 square feet of gross floor area
Multiple occupancy commercial centers	4 for every 1,000 square feet of gross floor area
Restaurants, cafes, bars and other eating and drinking establishments	1 for each 2.5 seats
Barber, beauty shop, dry cleaners and self-service laundromats	1 for every 150 square feet of gross floor area
Banks and savings and loans	1 for each 300 square feet of gross floor area
Hotels, motels, and bed and breakfast inns	1 for each guest room or unit, plus 1 for owner or manager
Plant nursery	1 for 300 square feet of sales floor area plus 1.5 for every 1.5 employees
Mortuaries and funeral homes	1 for each 5 seats of the aggregate number of seats provided in all assembly rooms of the use
Spectator entertainment, assemblies, halls, lodges, clubs, theaters	1 for each 5 seats of maximum seating capacity, or where there are no fixed seats, 1 for every 60 square feet of non-fixed seating area

Bowling alleys	5 for each lane
Pool halls	2 spaces per pool table in pool halls, plus 2/3 of the requirement set forth herein applied to the gross square footage devoted to each other use
Health clubs and spas	1 for each 100 square feet of gross floor area, including any pool area
Game courts	1 for each player authorized to participate at one time on a court under the rules of the Amateur Athletic Union, plus required parking for spectator seating and related commercial uses, if any
Motor vehicle and implement sales, mobile home, recreational vehicle, vehicle rental	1 for each 5,000 square feet of development lot area used for vehicle display and 1 for each 300 square feet of building floor area and 1 for each service stall
Sale of bulky merchandise including furniture and household appliances	1 for each 400 square feet of gross floor area
Service stations	1 for each pump island, plus 2 for each service bay
Car washes	Conveyor type: 1 space for every 2 employees on the maximum shift plus reserve capacity equal to 5 times the capacity of the washing operation; self-service type: 2 spaces for drying and cleaning purposes per stall plus 2 reserve spaces in front of each stall

Use	Number of Required Parking Spaces
Golf courses	8 for each hole, plus 1 for each 35 square feet of gross floor area in any assembly building and 1 for each 300 square feet of gross floor area within any commercial building
Medical and dental offices, clinics	1 for each 200 square feet of gross floor area
Skating/roller rink	1 for each 250 square feet of gross nonrink floor area
Warehousing, storage, and distribution	1 for every 2,000 square feet plus 1 for every company operated vehicle, plus 1 for every 300 square feet of office space
All other commercial uses not listed above	4 for each 1,000 square feet of gross floor area
Industrial Uses	
Manufacturing plants, research or testing laboratories, bottling plants, processing plants and packaging plants	1 for every 1.5 employees on the maximum shift
Wholesale establishments, including wholesaling and warehousing, contractor services	1 for each 1.5 employees on the maximum shift
Self-storage facilities	1 for each employee, plus 1 for each 20,000 square feet of gross floor area and 1 for each vehicle or boat storage space. A minimum of 5 spaces shall be provided for a use
Educational Uses	

Use	Number of Required Parking Spaces
Elementary and junior high school	1 for each 1.5 employees on the maximum shift
High school	1 for each 1.5 employees on the maximum shift, plus 1 for every 2 students
Colleges and businesses, professional and trade schools	1 for each 1.5 employees on the maximum shift, plus 1 for every 2 students
Nursery school or day care center	1 for each employee, plus 5 additional parking spaces for drop-off and pick-up of students
Institutional Uses	
Hospitals	1 for every 3 beds, plus 1 for each 1.5 employees on the maximum shift and 1 for every 2 staff doctors
Cemeteries, columbaria and crematories	1 for each 1.5 employees on the maximum shift plus space on the property for the number of vehicles in the average funeral procession
Community care facilities, rest home, residential care	1 for every 3 beds, plus 1 for each 1.5 employees on the maximum shift
Homes for dependent and neglected children	1 for every 4 beds, plus 1 for each 1.5 employees on the maximum shift
Libraries and museums	1 for each 1.5 employees for each 400 square feet of gross floor area

Use	Number of Required Parking Spaces
Public buildings (other than schools, administration offices libraries and museums)	1 for each 1.5 employees on the maximum shift, plus spaces required for visitors in an amount determined by the planning director
Religious facilities	1 for each 60 square feet of the main assembly floor area
Recreational/ entertainment	1 space per 100 square feet of floor area

C. Power of the Planning Director to Modify Off-Street Parking Requirements. The number of spaces required for a specific project may be modified by the planning director in the following cases only (all other requests shall be submitted as and meet the tests for a variance):

1. When a common off-street parking facility located within three hundred feet of the uses served will provide twenty or more parking spaces, the total number of parking spaces required for all uses served may be reduced up to twenty-five percent upon a finding by the planning director that the typical use of the off-street parking facility would be staggered to such an extent that the reduced number of spaces would be adequate to serve all uses sharing the facility.

2. The required number of off-street parking spaces for a business or professional office building will be subject to a twenty-five percent increase, upon finding by the planning director that said new buildings can or will be utilized as medical or dental offices.

3. The required number of off-street spaces may be modified for uses such as elderly housing or retirement homes where it can be demonstrated that automobile use or ownership is significantly lower than for other dwellings or lodging houses.

4. The director shall review applications for a change in use of an existing commercial structure or site. If, in the opinion of the director, the use represents a significant intensification in the amount of parking as determined by the provisions of Section 17.15.020, the director shall submit the request of the planning commission for a public hearing prior to approval of any business permit or license. The commission shall take into consideration the concerns of businesses and property owners in the vicinity in making its determination of the adequacy of existing parking to serve all uses in the immediate area. The commission may impose special conditions on the proposed use, require additional parking to be provided on- or off-site, or deny the use, if it is determined that approval of the use will create a parking problem that will

adversely affect other businesses in the vicinity. (Ord. 1366 §1(part), 2007; Ord. 1148 §111, 2000; Ord. 1049 §§1, 2, 1996; Ord. 1026 §1, 1995; Ord. 940 §1, Exh. A(part), 1992)

17.15.030 Central business parking district exemption.

A. Uses within the central business parking district zone (CBD) are exempt from the requirements of this chapter.

B. The central business parking district zone boundaries are as shown on Map 1 following this section.

C. Uses involving new construction within the central business parking district zone shall not have any parking between the new structure and the street. (Ord. 1103 §1, Exh. A, 1999; Ord. 940 §1, Exh. A(part), 1992)

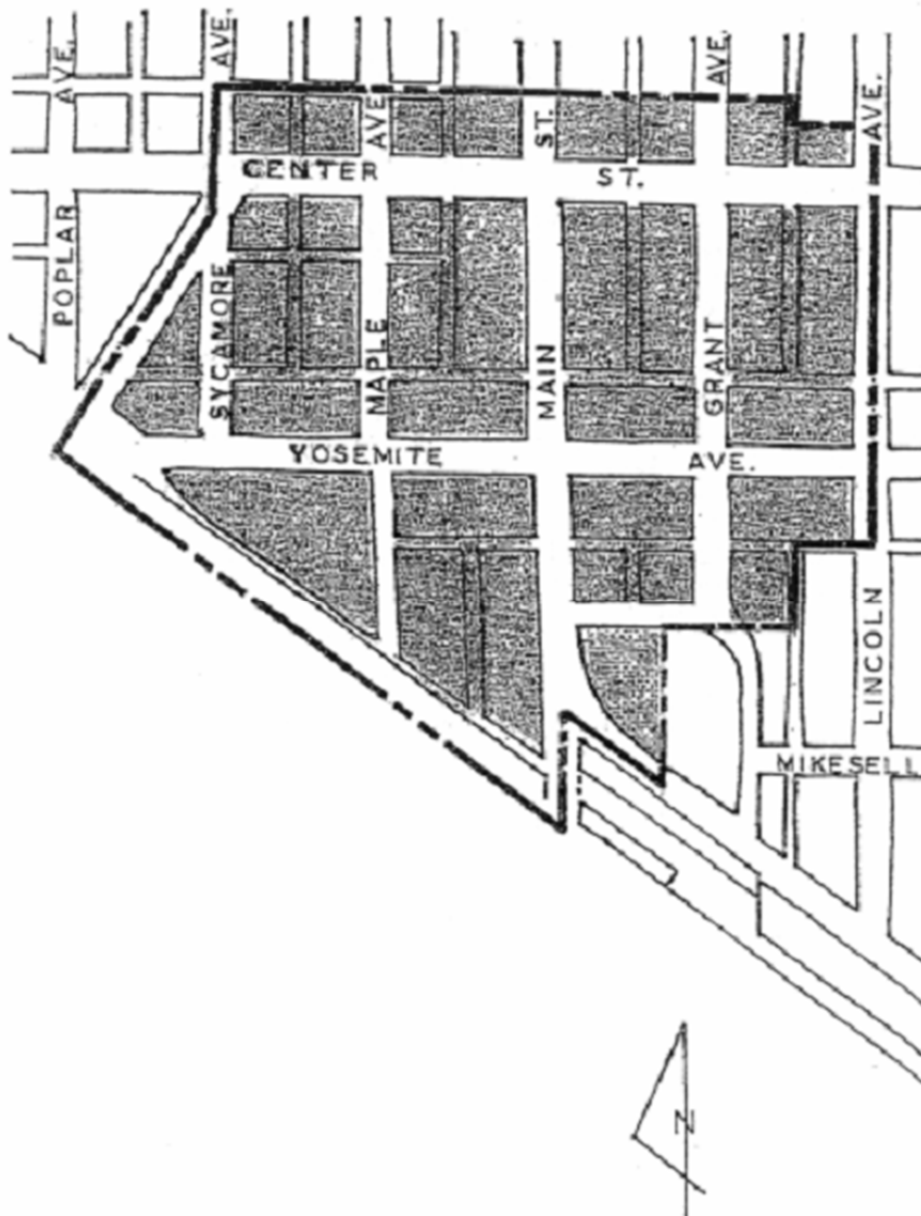
17.15.035 Commercial districts—Special parking provision and development standards.

A. Uses permitted in commercial districts may occupy an existing building without the need to provide additional parking.

B. In commercial districts, an existing building may be expanded by up to four hundred square feet, without the need to provide additional parking. Such expansion may occur in phases over a period of time or all at once. At such time as the cumulative expansions exceed four hundred square feet, additional parking as required by this title shall be provided.

C. New construction shall conform to the provisions of this chapter. (Ord. 1148 §IV, 2000)

Map 1



Central Business Parking District

17.15.040 Compact car parking.

Up to thirty percent of the total required parking spaces for a project having at least twenty parking spaces may be reduced in size to sixteen feet in length and eight feet in width for the accommodation of compact cars. Compact spaces shall be clearly indicated by appropriate markings and signage. (Ord. 940 §1, Ex. A(part), 1992)

17.15.050 Bicycle parking.

Bicycle parking shall be provided in commercial and industrial projects. Such parking should be located in highly visible locations and should be lockable. Bicycle parking spaces shall be provided in the number set forth in Table 5.

Table 5
Required Bicycle Parking Spaces

Total Parking Spaces	Minimum Number of Bicycle Spaces Required
1 to 4	0
5 to 14	1
15 to 29	2
30 to 44	3
45 to 59	4
60 to 74	5
75 to 99	6
100 to 199	7
200 to 299	8
300 to 399	9
400 and greater	10

(Ord. 940 §1, Ex. A(part), 1992)

17.15.060 Accessible parking.

Each parking lot or parking structure where parking is provided for the public as clients, guests or employees shall provide accessible parking as required by this section.

A. Accessible Parking Requirements.

Total Number of Parking Spaces in Lot or Garages	Minimum Required Number of Accessible Spaces*
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5

Total Number of Parking Spaces in Lot or Garages	Minimum Required Number of Accessible Spaces*
151-200	6
201-300	7
301-400	8
401-500	9
501-1000	2% of total
1001 and over	20 Plus 1 for each 100 or fraction thereof over 1001

* One in every eight accessible spaces, but not less than one, shall be served by an access aisle ninety-six inches wide minimum and shall be designated van accessible.

1. Parking facilities with less than five spaces. Less than five spaces in lot or garage, one shall be fourteen feet wide and lined to provide a nine-foot parking area and a five-foot loading and unloading area. However, there is no requirement the space be reserved exclusively, or be identified, for use by persons with disabilities.

2. Medical Care Outpatient Facilities. At facilities providing medical care and other services for persons with mobility impairments, parking spaces complying with this section shall be provided in accordance with Table 1 except as follows:

a. Outpatient units and facilities: Ten percent of the total number of parking spaces provided serving each such outpatient unit or facility shall be accessible.

b. Unit and facilities that specialize in treatment or services for persons with mobility impairments: Twenty percent of the total number of parking spaces provided serving each such unit or facility shall be accessible.

B. Accessible Parking Standards.

1. Dimensional Requirements.

Number of spaces	Space size	Loading / unloading size	Total
1	9 feet wide by 18 feet in length	5 feet wide by 18 feet in length	14 feet wide by 18 feet in length

Number of spaces	Space size	Loading / unloading size	Total
2 spaces adjoining	9 feet wide by 18 feet in length on each side of the loading / unloading space	5 feet wide by 18 feet in length	23 feet wide by 18 feet in length
Van Accessible	9 feet wide by 18 feet in length	8 feet wide by 18 feet in length	17 feet wide by 18 feet in length

Where single spaces are provided, they shall be fourteen feet wide and outlined to provide a nine-foot parking area and a five-foot loading and unloading access aisle on the passenger side of the vehicle. When more than one space is provided in lieu of providing a fourteen-foot-wide space for each parking space, two spaces can be provided within a twenty-three foot-wide area lined to provide a nine-foot parking area on each side of a five-foot loading and unloading access aisle in the center. The minimum length of each parking space shall be eighteen feet.

2. Location. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

In each parking area, a bumper or curb shall be provided and located to prevent encroachment of cars over the required width of walkways. Also, the space shall be so located that persons with disabilities are not compelled to wheel or walk behind parked cars other than their own.

Pedestrian ways which are accessible to people with disabilities shall be provided from each such parking space to related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into any parking space.

3. Identification. Identification of Accessible Space. Each parking space reserved for persons with physical disabilities shall be identified by a sign permanently posted immediately adjacent to and visible from each stall or space, consisting of a profile view of a wheelchair with occupant in white on dark blue

background. The sign shall not be smaller than seventy square inches in area and, when in a path of travel, shall be posted at a minimum height of eighty inches from the bottom of the sign to the parking space finished grade. Signs may also be centered on the wall at the interior end of the parking space at a minimum height of thirty-six inches from the parking space finished grade, ground or sidewalk. Each van accessible space shall have an additional sign "Van Accessible" mounted below the symbol of accessibility.

The following sign shall also be posted, in a conspicuous place, at each entrance to off-street parking facilities, or immediately adjacent to and visible from each stall or space:

Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or license plates issued for persons with disabilities may be towed away at owner's expense. Towed vehicles may be reclaimed at Manteca Police Department or by telephoning xxxxxxxx.

The sign shall be not less than seventeen inches by twenty-two inches in size with lettering not less than one inch in height.

In addition to the above requirements, the surface of each accessible parking space or stall shall have a surface identification duplicating either of the following schemes:

- a. By outlining or painting the stall or space in blue and outlining on the ground in the stall or space in white or suitable contrasting color a profile view depicting a wheelchair with occupant; or
- b. By outlining a profile view of a wheelchair with occupant in white on blue background. The profile view shall be located so that it is visible to a traffic enforcement officer when a vehicle is properly parked in the space and shall be thirty-six inches high by thirty-six inches wide.

4. Slope. Slope of Parking Space. Surface slopes of accessible parking spaces shall be the minimum possible and shall not exceed one quarter inch per foot (2.083 percent gradient) in any direction.

5. Parking Structures. All entrances to and vertical clearances within parking structures shall have a minimum vertical clearance of eight feet two inches where required for accessibility to accessible parking spaces. (Ord. 1019 §1, Exh. A, 1995: Ord. 940 §1, Ex. A(part), 1992)

17.15.070 Off-street loading spaces.

A. Requirements for Off-street Loading Spaces. For every development or part thereof, which is to be occupied by manufacturing, storage, warehouse, goods display, multi-tenant center, retail store, wholesale store, market hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring receipt or distribution of vehicles of material and merchandise, the following requirements shall apply,

provided that commercial or other establishments within the AB 103 parking district shall not be subject to these requirements:

1. Community care facilities, clubs, and lodges:

Gross Floor Area	Spaces Required
Less than 5,000	None
5,000 to 150,000	1
For each additional 150,000 square feet of gross floor area	1

2. Commercial:

a. Business and professional offices, including retail stores, personal service establishments, commercial services enterprises:

Gross Floor Area	Spaces Required
Less than 5,000	None
5,000 to 150,000	1
Each additional 150,000 square feet of gross floor area	1

b. Farm supply stores and services, home improvement sales and service, and businesses with large or products (furniture):

Gross Floor Area	Spaces Required
Less than 20,000	1
20,000 or greater	2

3. a. Hospitals and clinics:

Gross Floor Area	Spaces Required
Less than 5,000	None
5,000 to 50,000	1
50,000 or more	2

b. Maintenance and service facilities, safety facilities:
Requirement for loading berths to be determined by community development director.

4. Industrial:

a. Manufacturing/custom manufacturing:

Gross Floor Area	Spaces Required
------------------	-----------------

Gross Floor Area	Spaces Required
Less than 10,000	1
10,000 to 50,000	2
50,000 or more	3

b. Agricultural processing, contractor's yards, light industry, heavy industry, warehousing and storage:

Gross Floor Area	Spaces Required
Less than 50,000	1
50,000 or more	2

5. Railroad stations, railroad freight stations and yards, airports, and heliports-as determined by the community development director.

6. Mortuaries:

Gross Floor Area	Spaces Required
Less than 5,000 square feet of gross floor area	1
For each additional 5,000 square feet of gross floor area	To be determined by community development director

7. Cemeteries, columbaria and crematories: one loading berth, plus additional berths as may be prescribed by the community development director.

8. Any other use which requires the recurring receipt of distribution of goods or equipment by truck: one loading berth, plus such additional berths as may be determined by the community development director.

B. Power of the Community Development Director to Modify or Increase Requirements for Off-Street Loading.

1. The community development director may modify or increase the number of off-street loading spaces in the following cases only (any other request for modification shall be submitted as and meet the tests for a variance):

a. The number of off-street loading spaces may be reduced by not more than ten percent when a common loading facility is provided within three hundred feet of the uses served, upon a finding by the community development director that the typical use of the off-street loading facility would be staggered to such an extent that the reduced number of spaces would be adequate to serve all uses sharing the facility.

b. Off-street loading berths in addition to those described in the schedule of off-street loading requirements shall be provided if the community development director finds that such additional berths are necessary to ensure that trucks will not be loaded, unloaded or stored on public streets. A finding of the community development director shall be based on an investigation of the anticipated frequency of truck pickups and deliveries and of the truck storage requirements of the use for which the off-street loading berths are required.

c. Space allocated to the required off-street loading berths may be used to satisfy the requirements for off-street parking spaces provided the community development director shall find that the timing of their use is such as to create no conflict.

C. Interpretation of Off-Street Loading Requirements in Cases Where Multiple Uses Exist on One Site. If more than one use is located on a site, the number of loading berths provided shall be equal to the sum of the requirements prescribed in this chapter for each use. If more than one use is located on a site and the gross floor area is greater than the minimum for which loading berths are required, off-street loading berths shall be provided as if the aggregate gross floor area were used for the use requiring the greatest number of loading berths. (Ord. 1366 §1(part), 2007: Ord. 940 §1, Ex. A(part), 1992)

17.15.080 Location of parking and loading spaces.

A. Location of Parking Spaces.

1. Parking spaces required by this chapter within commercial and industrial zones shall be located on the same lot as the use they serve, except as provided by Section **17.15.020 C** of this chapter, and within three hundred feet of the use they serve. Such distance shall be computed from the nearest point of a structure's public access to the nearest point of the parking area.

2. Parking required by this chapter for single-family dwellings shall be located on the same lot as the dwelling served, and shall not be located within a required front or side yard.

3. Required parking for multi-family dwellings, apartments, and mobile homes in a mobile home park shall be located on the same lot as the dwelling served, or in the case of parking being located in a common area, not more than 100 hundred feet to the dwelling served, and shall not be located within a required front or side yard.

4. Off-street parking facilities shall be located at the rear of sites in commercial and industrial zones; street frontages shall be devoted to building architecture and landscaping where possible.

B. Joint Use of Parking Facilities.

1. Requirements for the provision of parking facilities, with respect to two or more establishments on the same or different sites may be satisfied by the

permanent allocation of the requisite number of spaces for each use in a common parking facility, located not farther than three hundred feet measured along the shortest available route of pedestrian access from the site of any such participating use.

2. When off-street parking facilities are provided in compliance with the requirements of this chapter on a site other than the site on which the use to be served, an indenture shall be recorded in the office of the county recorder designating the off-street parking facility and the use to be served, with legal descriptions of all sites involved, and certifying that the off-street parking facility shall not be used for any other purpose unless the restriction is removed by resolution of the city council. An attested copy of the recorded indenture shall be filed with the public works director. Upon submission of satisfactory evidence that other off-street parking facilities have been provided in compliance with the requirements of this chapter or that the use has ceased or has been altered so as no longer to require the off-street parking facility, the council shall by resolution remove the restriction.

C. Location of Loading Spaces.

1. Loading spaces required by this chapter shall be located immediately adjacent to the exterior wall of the building they serve or within the building.
2. Loading spaces shall not be located in any required front or side yard.
3. The location of loading spaces should prevent potential impacts on adjacent uses.
4. Loading spaces shall be so located and designed so that trucks are not required to back into a public street for ingress or egress. Truck maneuvering areas shall be provided on-site where necessary to comply with this requirement.
5. Loading spaces shall be concealed from public view to the maximum extent possible. (Ord. 940 §1, Ex. A(part), 1992)

17.15.090 Parking area design and development standards.

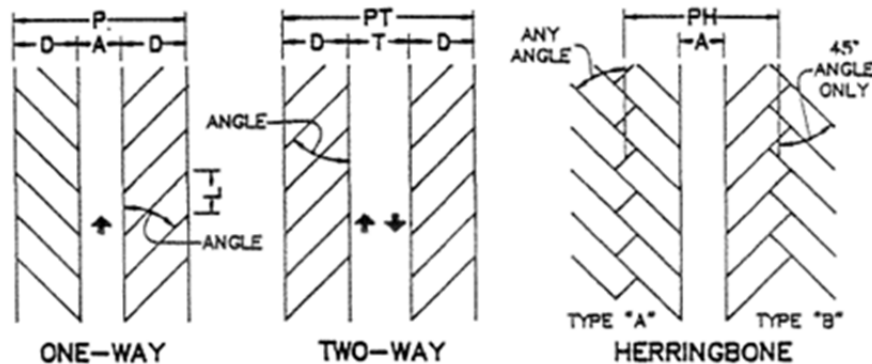
A. Dimensional Requirements.

1. Minimum dimensions: parking spaces shall be developed in accordance with the minimum dimensions specified in Table 6.
2. Spaces adjacent to walls: any parking space located parallel to a wall or other solid barrier shall be widened an additional two feet.
3. Residential spaces: residential parking spaces required to be covered shall be not less than twenty feet in length and ten feet in width.
4. Minimum length of each standard parking space shall be eighteen feet.

NOTES:

1. MINIMUM ACCESS DRIVE FROM STREET TO PARKING FACILITY SHALL BE 12'-0" FOR ONE-WAY AND 20'-0" FOR TWO-WAY AISLES.
2. TEN PERCENT (10%) OF PARKING FACILITY SHALL BE LANDSCAPED.
3. PARKING FACILITY SHALL BE SERVED BY A DRIVEWAY SO THAT NO BACKING MOVEMENTS OR OTHER MANEUVERING WILL BE REQUIRED WITHIN A STREET, OTHER THAN ON ALLEYS.
4. COMPACT CAR PARKING STALL SHALL BE A MINIMUM OF 9' X 16'.
5. PARKING SPACES ADJACENT TO MAJOR ACCESS AISLES WITHIN LARGE COMMERCIAL CENTERS SHALL BE ANGLED TO CORRESPOND WITH THE FLOW OF TRAFFIC.

	A	D	L	T	P	PT	PH
0	12.0	9.0	23.0	19.0	30.0	37.0	---
30	12.0	16.8	18.0	20.0	45.6	53.6	37.8
35	13.0	17.7	15.7	20.0	48.4	55.4	41.0
40	13.0	18.5	14.0	20.0	49.9	57.0	43.0
45	13.0	19.1	12.7	20.0	51.2	58.2	44.8
50	14.0	19.6	11.8	20.0	53.2	59.2	47.4
55	16.0	19.9	11.0	20.0	55.8	59.8	50.6
60	20.0	20.1	10.4	20.0	59.2	60.2	54.7
70	20.0	20.0	9.6	22.0	60.0	62.0	56.9
90	26.0	18.0	9.0	26.0	62.0	62.0	62.0



DESIGNED BY	REVISED	BY	PARKING AND AISLE DIMENSIONS FOR 9' X 18' PARKING STALLS CITY OF MANTECA PLANNING DEPARTMENT	APPROVED BY
DRAWN BY				PLANNING DIRECTOR
CHECKED BY				DRAWING NO.
SCALE	NONE			DATE FEB. 1992

5. Loading Spaces. Each loading space shall have an unobstructed minimum dimension of twelve feet in width, forty-five feet in length, and fourteen feet in height. Larger spaces may be required by the decision-making authority to ensure that a sufficient off-street loading and unloading area will be provided to accommodate routine delivery or shipment operations in a safe and convenient manner.

B. Landscaping. Landscaping of parking areas shall be provided and maintained according to the following requirements, as well as those contained in Chapter 17.19 of this title:

1. At least twelve percent of a parking lot in a commercial or industrial project shall be landscaped. The parking lot does not include space provided for display purposes or enclosed vehicle storage areas.

2. A landscape planter with a minimum width of five feet for a residential parking lot, and a minimum of ten feet for a commercial or industrial parking lot, shall be provided adjacent to any public or private street wherever parking or circulation is generally located adjacent to such rights-of-way. The planter area shall be credited towards the minimum landscaped area required for the site in subsection B1 of this section.

3. All parking lots shall include tree planting designed so that a minimum of fifty percent of the parking area will be shaded at noon on August 21st within fifteen years of the planting. This can be calculated in one of two ways: (1) drawing an area that will be covered by drip lines in plan view or, (2) by calculating and drawing the shadows cast by the trees and surrounding structures at noon using a solar altitude of sixty degrees.

Trees use for this purpose must meet the following criteria:

- a. Cast moderate to dense shade in summer;
- b. Long lived (i.e., over sixty years);
- c. Do well in an urban environment:
 - i. Pollution tolerant,
 - ii. Tolerant of direct heat and reflected heat;
- d. Require little maintenance:
 - i. Mechanically strong,
 - ii. Insect and disease resistant,
 - iii. Require little pruning;
- e. Be able to survive with no irrigation after two years.

4. Landscaping shall be used to separate buildings from parking and vehicle circulations areas.

C. Parking Access.

1. Access driveways from a street to a parking facility shall be at least twelve feet in width for a one-way driveway and twenty feet for a two-way driveway.

2. Access to each off-street parking space shall be from a driveway or aisle that is sufficient for readily turning and maneuvering vehicles. Driveways providing direct access from a public street to a garage or carport shall be not less than twenty feet in depth.

3. Driveways on residential corner lots shall not be located on that half of the lot frontage nearest the radius return, nor closer than twenty feet to the radius return, whichever may be the case.

4. Any parking area shall be provided with suitable maneuvering room so that all vehicles therein may enter an abutting street in a forward direction, except for a single-family, duplex or triplex unit with its own driveway.

5. Use of a required parking space shall not require more than two vehicle maneuvers, except for parallel parking spaces.

6. No parking space shall be located so that a vehicle is required to maneuver within ten feet of a vehicular entrance to the property.

7. No parking space shall be located so as to require the moving of another vehicle in order to access the space.

8. Exits from parking lots with one-hundred or more parking spaces shall be clearly posted with "stop" indicators (i.e., restraining lines and signs).

9. Each loading space shall have unobstructed access from a street or alley or from an aisle or driveway connecting with a street or alley.

D. On-Site Circulation.

1. Parking lots shall be designed so that sanitation, emergency and other public service vehicles can provide service without backing unreasonable distances or making other dangerous or hazardous turning movements.

2. Separate vehicular and pedestrian circulation systems should be provided where possible. Pedestrian access to multifamily residential development of five or more units shall not utilize driveways. Large commercial developments that are required to provide one hundred or more parking spaces shall include distinct and dedicated pedestrian access from parking areas to the commercial use.

E. Surfacing. All parking and loading areas shall be surfaced with a minimum thickness of two inches of asphalt concrete (Type A) over ninety-five percent relative compaction native soil or a minimum thickness of six inches of Class B concrete. Such surfacing shall be permanently maintained free of structural defects.

F. Marking. All parking spaces, except in a garage or carport containing two or fewer parking spaces, shall be striped in a manner clearly showing the layout of the intended parking stalls. Such striping shall be maintained in a clear and visible manner.

G. Lighting.

1. Public parking areas designed to accommodate ten or more vehicles in other than vehicle sales areas shall provide a minimum lighting level of one foot candle of maintained illumination on the parking surface during the hours of use between one-half hour before dusk and one-half hour after dawn.

2. Any parking area illumination, including security lighting, shall be so arranged as to reflect away from adjoining properties and rights-of-way.

H. Slope. Parking areas used exclusively for parking and vehicle maneuvering shall be designed and improved with grades not to exceed a maximum five percent slope or a minimum one percent slope for concrete or two percent slope for asphalt concrete.

I. Drainage. A maximum of one-fifth of an acre of paved off-street parking surface may be surfaced drained over an adjacent sidewalk or curb. Off-street parking surfaces larger than one-fifth of an acre shall be so designed to prevent surface water from draining over any sidewalk or curb or causing damage to public or private properties, streets or alleys.

J. Screening.

1. Where twenty-five or more vehicles are to be parked immediately adjacent to a public or private street, an opaque screen with a minimum height of thirty inches and a maximum height of forty-two inches measured from the finished surface of the parking area, shall be provided.

2. Parking areas for ten or more cars within or abutting residentially-zoned property shall be separated from such property by a minimum five-foot wide landscaped strip and a minimum six-foot high solid fence or wall, located on the residential side of the landscaped strip, except that such screening shall not be less than thirty inches in height, and shall not exceed forty-two inches in height when adjacent to a required front or street side yard area.

3. A loading area adjoining a street or a required front yard shall be screened with a solid wall of a design subject to the approval of the planning director.

K. Sight Distance. Walls, fences and dense landscaping within parking areas shall not exceed forty-two inches in height to allow for maximum visibility.

L. Common Driveways. Driveways which provide vehicular access to more than one site are encouraged.

M. Encroachment.

1. A vehicle may not overhang onto an adjoining property. Each parking space abutting a lot line or building structure shall have a four-foot concrete wheel stop or raised concrete curb to prevent said encroachments.

2. A vehicle may not overhang a landscaped area or pedestrian walkway, except where such parking space abuts a minimum seven-foot wide landscaped planter or wide raised sidewalk.

N. Perimeter and Planter Curbing.

1. A six-inch wide and six-inch raised concrete curb shall be provided along the outer edge of the parking facility pavement, except where said pavement abuts a fence or wall.

2. A six-inch wide and six-inch raised concrete curb shall be provided between the parking facility pavement and adjacent landscaped areas. (Ord. 940 §1, Ex. A(part), 1992)

17.15.100 Parking and storage of mobile accessories.

A. The following requirements apply to storage of utility trailers, boat or horse trailers, recreational vehicles and boats:

1. No person shall place, keep or maintain, or permit to be placed, kept or maintained, a utility trailer, boat or horse trailer, recreation vehicle or boat upon any lot or parcel of land within an R district on which a building permit for a main building was issued after July 19, 1978, except in a mobile home park, properly approved storage or sales yard, or a recreational vehicle park, with the following exceptions:

a. Such trailers, boats or vehicles may be kept wholly within a structure lawfully existing on the premises. Except as provided in Section **17.15.090 A 1** e of this chapter, no such trailer, boat or vehicle shall be occupied for human habitation.

b. One such trailer, boat or vehicle may be placed, kept or maintained upon any lot, within an R district provided that it shall be located not closer to any street line than the front yard dimension required herein for the lot on which it is placed, and provided further that no part of it shall be maintained, kept or placed closer than three feet to any building used for human habitation. Except as provided in Section **17.15.090 A 1 c** of this chapter, no such trailer, boat or vehicle shall be occupied for human habitation.

c. A recreational vehicle may be located anywhere on the lot, except in the front or street side yard of a corner lot as prohibited by Section **17.09.050** of this title, when used to accommodate occupants or visitors of the premises provided that the recreational vehicle be removed from the premises, or located on the premises in accordance with Sections **17.15.090 A 1 a** or **17.15.090 A 1 b** of this chapter, at the end of seven consecutive days. The use hereby permitted is allowed only once in any six-month period.

d. A construction or on-site field office at a construction site, within a developing subdivision.

2. No person shall place, keep or maintain, or permit to be placed, kept or maintained, any mobile office or recreational vehicle upon any lot or parcel of land within any nonresidential zones in the city, other than in a recreational vehicle park or in a properly approved storage or sales yard, except as follows:

a. A use permit may be granted for a mobile office (designed solely for such purposes) to be used as a temporary office for a period not exceeding

one year. Thirty days prior to the expiration time the applicant may request and be granted one extension of time of one additional year. Thirty days after the expiration of the use permit, or any extension thereof, such use shall be removed from the premises.

b. A recreational vehicle may be used on the site for occupancy by a night watchman or security guard for not more than ninety days.

c. A trailer used as a construction shack or as an on-site field office at a construction site within a developing subdivision.

B. No person shall place or permit to be placed any truck or truck trailers with a weight limit over eight thousand pounds in any R district in the city, except for pickup or delivery service, or to carry out a service function or as part of the operation of a legally existing nonconforming use, provided that in no case shall such truck or truck trailer be parked at any location in any R district longer than required for such pickup or delivery service or service function, other than within the grounds of a legally existing nonconforming use located within the R district and of which operation of the truck or truck trailer is a part. (Ord. 1212 §2, 2002; Ord. 940 §1, Ex. A(part), 1992)

Chapter 17.17 SIGNS

17.17.010 Purpose.

The purpose of this chapter is to establish regulation of signs in order to promote the public health, safety and general welfare; to harmonize the legitimate private purposes of signs to safeguard and enhance property values; to protect public and private investment in buildings and open space; to preserve and improve the appearance of Manteca as a place in which to live and work; to preserve and enhance the attractiveness of Manteca to nonresidents who come to visit and trade; to encourage sound signing practices as an aid to business and for the information of the public; to prevent excessive and confusing sign displays; and to reduce hazards to motorists and pedestrians. This chapter is intended to regulate signs, recognizing the need for adequate business and noncommercial identification, advertising and communication. (Ord. 940 §1, Ex. A(part), 1992)

17.17.020 Prohibited signs.

A. The following signs are prohibited in all districts within the city except as provided elsewhere in this chapter.

1. Signs which incorporate in any manner flashing, moving or intermittent lighting; or signs which are in any manner animated or include any noise making attachments. This does not include public service signs, such as time/temperature units, barber poles or rotating signs conforming to subsection (A)(7) of this section. Except asilent electronic display sign which changes copy may be permitted under a major sign permit as part of a Regional Recreation/Hospitality Center use.

2. Signs which, by color, wording, design, location or illumination resemble or conflict with any traffic control device or with safe and efficient flow of traffic.
3. Portable signs, except as provided for in Sections **17.17.040** and **17.17.050** of this chapter.
4. Roof signs for which any structural supports or members are visible to the public.
5. Banners, streamers, pendants, balloons, pennants, whirligigs, posters, ribbons, strings of light bulbs, spinners or other similar devices. These devices when not part of any sign are similarly prohibited, unless they are permitted specifically by another provision of this title (e.g., holidays, grand openings and special events, as provided for in Section **17.17.050** of this chapter).
6. Stationary motor vehicles, trailers and related devices to circumvent the intent of this chapter.
7. Any rotating sign, as defined in this chapter, where the rotation exceeds eight revolutions per minute.
8. Signs which are attached to utility poles, trees, fences or other signs, rocks or natural feature.
9. Off-site or billboard signs.
10. On-site business-related signs that advertise an activity, product or service no longer conducted or available at the site on which the signs are located.
11. Abandoned signs.

(Ord. 1238 §1, 2003; Ord. 940 §1, Ex. A(part), 1992)

17.17.030 General restrictions and provisions.

- A. Signs in Street Right-of-Way or Future Right-of-Way. No sign shall be located in, or project into the present or future right-of-way of any public street, including sidewalks, unless such location or projection is specifically authorized by other provisions of this title.
- B. Signs Interfering with Sight Distance. No sign shall be so designed or constructed as to interfere with the sight distance of motorists proceeding on or approaching adjacent streets, alleys, driveways or parking areas, or of pedestrians proceeding on or approaching adjacent sidewalks or pedestrian ways.
- C. Monument Signs. Monument signs, as defined in this chapter, may be used in conjunction with freestanding identification signs on sites one acre or more in size, or as primary identification signs on sites less than one acre in size. Monument signs shall conform to the following restrictions in either case:
 1. Maximum forty-two square feet per display face;

2. Maximum five feet in height, measured from the adjacent permanent surface;
 3. Shall not be placed closer than one hundred feet to any freestanding identification sign on the same site or adjacent site;
 4. Shall not be placed closer than two hundred feet to any other monument sign on the same site or adjacent site;
 5. Shall be no closer than twenty-five feet to a driveway which intersects the public right-of-way on the same or adjacent site.
- D. Directional Signs. On-site directional signs, as defined in this chapter, shall be excluded from the sign provisions of this chapter. These signs shall not contain advertising or promotional information or business related logos and shall not be more than twelve square feet per display face.
- E. Closure of Business. Upon the closure and vacation of a business activity, the owner of said business or activity, or property owner, if different from business owner, shall within ninety days have all related signs and sign structures removed from public view.
- F. Window Signs. Window signs shall be considered as a sign in determining aggregate sign area. Banner or posters on the inside of windows may be used in conjunction with national advertising programs, or as weekly marketing specials, or as decorations customary for special holidays, and may not exceed fifty percent of the total window area of any window. Such signs shall not be computed as part of the aggregate sign area and do not require a permit.
- G. Painted Signs. Signs painted on exterior walls, windows or structures of any kind shall be computed as part of the aggregate sign area.
- H. Community Directional Signs on Public Streets. Permission to erect a community directional sign on public streets shall be obtained from the city engineer.
1. The sign shall be rectangular in shape, shall not exceed eighteen inches by thirty inches in size, shall be constructed of minimum eight gauge steel or aluminum, shall be finished with either porcelain enamel, baked enamel, reflective or nonreflective sheeting, and shall have white letters on a green background with a one-half inch white border.
 2. The sign shall be easily read by normal traffic and shall contain the name of the organization, location designation or distance in blocks or miles, and a directional arrow.
- I. Sign Area Computations. When computing permitted sign area based on the percentage of square feet of building facade, only the first sixteen feet of height of the building used in the computation shall be used. Only one display face of a sign shall be used in computing sign area.

J. Fence Signs. Fence signs closer than fifty feet to any street frontage shall be considered freestanding signs. Such signs shall be included in the aggregate sign area.

K. Marquee/Projecting Sign Requirements. Marquee, canopy or projecting signs shall project no closer than two feet to the outside edge of the curb. Signs projecting more than two-thirds the distance to the curb shall be no lower (bottom edge of sign) than twelve feet above the sidewalk; signs projecting less than two-thirds the distance shall be no lower than eight feet above the sidewalk.

L. Changeable-Copy Signs. Changeable-copy signs may be used as the only freestanding sign on a site, may be attached flat to a building wall, or may be an integrated attachment to a permitted freestanding sign. A changeable-copy sign shall be no more than twenty-four square feet per display face. The sign area shall be computed as part of the aggregate sign area permitted for the property. Such signs may be internally illuminated and display community or promotional information only. (Ord. 1176 §1, 2000; Ord. 940 §1, Ex. A(part), 1992)

17.17.040 Real estate signs.

A. Real Estate Advertising Signs. Real estate signs advertising the sale, rent or lease of property and structure are permitted as follows: No sign permit or deposit is required. Such signs shall be removed within fifteen days after sale, rent or lease of the property or structure, except where otherwise listed.

B. Single-Family Dwellings and Duplexes. One real estate sign shall be permitted for each lot. The sign may have two faces, shall not exceed an area of ten square feet per face, shall not exceed a height of five feet above the surface of the street, unless placed in a window, and shall be unlighted.

C. Multiple-Family Dwellings and Commercial and Industrial. One real estate sign shall be permitted for each development street frontage. The sign may be attached flat against the building or freestanding to a maximum height of six feet above the adjacent surface. The sign shall not project above the eave line or the top of the parapet of the building and shall be unlighted.

Area of signs shall be limited as follows:

Multiple family dwellings: sixteen square feet;

Commercial: twenty-two square feet;

Shopping center: forty square feet;

Industrial: thirty square feet;

Industrial center: forty-eight square feet;

Multiple use: forty square feet.

D. Unimproved Acreage. One real estate sign shall be permitted per street frontage. The sign shall not exceed forty-eight square feet, may have two faces, shall not

extend more than ten feet above the adjacent surface, and shall be unlighted. (Ord. 940 §1, Ex. A(part), 1992)

17.17.050 Temporary signs.

Temporary signs may be permitted by the community development director for a time period specified for each type of temporary sign. The sign shall be removed on or before expiration of the time period specified.

A. Temporary Subdivision Signs. A temporary sign identifying a subdivision shall be permitted subject to the following conditions:

1. One sign shall be permitted per perimeter street frontage of the subdivision. The sign shall not exceed fifty square feet in area, may be double-faced, shall not extend more than ten feet above the adjacent surface, and shall be unlighted.

2. The sign may remain for one year. The community development director shall have the authority to extend the time period for one additional year. Request for an extension shall be submitted to the planning department prior to the expiration of the first year permit.

B. Political Signs. Political signs may be posted on private property, with property owner permission, preceding an election. The maximum size of each sign shall not exceed thirty-two square feet.

1. No political sign shall be erected within or overhang into any public right-of-way or publicly owned property, nor constitute a traffic hazard by reason of obscuring motorist vision, or otherwise jeopardizing the normal flow of traffic.

2. All political signs shall be removed from view within seven days after the election day, except for those candidates who were successful in a primary election, or must compete in a run off election; in which case such signs shall be allowed to remain until seven days after the final election.

C. Construction Signs. One sign identifying a project under construction shall be permitted per street frontage and may identify the name of the building contractor and his subcontractors, the architect, the engineer, the owner, the bank and the developer. The sign shall be permitted during the period of actual construction after the building permit has been issued. The sign area shall not exceed fifty square feet, shall be one-sided, shall not extend more than ten feet above the adjacent pavement surface, and be unlighted. A twenty-five dollar deposit is not required for such signs.

D. Grand Opening and Special Event Signs. A special permit may be issued by the community development director for banners, streamers, flags or other prohibited signs, as defined in this chapter, and temporary, as described in this chapter, for special events or sales, such as new car, clearance sales, outdoor fairs and sales, grand openings and events of similar nature. Such signs shall be permitted for up to a total of thirty days per three-month period.

1. On-site temporary or portable signs which advertise business related items shall be permitted by the community development director only if the sign in no way obstructs or visually impairs the public right-of-way.

E. Off-Premise Real Estate Directional Signs. Off-premises real estate directional signs may be placed at strategic locations in the community which indicate the most direct routine to the subject property. Such signs shall not be subject to a twenty-five dollar deposit. The signs shall contain only the real estate agent's name, address, phone number and logo; an arrow indicating direction, and shall not be illuminated. The signs shall not be placed within a public right-of-way or on publicly-owned property.

1. Minor Real Estate Directional. Maximum individual sign size shall be six square feet per face and shall not exceed four feet in height.

2. Major Real Estate Directional. Maximum individual sign size shall be twenty-four square feet per face and shall not exceed eight feet in height.

F. A-Frame Signs. Each commercial business location shall be permitted one A-frame type sign per street frontage, and one additional A-frame type sign per street frontage for frontages exceeding three hundred feet. The sign may have two faces, and shall not exceed four feet in height measured from the surface of the adjacent sidewalk, or a width of three feet. The sign shall be unlighted, and only advertise business-related items. A multiple occupancy building shall constitute one business location for the purposes of determining the number of permitted signs. Such signs shall not be subject to a twenty-five dollar deposit.

1. A-frame sign(s) shall only be permitted if the following conditions are maintained:

a. The sign(s) shall not obscure or visually impair vehicular traffic.

b. The sign(s) shall not be placed within a public right-of-way or on publicly-owned property. (Ord. 1366 §1(part), 2007; Ord. 940 §1, Ex. A(part), 1992)

17.17.060 Residential zone signs.

A. Single-Family Dwellings. One identification sign containing the name and/or street address of the occupant shall be permitted for each dwelling. The sign shall not exceed an area of two square feet per face.

B. Multiple-Family Dwellings. One identification sign shall be permitted for each street frontage of each development. The sign shall not exceed twenty square feet per face, may be a wall or freestanding sign, shall be unlighted, and shall not exceed four feet in height about the adjacent pavement surface.

C. Home Occupations. Home occupations may be permitted one sign in addition to that permitted for the dwelling type. The sign may contain the business

name, hours and/or telephone number, shall be unlighted, flat against the building, and not exceed two square feet in area.

D. Neighborhood Identification. Neighborhood identification signs may be permitted for residential subdivisions at least five acres in size. One such sign may be permitted for each major collector street entrance to the subdivision subject to the following requirements.

1. Maximum sign area shall be twenty square feet per face.
2. Where ground-mounted, the sign shall not extend more than four feet above the adjacent pavement surface.
3. The sign shall be unlighted.

E. Professional Offices. One identification sign shall be permitted per street frontage. The sign shall not exceed twenty-four square feet per face, may be a wall or freestanding, shall be unlighted, and shall not extend more than six feet above the adjacent pavement surface.

1. One additional non-illuminated wall sign, not exceeding four square feet, may be permitted for each occupant having an outside entrance.

F. Mobile Home Parks, Churches, Schools, Clubs, Parks, etc. One identification sign may be permitted per street frontage. The sign shall not exceed twenty-four square feet per display face, may be a wall sign or freestanding, shall be unlighted, and shall not exceed a height of six feet above the adjacent pavement surface.

G. Institutions. One double-faced freestanding or wall identification sign is permitted for each street frontage. The sign area for each frontage shall be one and one-half square feet for each ten lineal feet of frontage. Each parcel is guaranteed a minimum of twenty-four square feet regardless of frontage length. A freestanding sign may not exceed twenty feet in height. (Ord. 940 §1, Ex. A(part), 1992)

17.17.070 Office zone signs.

A. Offices. One identification sign shall be permitted per street frontage. The sign shall not exceed thirty square feet per face for a double-faced freestanding sign or twenty square feet for a wall sign, and shall not extend more than fifteen feet in height. The sign may be illuminated and list all occupants of the building. Illuminated signs shall be no closer than one hundred feet to a residential area. One additional non-illuminated wall sign, not exceeding five square feet, may be permitted for each occupant having an outside entrance.

B. Multiple Occupancy Buildings. In place of subsection A, of this section, tenants of a multiple occupancy building may have individual decorative free-standing signs that are single-faced and located along building fronts. Each sign shall not exceed three feet in height and five gross square feet in area. (Ord. 940 §1, Ex. A(part), 1992)

17.17.080 Neighborhood commercial zone signs.

A. Neighborhood Commercial. Each building establishment may have a maximum of two signs per street frontage. Multiple occupancy lots with less than five businesses shall be permitted only one freestanding identification sign as specified below. Building establishments within shopping centers, as defined in this chapter, shall have signs computed as specified in subsection B of this section.

1. The first sign shall not exceed an area of one-half square foot per foot of lot frontage; provided, however, that the sign may have a minimum area of fifteen square feet per face. The maximum sign area permitted is sixty square feet per face for a double-faced freestanding sign or forty square feet for a wall sign. If freestanding, the sign shall not exceed twenty feet in height, shall have only one module unit, and be internally illuminated. The sign shall be illuminated during business hours only.

2. The second sign may have two faces, shall not exceed an area of ten square feet per face if projecting from the building or twenty square feet if placed flat against the building. This sign may be illuminated, but only during business hours.

B. Neighborhood Shopping Center (C-N Neighborhood Commercial Zone District).

1. One freestanding identification sign listing the names of the occupants of the neighborhood shopping center within its surface areas shall be permitted. The sign may be doubled faced, shall not exceed a height of twenty feet, and may be illuminated. The sign may have up to two double-faced modules and shall not exceed eighty square feet per side of total display area.

2. Each tenant/occupant within a neighborhood center shall be allowed up to a maximum of ten percent aggregate sign area across the front building facade of each respective occupancy. No minimum sign area is required; however, an overall site sign design scheme shall be coordinated to gain perspective of size, color and illumination. No projecting signs are permitted. (Ord. 940 §1, Ex. A(part), 1992)

17.17.090 Commercial zone signs.

A. Commercial Signs. The aggregate sign area for each lot shall be three square feet for each lineal foot of street frontage. For lots with more than one street frontage, the aggregate sign area shall be seventy-five percent of the total so computed.

B. Freestanding Identification Sign.

1. Each lot shall be permitted to have one freestanding identification sign per street frontage and one additional freestanding sign per street frontage of three hundred feet or more.

2. Freestanding signs shall not exceed thirty feet in height, may have up to two double-faced modules, and shall not exceed an aggregate per side sign area of one hundred square feet. No additional attached signs shall be permitted.

C. Occupancies. Each occupancy shall be permitted projecting, wall mounted or painted signs not exceeding twenty percent of the facade fronting the street, ten percent of the rear facade, and five percent of each of the side facades. The signs shall be attached to the respective facades.

D. Freeway-oriented Signs.

1. For the purpose of considering freestanding signs only, those businesses within five hundred feet of a state or federal highway right-of-way and being of a retail, food sales or service nature oriented to the traveling public, shall be deemed freeway-oriented and eligible for a freeway-oriented sign.

2. One freestanding freeway-oriented sign, a maximum one hundred twenty-five square feet per side may be permitted in addition to those signs described in subsection B of this section. The freeway-oriented sign shall be limited to fifty feet in height without a use permit but may be increased to a maximum of seventy five feet with an approved use permit.

3. The sign area per side may be increased by three square feet for each foot in height above fifty feet. The absolute maximum shall be two hundred square feet per display side.

E. Shopping Centers (C-G Community Commercial, C-H Highway Commercial and C-G General Commercial Zone Districts).

1. Based on the designated shopping center's gross enclosed floor area (walled and roofed), one of the following sign identification limitations shall apply:

a. Less than eighty thousand square feet gross floor area:

i. One freestanding double-faced identification sign per street frontage, maximum thirty feet in height, internally illuminated, and not exceeding one hundred twenty square feet per side total display area;

ii. Each business establishment located within the shopping center may have signs on its front building facade. The total area of the signs shall not exceed twenty percent of the facade area,

iii. Each business establishment within the shopping center having a second facade facing a street may have signs on that second facade. The total area of the signs shall not exceed ten percent of the area of that facade,

iv. No projecting or roof signs are allowed,

b. Eighty thousand square feet or more gross floor area:

i. One freestanding double-faced identification sign per street frontage, maximum forty feet in height, internally illuminated, and not exceeding two hundred square feet per side total display area,

ii. Each business establishment located within the shopping center may have signs on its front building facade. The total area of the signs shall not exceed fifteen percent of the facade area,

iii. Each business establishment within the shopping center having a second facade facing a street may have signs on that facade. The total area of the signs shall not exceed ten percent of the area of that facade,

iv. No projecting or roof signs are allowed.

2. A site design theme approved by the planning commission shall be maintained within the shopping center.

3. Monument signs may be used in addition to shopping center frontage freestanding signs on sites one acre or more in size. Shopping center monument signs shall conform to the following restrictions:

a. Maximum thirty five square feet per display face;

b. Maximum six feet in height, measured from the adjacent pavement surface;

c. Shall not be placed closer than one hundred feet to any freestanding sign on the same or adjacent site;

d. Shall not be placed closer than two hundred feet to any other monument sign on the same or adjacent site;

e. Shall not be within twenty-five feet of any driveway on the same or adjacent site which intersects with a public right-of-way.

F. Regional Recreation/Hospitality Center Signs (All Commercial Zone Districts).

1. Freestanding Identification Signs. Each regional recreation/hospitality center shall be permitted to have one freestanding identification sign. The sign shall not exceed thirty feet in height and shall not exceed an aggregate per side sign area of two hundred square feet. No attachments shall be permitted.

a. A module that includes an electronic display sign may be allowed under an approved major sign permit. All of the following findings must be made to grant the approval of an electronic display sign or module:

i. The sign shall not violate any section of Chapter 17.17 (Signs) including emitting noise.

ii. The sign shall advertise only onsite businesses, events or services. There shall be no advertisement of products, offsite businesses or offsite services.

iii. Illumination from the sign will not be detrimental to surrounding uses, the vicinity, or traffic. At no time shall the images projected on the electronic board incorporate white backgrounds.

2. Monument signs may be used in addition to the one permitted freestanding sign in accord with the following restrictions:

- a. The sign shall not exceed thirty-five square feet per display face;
- b. Shall not exceed four feet in height, measured from the adjacent permanent surface;
- c. Shall not be placed closer than one hundred feet to any freestanding identification sign on the same site or adjacent site;
- d. Shall not be placed closer than two hundred feet to any other monument sign on the same site or adjacent site;
- e. Shall not be placed closer than ten feet to the property line if within twenty-five feet of a driveway which intersects the public right-of-way on the same or adjacent site;
- f. Shall have a dimming feature for night operation.

3. Occupancies. Each occupancy shall be permitted wall mounted or painted wall signs not to exceed twenty percent of the facade fronting the street, ten percent of the rear facade, and five percent of each of the side facades. The signs shall be attached to the occupancy's respective facades.

4. Project Identification Features. Provide for a project identification feature at the entrance to a regional recreational/hospitality center. This identification feature may include a low decorative wall to identify the project. While the feature will identify the project it will not advertise any individual business located within the project area and will not affect the placement or size of future signs on the site. The following requirements shall be met:

- a. Placement of the sign shall not obstruct the line of sight;
- b. The sign shall not be internally illuminated;
- c. The feature shall include a low decorative wall. The material used for the feature and wall shall be compatible with the recreational/hospitality center;
- d. The portion of the features containing actual signage shall not exceed forty square feet.(Ord. 1255 §1, 2004; Ord. 1238 §3, 2003; Ord. 969 §1, 1993; Ord. 940 §1, Ex. A(part), 1992)

17.17.100 Central business district.

A. Allowable Signs and Sign Combinations. Each business establishment shall be allowed the following signs or sign combinations:

- 1. Projecting signs;
- 2. Wall or canopy signs;

3. Window signs.

A maximum noncumulative aggregate sign area of twenty percent shall be permitted on the front building facade. Ten and five percent sign area shall be permitted on the rear and side facades, respectively, for wall sign use only.

B. Limits to Sign Combinations. Sign combinations on the front building facade will be limited to the following:

1. Up to a maximum of ten percent for projecting signs;
2. Up to a maximum five percent for projecting signs below a canopy;
3. Up to a maximum of two and one-half percent for each twenty-five lineal feet of lot frontage for window signs;
4. A wall or canopy sign may occupy the entire twenty percent aggregate building facade area, only if none of the sign combinations enumerated in subsections (B)(1), (B)(2), or (B)(3) of this section are not utilized.

C. Illumination of Signs. All permitted signs, except below canopy projecting signs, may be directly or indirectly illuminated.

D. Design Criteria.

1. It shall be the responsibility of the planning director to conduct a sign design review of all new signs proposed within the downtown business district in accordance with Chapter 17.29 of this title.

2. If, at any time, the planning director feels that a second informal evaluation of a specific sign design is necessary, a referral to the downtown merchants committee will be made. (Ord. 940 §1, Ex. A(part), 1992)

17.17.110 Industrial zone signs.

A. Aggregate Sign Area. The aggregate sign area for lots in the M-1, M-2 and BIP districts shall not exceed one-half square foot per foot of lot frontage. The signs enumerated below shall be subject to the total aggregate sign area.

B. Freestanding Identification Signs. One freestanding identification sign shall be permitted for each lot on each street frontage. The maximum size of said signs shall be one hundred square feet per display face, and shall not exceed a height of thirty feet. The sign may be illuminated.

C. Wall Signs. One wall sign shall be permitted for each lot on each street frontage. The maximum size of said sign shall be twenty percent of the building facade on which it is to be attached. The sign may be illuminated.

D. Multi-Occupant Complex.

1. One freestanding identification sign which conforms to subsection B of this section shall be permitted per street frontage. The sign may list the names of the occupants within its surface.

2. Each occupant of the complex shall be permitted one wall sign on their portion of the building facade. The maximum size of said sign shall be twenty percent of the occupant's portion of the building facade. The sign may be illuminated. (Ord. 940 §1, Ex. A(part), 1992)

17.17.111 O-S and PQQ zone signs.

A. Park or Open Space. One identification sign may be permitted for each street frontage of the primary use. The sign shall not exceed twenty-four square feet per display face, be unlighted, and not exceed a height of three feet above the adjacent horizontal surface.

B. All Uses and Facilities, Other than Parks and Open Space. One identification sign may be permitted per street frontage of the use or facility. The sign shall not exceed twenty-four square feet per display face, may be a wall sign or freestanding, shall be unlighted, and shall not exceed a height of fifteen feet above the adjacent horizontal surface. Proposed signage for site and building identification shall be reviewed and acted upon by the planning director in accordance with the procedures set out in Section 17.23.020(A) of this title. (Ord. 1176 §2, 2000)

17.17.120 Service station signs.

A. Aggregate Sign Area. The aggregate sign area for any lot shall not exceed one square foot for each foot of street frontage. Each lot shall, however, be permitted a minimum of eight square feet of aggregate sign area.

B. Freestanding Identification Sign. One freestanding illuminated, double-faced identification sign, not to exceed seventy-five square feet in area per display face shall be permitted per site. The sign shall not exceed thirty feet in height from the base to the top of the sign and may have only one double-faced module. No additional attached signs or modules are permitted, except as allowed in subsection (D)(1) of this section.

C. Building and Canopy Identification Signs.

1. The building shall be permitted one wall illuminated identification sign, not to exceed twenty percent of the front building facade area, ten percent of the rear building facade area and five percent of each side building facade area. The signs shall be attached to the respective facade.

2. In lieu of placement of side building wall signs, two illuminated corporate franchise identification signs may be placed on the canopy roof structure. These signs shall be attached flat to the side of the canopy and not extend below or above the edge of the fascia. The maximum sign area per sign shall be thirty square feet.

D. Gas Price Sign. One illuminated double-faced freestanding sign, not to exceed thirty square feet per face, nor over six feet in height measured from the surface of the adjacent sidewalk, shall be permitted for each street frontage. The sign shall be permanent in nature, identify only fuel types and prices, state and federal information, and credit cards honored.

1. In lieu of placement of separate freestanding gas price signs, an additional illuminated double-faced module not to exceed sixty square feet in area per display face may be placed on the freestanding sign allowed in subsection B of this section. The freestanding identification sign and gas prices may not exceed one hundred thirty-five square feet in area. The freestanding sign shall have no additional attached signs, and shall not exceed thirty feet in height from the base to the top of the sign.

E. Freeway Oriented Signs. An additional freestanding identification sign may be permitted in accordance with Section 17.17.090(D) of this chapter. (Ord. 1296 §§I, II, 2005; Ord. 940 §1, Ex. A(part), 1992)

17.17.130 Automobile dealer signs.

A. Aggregate Sign Area. The aggregate sign area for each lot shall be three square feet for each lineal foot of street frontage. For lots with more than one street frontage, the aggregate sign area shall be seventy-five percent of the total so computed.

B. Freestanding Identification Signs.

1. Each lot shall be permitted one freestanding identification sign.

2. Freestanding identification signs shall not exceed thirty feet in height, may have two double-faced modules, and not exceed an aggregate per face area of one hundred square feet.

a. The freestanding identification sign may exceed the aggregate per face area by no more than fifty square feet, if there is national dealer financial participation.

b. No additional attached sign shall be permitted.

C. Building Identification Signs. Each building shall be permitted projecting, surface-mounted, fascia or painted signs not exceeding twenty percent of the facade fronting the main street frontage, ten percent of the rear facade and five percent of each side facade. The proposed signs shall be attached to the respective facade.

D. Freeway Oriented Signs. An additional freestanding identification sign may be permitted in accordance with Section **17.17.090 D of this chapter**. (Ord. 940 §1, Ex. A(part), 1992)

17.17.140 Nonconforming signs.

A. Alterations. Nonconforming signs may remain in perpetuity and run with the land and may be maintained but not substantially altered, modified or added to, or increased in area. Any such change would require full conformance with the provisions

of this title. Notwithstanding this section, certain signs shall be required to conform as provided in Section **17.17.150** of this chapter.

B. Replacement. A nonconforming sign which is destroyed or damaged to an extent in excess of fifty percent of its estimated value shall not be replaced or repaired, except by a sign which conforms to the provisions of this title. (Ord. 940 §1, Ex. A(part), 1992)

17.17.150 Amortization.

Notwithstanding other provisions of this title, the following signs shall be required to be removed or modified to comply with the provisions of this title.

A. Abandoned signs must be removed within ninety days of adoption of this title.

B. Signs in a public right-of-way must be removed within ninety days of adoption of this title.

C. Portable signs must be removed within ninety days of adoption of this title.

D. Signs nonconforming to the established signing standards for the downtown business district must be made to conform within five years after adoption of the sign design standards. (Ord. 940 §1, Ex. A(part), 1992)

17.17.160 Safety and maintenance.

A. Maintenance for Safety. All parts, portions, units and materials composing the sign, together with the frame, background, supports or anchorage thereof, shall be maintained in a proper state of repair and safety, and state of preservation.

B. Maintenance for Preservation and Appearance. All parts of the sign, inclusive of the frame, background, supports or anchorage, shall be maintained in a neatly painted condition.

C. Inspection of Signs. All signs, other than painted-on wall signs, shall be inspected by a city building inspector. (Ord. 940 §1, Ex. A(part), 1992)

17.17.161 Murals.

Murals shall be permitted on non-residential buildings following approval of the community development director. Such approval shall be based on the following findings:

A. The mural is of high quality material and design and will be applied in a professional manner to ensure longevity;

B. The primary purpose of the mural is to serve as public art, to enhance public spaces and to provide inspiration; and,

C. There is no commercial advertisement of any type.

The area of a mural approved by the community development director, under the above findings, shall not be counted towards the total sign area allotted for the site or building. Murals not meeting the above findings shall be considered signs and shall be subject to all provisions of Chapter 17.17, Signs. (Ord. 1231 §1 (part), 2003)

Chapter 17.19 LANDSCAPING AND SCREENING

Note

* Prior ordinance history: Ord. 940.

17.19.010 Purpose.

The purpose of this chapter is to ensure that development is aesthetically pleasing and compatible with surrounding development, and that on-site erosion and glare are minimized, by requiring the provision of adequate landscaping in connection with new development, revisions and the expansion of existing developments, structures and changes in uses.

The intent of this chapter is to support the retention of healthy existing mature trees within the city. The retention of existing mature trees can contribute to individuals' enjoyment of a property, property value, health and overall aesthetics and quality of life in the city. Project development requests are encouraged to maintain existing trees as identified in this chapter for air quality, energy, water conservation, noise buffering and to provide parking lot shading requirements.

In addition, the purpose of this chapter is to be consistent with the Legislative findings of Government Code Section 65591.2 and to promote the values and benefits of landscapes while recognizing the need to use water and other resources as efficiently as possible, establish a structure for designing, installing and maintaining water-efficient landscapes in all projects as defined in the provisions of this chapter and establish provisions for water management practices and water waste prevention for established landscapes.

The requirements of this chapter shall apply to the establishment, alteration or change in any use or structure, except that landscaping shall not be required to be provided in the following circumstances:

- A. Single-family dwellings, interior side and rear yard only;
- B. When there is a minor change in uses or structures where the new use or structures is/are essentially the same as the previous use, and no use permit or site plan is required for the new use or structure(s);
- C. Accessory uses/structures;
- D. Single-family dwellings within subdivision filed prior to the adoption of ZOA 92.2. (Ord. 975 §1(part), 1993)

17.19.020 Landscape coverage and general submittal requirements.

- A. Landscaped spaces shall constitute not less than ten percent of the area of any lot required by this chapter to be landscaped.
- B. Submittal of landscape plans in accordance with this chapter shall be prior to grading approval.
- C. Approval of landscape plans in accordance with this chapter shall be prior to building permit issuance.
- D. Development plan submittal must include at least a conceptual landscape plan. A final landscape plan must be approved prior to final building permit issuance.
- E. All landscape plans for commercial projects, industrial projects, institutional projects, one net acre and larger and multiple residential projects twelve units or more in size shall be prepared by a registered landscape architect or state licensed landscape contractor.
- F. Parking lot shading shall meet the requirements of Section 17.19.070(B) of this chapter.
- G. Landscape plans shall include irrigation plans and plans of special features and structures.
- H. All other projects not defined herein shall submit a satisfactory landscape plan to the planning director or his/her appointed representative for review and approval, prior to grading approval.
- I. The following are exempt from the above requirements: public schools, historical significant sites, agricultural and farming operations, ecological restoration and mined lands, reclamation projects that do not require a permanent irrigation system and retention/detention basins required for storm drainage. (Ord. 975 §1(part), 1993)

17.19.030 Landscaping design standards.

- A. General Landscaping Standards.
 - 1. When an area is required to be landscaped by any provision of this title, the requirement may be met by the installation and maintenance as set forth below of a combination of living shrubs, trees, vines, lawn or other groundcover, water surfaces and paved or graveled surfaces, provided that such paved or graveled area shall not cover more than fifteen percent of the area required to be landscaped.
 - 2. Plans and specifications for landscaping, irrigation systems, tree preservation and slope planting for erosion control shall reflect use of the following Plan:
 - a. A drawing of no less than one inch equals forty feet shall be used;
 - b. The planting plans shall accurately and clearly identify:

- i. Landscape materials, trees, shrubs, groundcover, turf, etc. Planting symbols shall be clearly drawn and plants labeled by botanical, common names, container size, spacing and quantities of each group of plants indicated,
 - ii. Property lines,
 - iii. Streets, driveways, walkways and other paved areas,
 - iv. Building and structures including elevation if applicable,
 - v. Natural features: rock outcropping, existing oak and ornamental, and mature trees, shrubs, etc. to remain and to be removed,
 - vi. Tree staking, soil preparation details and any other applicable details,
 - vii. Landscape plans shall illustrate grading or spot elevation;
- c. Planting materials of a type, size and placement compatible with the project and surrounding land uses;
 - d. Sound solid preparation and planting practices; and
 - e. Proper irrigation for healthy plant growth and maturation and the avoidance of the watering of buildings, public ways and pedestrian access.
3. The scale and nature of landscape materials shall be appropriate to the site and/or structure.
 4. Plant materials shall be selected from among those species and varieties known to thrive in the Manteca climate. The planning director may require the substitution of any plant material which he has reason to believe will not survive successfully under the particular conditions of the site in question.
 5. The use of drought-tolerant, indigenous, native plant materials is encouraged.
 6. Live plant materials generally shall be used in all landscaped areas. Bark shall only be utilized as mulch, not as a permanent form of groundcover.
 7. Whenever street trees are required to be installed, such street trees shall conform to the street tree planting plan of the city in terms of variety, size, spacing; or, if the plan is not applicable, shall be selected from a list of approved street trees supplied by the city parks and recreation department.
 8. Street trees of approved species shall be installed in accord with public works standards.

B. Model Homes.

Development with two or more model homes, one model shall demonstrate water conservation landscaping, as follows:

1. Turf shall be limited to twenty-five percent of the street frontage yard;
2. Nonturf areas shall use water conserving plants;
3. Planting, soils, irrigation and use of other materials shall be in accordance with the landscape and design practices of Chapter 17.19 of this code;
4. A sign of no less than two square feet shall identify the front yard area as a water-efficient landscape model.

C. Specific Landscaping Standards. Landscaping shall be provided in accordance with the following minimum standards, except as may be modified in connection with the approval of a discretionary development permit:

1. Single-Family Dwellings:
 - a. Front yard and street side yard setback areas shall be landscaped, excepting approved driveway entrances, vehicle maneuvering areas, and public sidewalks.
2. Multifamily Developments:
 - a. A minimum of ten percent of the total developed lot area shall be landscaped.
 - b. Front yard and street side yard setback areas shall be landscaped in accord with this chapter and public work standards, excepting driveway entrances, maneuvering areas and public sidewalks.
 - c. All interior pervious open space areas shall be landscaped.
 - d. Planters and landscaped areas shall be provided in off-street parking areas in accordance with the requirements of Section **17.19.070** of this title.
 - e. Required planter or landscaped areas may be combined with pedestrian walks and similar hard surface areas, provided that such hard surface areas do not cover more than fifteen percent of any required planter or landscaped area. Ornamental or landscaping rock and gravel areas, artificial turf or other areas covered with other artificial materials shall be considered hard surface areas for the purposes of this requirement.
3. Industrial, Commercial Developments and Institutional Uses.
 - a. A minimum of ten percent of the total developed lot area for commercial developments and institutional uses shall be landscaped. A minimum of five percent of the total developed lot area for industrial uses shall be landscaped.

b. Planters or landscaped areas shall be provided in off-street parking areas in accordance with the requirements of Sections 17.19.070.

c. A minimum of ten feet nearest the back of sidewalk along any street frontage of a new development project shall be landscaped in accord with this title.

d. Ornamental or landscaping rock and gravel areas, artificial turf or other areas covered with artificial materials shall be considered hard surface areas for the purposes of this requirement. (Ord. 975 §1(part), 1993)

17.19.040 Screening.

A. Allowable Screening Devices. When required, screening may be provided by one or more of the following means:

1. A solid masonry wall meeting the standards of the Manteca Uniform Building Code;
2. A solid board fence of approved design with wood posts not less than four inches by four inches and solid board over not less than one inch in thickness. Masonry piers may be substituted for wood posts. Posts or piers shall be spaced not more than eight feet on centers;
3. An opaque evergreen trimmed hedge or an opaque evergreen informal screen planting;
4. An earth berm may be used in combination with any of the above types screening, but not more than two-thirds of the required height of such screening may be provided by the berm.

B. Height and Location of Screening. Unless otherwise specified, screening required by this title shall be not more than seven feet in height. Except that adjacent to the front yard or street side yard of an adjoining lot in an R or C-O district, such screening shall be not less than thirty inches nor more than forty-two inches in height. All screening shall follow the lot line of the lot to be screened, or the inside edge of the sidewalks, or shall be so arranged within the boundaries of the lot so as to substantially hide from adjoining properties the building, facility or activity required to be screened.

Prescribed screening need not be placed along a lot line so long as a building wall, solid fence or freestanding wall of the required height exists immediately abutting and on the other side of the lot line. (Ord. 975 §1(part), 1993)

17.19.050 Standards for installation and maintenance of landscaping and screening.

A. Maintenance of Plants. All planting shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, moving, weeding, cleaning, fertilizing and regular watering. Wherever necessary, planting shall be replaced with other plant materials to ensure continued compliance with applicable landscaping requirements. All landscaped areas shall be provided with an appropriate automatic irrigation system or a single to fourplex manual system.

B. Height of Plant Screens. Height of plant screens or hedges specified herein indicate the height which may be expected within three years of planting. The height at time of planting shall be such that in accordance with good landscape practice the full required height may be achieved within a three-year period.

C. Maintenance of Masonry and Wood Screening Walls. Masonry or wood screening walls shall be maintained in good repair, including painting, if required, and shall be kept free of litter, advertising and graffiti.

D. Modifications for Landscaping and Screening Plans. The standards set forth herein for location and height of landscaping or screening may be modified by the planning director whenever it appears that such landscaping or screening would constitute a danger to traffic by reason of impairment of vision at a street or driveway intersection.

E. Height Limitations Along Lot Lines. Along a lot line or adjacent to an R. district, required screening shall not be higher than seven feet. Trimming or pruning shall be employed as necessary to maintain this height.

F. Tree Setback. A tree to be planted along a lot line or adjacent to a structure shall be no closer to said lot line or structure than one-half of the diameter of the particular species' drip line at maturity, measured from the center of the tree with the exception of Sections 17.19.030(C)(1)(b) and (d). (Ord. 975 §1(part), 1993)

17.19.060 Existing trees.

A. Existing Trees. Existing trees over six inches in trunk diameter, measured four and one-half feet above ground level (DBH), shall be retained in accord with following:

1. Notification. The city of Manteca, parks and recreation department and planning department shall be notified of any planned construction or grade change within the proximity of existing mature trees.
2. Protection. Existing trees must be protected from the following:
 - a. Construction equipment;
 - b. Grade changes;
 - c. Excavation for utilities;
 - d. Paving;
 - e. Footers for the proposed structure of wall.
3. Protection from Machinery. Construct a protective fence barrier which encloses the entire area beneath the tree canopy. All exposed roots must be enclosed in this area.
4. Protection from Grade Changes. Grade changes, either raising or lowering the grade must be approved by the planning department prior to any grading

taking place. Refer to landscape references; grading and excavation, root system and protection zone documents.

B. Requests for the proposed replacement of an existing tree as identified in subsection (A) above, shall be subject to planning director approval. Replacement of an existing tree shall be with a minimum twenty-four inch box tree, of compatible species for the development site and consistent with Section 17.19.030.

C. Agricultural and farming orchard areas of one acre or more in size are exempt from Section 17.19.060(A). (Ord. 975 §1(part), 1993)

17.19.070 General parking lot and shading requirements.

A. General Requirements.

1. At least ten percent of a parking lot in a commercial or industrial project shall be landscaped. For the purposes of calculation, the parking lot does not include space provided for display purposes or enclosed vehicle storage areas.

2. A landscape planter with a minimum width of five feet for a residential parking lot, and a minimum of ten feet for a commercial or industrial parking lot, shall be provided adjacent to any public or private street wherever parking or circulation is generally located adjacent to such rights-of-way. The planter area shall be credited towards the minimum landscaped area required for the site in subsection (B)(1) above.

3. Landscaping shall be used to separate buildings from parking and vehicle circulation areas.

B. Parking Lot Shading Requirements. Parking lot areas must provide tree canopy coverage of covered surface area for shading purposes by one of the following requirements:

1. Parking Lot Shading by Percentage. All parking lots shall include tree planting designed so that a minimum of fifty percent of the parking area will be shaded at noon on August 21st within fifteen years of the planting. This can be calculated in one of two ways: (1) drawing an area that will be covered by drip lines in plan view or, (2) by calculating and drawing the shadows cast by the trees and surrounding structures at noon using a solar altitude of sixty degrees.

Trees used for this purpose must meet the following criteria:

- a. Cast moderate to dense shade in summer;
- b. Long lived (i.e., over sixty years);
- c. Do well in an urban environment:
 - i. Pollution tolerant,
 - ii. Tolerant of direct heat and reflected heat;
- d. Require little maintenance:

- i. Mechanically strong,
- ii. Insect and disease resistant,
- iii. Require little pruning.

2. Shading by Locations. Shading by location is a method which provides specific shading credit for individual tree species and sizes. Criteria for this method can be referenced in the landscape reference document, shading by location criteria. (Ord. 975 §1(part), 1993)

17.19.080 Water-efficient criteria.

A. The planted area shall balance the water demands of different plant species to create an overall landscape which requires a lower amount of water. For design purposes, "planting area" shall be defined as low use, medium use or high uses areas. Refer to landscape reference document, shading by location, for a list of low, medium and high use plants. Water use values (Table I) reflect the relative water use of each type of planting area. To check a landscape design for compliance multiply the water use value by its respective planting area.

Example: Assume a two-acre landscape plan consists of twenty percent high use plants (turf), fifty percent medium use plants, and thirty percent low use plants.

20% (2 acres)	0.40 acres x .64	
	1.6 =	
50% (2 acres)	1.0 acres x 1.0	1.00
	=	
30% (2 acres)	0.60 acres x 0.24	
	0.4 =	1.88 -
		2

Since the sum of the water use factors is less than the area (two acres), the design is acceptable. If the sum of water use factors exceeded two, the design would not be acceptable, and the designer would be required to substitute some high use species with low or medium use species to reduce the sum of water use factors to two or less.

Table I

Planting Type	Water Use Values
Low use	0.4
Medium use	1.0
High use (includes turf and water bodies)	1.6

Assume a landscape design involves two thousand six hundred square feet of planting area. The planting plan consists of six hundred square feet of *Cistus purpureus* (CP), six hundred square feet of *Nerium Oleander* (NO), four hundred square feet of *Pittosporium* (PT), *Juniperus horizontals* (JH), and *Liquidamber-styraciflua* (LS) and one thousand square feet of turf.

Water Use Calculation

Water Use	Plant Key	Square Feet	Water Use Factor (total square feet x use value)	
Low	CP	600		
	NO	600	1200 x .4 =	480
Medium	PT, JH and LS	400	400 x 1.0 =	400
High	Turf	1000	1000 x 1.6 =	1600
		2600		2480

Since the total water use factor was 2480 or less than 2600 total landscape area, then it is acceptable. The total must be equal to or less than the total landscape area.

Reference, landscape reference document, relative water requirements of commonly used plants, for a listing of plants that are commonly used in landscaping designs with water requirements classifications of low (L), medium (M) or high (H). (Ord. 975 §1(part), 1993)

Chapter 17.21 ZONING CONFORMANCE APPROVAL

17.21.010 Purpose.

The purpose of this chapter is to establish a process whereby proposed uses for which all necessary discretionary permits and approvals pursuant to this title have been obtained, or for which no discretionary permits or approvals were required in the first instance, are examined to confirm that the proposed use is in conformance with all the provisions of this title. (Ord. 940 §1, Ex. A(part), 1992)

17.21.020 Responsibility for zoning conformance approval.

A request for zoning conformance approval shall be reviewed and acted upon by the planning director in accordance with the procedures set out in Section **17.49.030** of this title provided that eleven days have elapsed since all discretionary permits have been issued, if any such permits were required. (Ord. 940 §1, Ex. A(part), 1992)

17.21.030 Basis for approval.

A. Building Permit. No building permit shall be issued unless the planning director determines the proposed structure and the intended use thereof to be in full

conformance with the provisions of this title and the district in which the structure is to be situated. The planning director shall evidence his/her finding of the zoning conformance by affixing his/her signature to the building permit application.

B. Business License. No business license shall be issued unless the planning director determines the proposed use and the structure in which the use is to be situated to be in full conformance with the provisions of this title and the district in which the use is to be situated. The planning director shall evidence his/her finding of zoning conformance by affixing his/her signature to the business license application.

C. Miscellaneous Permits. No sign permit, home occupation permit or large family day care home permit shall be issued unless the planning director determines the proposed use and the structure in which the use is to be situated to be in full conformance with the provisions of this title and the district in which the use is to be situated. The planning director shall evidence his/her finding of zoning conformance by affixing his/her signature to such permit. (Ord. 940 §1, Ex. A(part), 1992)

Chapter 17.23 SIGN PERMIT

17.23.010 Purpose.

The purpose of this chapter is to establish permit requirements for signs. A sign permit shall be required for all signs constructed, erected, installed, applied, affixed, substantially altered, relocated or painted on, within the city, except that the following types of signs are exempt from this requirement:

- A. For sale, lease or rent signs;
- B. Residential signs for single family dwellings.

(Ord. 940 §1, Ex. A(part), 1992)

17.23.020 Responsibility for review and approval of a sign permit.

A. Major Sign Permit. An application for a major sign permit shall be reviewed and acted upon by the planning director in accordance with the procedures set out in Section **17.49.040** of this title, except that major sign permits that are part of a larger project for which a use permit or site plan and design review is required shall be reviewed and acted upon by the planning commission in accordance with the procedures set out in Section **17.49.050** of this title. Signs requiring a major sign permit are as follows:

- 1. Major real estate directional signs;
- 2. Signs that are reviewed and approved as part of a larger project for which a use permit or site plan and design review is required;
- 3. Signs for all uses and facilities, other than parks and open space, in the O-S and PQP zone district.
- 4. Murals visible from a public right-of-way or neighboring property.
- 5. Regional Recreation/Hospitality Center electronic display sign.

B. Minor Sign Permit. An application for a minor sign permit shall be reviewed and acted upon by the planning director in accordance with the procedures set out in Section **17.49.030** of this title. Signs requiring a minor sign permit are all signs not specifically exempted in Section **17.23.010** or for which a major sign permit is not required. (Ord. 1238 §4, 2003; Ord. 1234 §1 (part), 2003; Ord. 1176 §3, 2000; Ord. 940 §1, Ex. A(part), 1992)

17.23.030 Basis for approval.

The decision-making authority may approve or conditionally approve an application for a major sign permit, or in the case of a minor sign permit, shall approve the application without condition, if it finds that all the following requirements are met:

A. Written consent of the owner, lessee or person having lawful possession of the property upon which such sign is to be placed has been secured by the applicant.

B. The proposed sign is in full conformance with the standards set forth in Chapter 17.17 of this title.

C. Applicable building permit has been obtained from, and fees paid to, the building department.

D. Zoning conformance approval has been obtained pursuant to Chapter 17.21 of this title. (Ord. 940 §1, Ex. A(part), 1992)

17.23.040 Additional findings required for a major sign permit.

In addition to making a determination concerning the requirements of Section **17.23.030** of this title, the decision-making authority shall also find the following:

A. The proposed sign is consistent with the goals and policies of the general plan and any applicable specific plan.

B. The proposed sign is consistent with the purpose of the applicable district or districts.

C. The proposed sign will not be materially detrimental to the health, safety and welfare of the public or to property and residents in the vicinity. (Ord. 940 §1, Ex. A(part), 1992)

17.23.050 Terms and conditions for approval of a major sign permit.

In granting conditional approval of an application for a major sign permit, the decision-making body may impose such requirements and conditions with respect to size, design, lighting, location, maintenance and operation as may be deemed appropriate or necessary by the decision-making body to make the findings specified in Sections **17.23.030** and **17.23.040** of this chapter. (Ord. 940 §1, Ex. A(part), 1992)

17.23.060 Permit revocation and modification.

Any permit issued pursuant to this chapter may be revoked or modified pursuant to Section **17.49.080** of this title. (Ord. 940 §1, Ex. A(part), 1992)

Chapter 17.25 HOME OCCUPATION PERMIT

17.25.010 Purpose.

The purpose of this chapter is to establish permit requirements for those persons intending to conduct a home occupation and to establish standards for such use. The standards for home occupations in this chapter are intended to ensure compatibility with other permitted uses and with the residential character of the neighborhood in which the home occupation is situated. (Ord. 940 §1, Ex. A(part), 1992)

17.25.020 Responsibility for review and approval of the home occupation permit.

A person or persons conducting or intending to conduct a home occupation shall apply for a home occupation permit from the planning director in accordance with the procedure set forth in Section **17.49.030** of this title. In no case shall a home occupation be conducted without prior issuance of a home occupation permit by the planning director; when the planning director has determined that a person or persons is required to obtain a home occupation permit for an existing home occupation for which no home occupation permit has previously been issued, all such activity relating to the existing home occupation must cease until such time a valid home occupation permit is issued by the planning director. (Ord. 940 §1, Ex. A(part), 1992)

17.25.030 Basis for approval.

A. No home occupation permit will be issued for any proposed use allowed, or that can be construed as being allowed pursuant to Chapter 17.57 of this title, in an R district unless all the following requirements are met:

1. The home occupation shall not involve the use of more than one room or the equivalent of twenty percent of the floor area of the dwelling unit, whichever is greater.
2. The home occupation shall not involve the use of equipment separately powered by motors of more than a total of one horsepower capacity or the equivalent thereof.
3. The combined traffic generated from the home occupation and the primary residential use shall not generate vehicular traffic in excess of an average six trip ends per day as calculated over any one month period.
4. The home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.
5. The home occupation shall not have any sign or advertising device other than one nonilluminated name plate not more than two square feet in area, which may be used to identify the home occupation. Such name plate will be affixed flat against the outside wall of the dwelling.

6. The home occupation shall not involve commercial retail sales on the premises. Accordingly, where the person conducting the home occupation serves as an agent or intermediary between outside suppliers and outside customers, all articles, except for samples, will be received, stored and sold to customers at an off-premises location.

7. The home occupation shall not involve the use of commercial vehicles for delivery to or from the premises.

8. The home occupation shall not involve the alteration of the external appearance of the dwelling unit in which the home occupation is conducted.

9. The home occupation shall be clearly incidental to the use of the structure as a dwelling.

10. There shall be no outside storage of any kind related to the home occupation.

11. A home occupation shall not be conducted in an accessory structure, and there shall be no storage of equipment or supplies in an accessory structure or outside the dwelling.

12. There shall be no sales displays of products or merchandise other than those produced on the premises.

13. The home occupation shall be operated and maintained only by a resident of the dwelling in which such home occupation is situated and there shall be no employees.

14. The home occupation shall not encroach into any required parking, yard or open space area.

15. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises.

16. Business-related advertising shall not include home address.

B. The following uses shall not be deemed to be home occupations:

1. Medical, therapy or chiropractic clinics;
2. Barber or beauty shops;
3. Pet grooming;
4. Real estate offices;
5. Photography studio except limited developing for sale elsewhere;
6. Child care for more than twelve children;
7. Music lessons for classes of four or more;
8. T.V., audio or appliance repair;
9. Cabinet shop, furniture manufacturer or upholstery repair;

10. Automotive repair or maintenance or other automotive services;
11. Bicycle, lawn mower, small engine or tool repair or maintenance;
12. Welding;
13. Adult business, as defined herein.

C. Zoning conformance approval has been obtained pursuant to Chapter 17.21 of this code. (Ord. 940 §1, Ex. A(part), 1992)

17.25.040 Permit revocation and modification.

An active home occupation permit shall be considered renewed at such time the associated business license is renewed by the payment of business license fees. Nonpayment of business license fees by due date shall be conclusively deemed an election by the permit holder to immediately terminate the home occupation permit.

Any permit issued pursuant to this chapter may be revoked or modified pursuant to Section **17.49.080** of this title. (Ord. 1322 §1, 2006: Ord. 940 §1, Ex. A(part), 1992)

Chapter 17.27 LARGE FAMILY DAY CARE HOME PERMIT

17.27.010 Purpose.

The purpose of this chapter is to regulate the establishment of large family day care homes in residential neighborhoods so as to minimize any potential adverse effect such uses have on surrounding residential uses. The requirements of this chapter shall apply to the establishment and operation of any large family day care home in an R district. (Ord. 1405 §1(part), 2008: Ord. 940 §1, Ex. A(part), 1992)

17.27.020 Responsibility for review and approval of the large family day care home permit.

A request for a large family day care home permit shall be reviewed and acted upon by the community development director in accordance with the procedures set out in Section **17.49.030** of this title. (Ord. 1405 §1(part), 2008: Ord. 940 §1, Ex. A(part), 1992)

17.27.030 Basis for approval.

The community development director shall issue a large family day care home permit if all of the following requirements are met:

- A. All standards set forth in this title that apply to other residential uses in the same zone are met.
- B. Day care providers shall instruct all guardians picking up and dropping off children that traffic laws regarding parking and loading must be adhered to.
- C. The applicant has obtained an operating license through the Community Care Licensing Division of the California Department of Social Services.

D. Zoning conformance approval has been obtained pursuant to Chapter 17.21 of this title.

E. Noise levels shall not exceed the performance standards provisions for the applicable district as outlined in Chapter 17.13 of this title. (Ord. 1405 §1(part), 2008: Ord. 940 §1, Ex. A(part), 1992)

17.27.040 Permit revocation and modification.

Any permit issued pursuant to this chapter may be revoked or modified pursuant to Section **17.49.080** of this title. (Ord. 1405 §1(part), 2008: Ord. 940 §1, Ex. A(part), 1992)

Chapter 17.29 SITE PLAN AND DESIGN REVIEW

17.29.010 Purpose.

The purpose of this chapter is to provide for a site and design review process to promote excellence in site planning and design, to encourage the harmonious appearance of buildings and sites, to ensure that new and modified uses and development will be compatible with the existing and potential development of the surrounding area, and to produce an environment of stable, desirable character. The requirements of this chapter shall apply to the establishment of a use, a change in use, erection or alteration of any structure, except for a single-family dwelling located on an individual lot, and minor changes in use and expansion of existing uses or the addition of new accessory uses on a nonconforming site not involving any permanent improvements. (Ord. 1366 §1(part), 2007: Ord. 1241 §7, 2003; Ord. 1187 §7, 2001; Ord. 940 §1, Ex. A(part), 1992)

17.29.020 Responsibility for site plan and design review.

Site plan and design review as prescribed below shall be conducted by the community development director in accordance with the procedures set forth in Section 17.49.040, except in any case where a street dedication may be required for the project in question, or in any case where the site plan and design review is required as part of a larger project that requires planning commission review, in which case, site plan and design review shall be the responsibility of the planning commission. Review by the planning commission shall be in accordance with the procedure set out in Section **17.49.050** of this title. (Ord. 940 §1, Ex. A(part), 1992)

17.29.030 Required findings.

The decision-making authority may approve or conditionally approve the site plan and design review only if it finds all of the following:

- A. Project Design. The proposed project will involve, among other things:
 - 1. The appropriate use of construction materials, and the harmony and proportion of the overall design;
 - 2. The architectural style appropriate for the project in question;

3. The siting of the structure on the property;
4. The color scheme of the proposed structure.

B. Parking and Loading. Parking and loading conform to the standards set forth in Chapter 17.15 of this title. The decision-making body may, in addition to applying these minimum standards require in site plan and design review that the plan address issues pertaining to ingress, egress, internal traffic circulation, off-street parking facilities, and pedestrian ways needed to make the project compatible with the surrounding neighborhood if one exists, or consistent with the relevant design guidelines where no surrounding neighborhood exists.

C. Signs. Signage conforms to the standards set forth in Chapter 17.17 of this title. The decision-making body may, in addition to applying these minimum standards, require in site plan and design review that the plan address issues pertaining to the size, location, design, color, number, lighting and materials of all signs and outdoor advertising structures needed to make the project compatible with the surrounding neighborhood if one exists, or consistent with the relevant design guidelines where no surrounding neighborhood exists.

D. Landscaping and Screening. Landscaping and screening conform to the standards set forth in Chapter 17.19 of this title. The decision-making body may, in addition to applying these minimum standards, require in site plan and design review that the plan address issues pertaining to landscaping or screening needed to make the project compatible with the surrounding neighborhood if one exists, or consistent with the relevant design guidelines where no surrounding neighborhood exists.

E. Special Design Review Standards for R-3 and R-4 Multiple-Family Residential Districts. Multi-family dwellings conform to the following additional design standards:

1. Accessory buildings and uses (e.g., garages, bicycle storage, laundry rooms, car washing areas, recreation facilities, etc.) shall incorporate a design similar to the project's dwelling units, in terms of materials and colors.
2. Address numbers shall be uniformly located throughout a project. An address location map shall be provided at the entrance to a project containing twenty dwelling units or more.
3. No exterior television antennae may be permitted, except that a single, common, central antenna may be allowed, with underground cable service to all dwelling units.
4. On-site lighting shall be installed and maintained along all vehicular access ways and major walkways. Such lighting shall be directed into the driveways and walkways within the project and away from adjacent properties. Lighting shall also be installed within all covered and enclosed parking areas.
5. Storage of boats, trailers, recreational vehicles and other similar vehicles shall be prohibited unless specifically designated areas for the exclusive storage

of such vehicles are set aside in the project. Where such areas are provided, they shall be enclosed and screened from view by a six-foot high decorative wall and landscaping, with adequate security lighting directed away from adjacent residences.

6. A "security-type" building or residential development may be developed at the option of the developer. Such security design must allow for safe access in case of an emergency and shall be subject to the approval of the planning director. (Ord. 940 §1, Ex. A(part), 1992)

17.29.040 Terms and conditions.

A. Imposition of Conditions. Site plan and design review approval may include such terms and conditions as deemed necessary or appropriate by the decision-making authority to effect the purpose of this title. If no additional terms or conditions are specified, the site plan and design review shall be considered unconditional and valid for the period set forth in Section **17.29.040 B** of this section.

B. Time Limits. The development for which site plan and design review has been approved pursuant to this chapter shall commence within one year of the granting of the site plan and design review approval. Only one extension for a period not to exceed one year from the expiration of the original period shall be granted. This provision shall not apply to applications approved in conjunction with another discretionary permit. In such cases, the expiration period shall coincide with that of the associated permit.

C. Conditions of Approval and Reconsideration. All conditions of approval shall be final, and a request to delete or to modify a condition to make it less restrictive shall only be considered at a properly noticed public hearing, unless such conditions are appealed. (Ord. 940 §1, Ex. A(part), 1992)

17.29.050 Permit revocation and modification.

Any site plan and design review approved pursuant to this chapter may be revoked or modified pursuant to Section **17.49.080** of this title. (Ord. 940 §1, Ex. A(part), 1992)

Chapter 17.31 MINOR ZONE MODIFICATIONS

17.31.010 Purpose.

The purpose of this chapter is to provide limited relief from the strict application of development requirements specified in this title where the granting of the minor modification would promote uniform development or relieve an unreasonable hardship, but would not be detrimental to the public health, safety or welfare or to property or residents in the area. A minor zone modification shall not be granted where the relief sought should more appropriately be sought through the variance procedure.

The decision-making authority may approve a minor zone modification to any of the following standards:

- A. Off-street parking and loading requirements: Ten percent maximum waiver of the number of parking spaces required or the amount of landscaped area required by Chapter 17.15 of this title.
- B. Yards, lot coverage, height, lot area, lot width and lot depth requirements: Ten percent maximum waiver may be granted if no other structures exist on the site; twenty percent maximum waiver may be granted for additions to existing structures.
- C. Open space requirements for residential development: Ten percent maximum waiver of the amount of open space required.
- D. Further development of a lot occupied by a nonconforming use by the addition of conforming uses or structures, pursuant to Chapter 17.55 of this title. (Ord. 940 §1, Ex. A(part), 1992)

17.31.020 Responsibility for review and approval of minor zone modifications.

A request for minor zone modification shall be reviewed and acted upon by the planning director in accordance with the procedures set out in Section **17.49.040** of this title. If a minor zone modification is required as part of a larger project that requires planning commission or city council review, then review of the minor zone modification application shall be the responsibility of the planning commission or city council, respectively. Review by these decision-making bodies shall be in accordance with the procedure set out in Section **17.49.050** of this title in the case of the planning commission, or in Section **17.49.060** of this title in the case of the city council. (Ord. 940 §1, Ex. A(part), 1992)

17.31.030 Required findings.

The decision-making authority may approve, conditionally approve or deny an application for minor zone modification if it finds all of the following:

- A. The modification does not exceed the limits specified in this section.
- B. The granting of the modification will not be materially detrimental to the public health, safety or welfare or to property or residents in the vicinity.
- C. Either of the following:
 - 1. The modification would promote uniformity in development on the lot or in the area.
 - 2. The modification would alleviate an unreasonable hardship on the property owner or applicant imposed by the strict application of the requirements of this title. (Ord. 940 §1, Ex. A(part), 1992)

17.31.040 Terms and conditions.

- A. Imposition of Conditions. Any minor zone modification granted may include such terms and conditions as deemed necessary or appropriate by the decision-making authority to effect the purpose of this title. If no additional terms or conditions

are specified, the minor zone modification shall be considered unconditional and valid for the period set forth in subsection B of this section.

B. Time Limits. The development for which a minor zone modification has been approved pursuant to this chapter shall commence within one year of the granting of the minor zone modification. Only one extension for a period not to exceed one year from the expiration of the original period shall be granted. This provision shall not apply to applications approved in conjunction with another discretionary permit. In such cases, the expiration period shall coincide with that of the associated permit.

C. Conditions of Approval Are Final. All conditions of approval shall be final, and a request to delete or to modify a condition to make it less restrictive shall only be considered at a properly noticed public hearing, unless such conditions are appealed. (Ord. 940 §1, Ex. A(part), 1992)

17.31.050 Permit revocation and modification.

Any minor zone modification issued pursuant to this chapter may be revoked or modified pursuant to Section **17.49.080** of this title. (Ord. 940 §1, Ex. A(part), 1992)

Chapter 17.33 MINOR PLAN MODIFICATIONS

17.33.010 Purpose.

The purpose of this chapter is to provide for minor modifications to previously approved plans or permits where the change is in substantial conformity with the approved plan or permit. (Ord. 940 §1, Ex. A(part), 1992)

17.33.020 Responsibility for review and approval of minor plan modifications.

An application for a minor plan modification shall be reviewed and acted upon by the planning director in accordance with the procedures set out in Section **17.49.040** of this title. If a minor plan modification is required as part of a larger project that requires planning commission or city council review, then review of the minor plan modification application shall be the responsibility of the planning commission or city council, respectively. Review by these decision-making bodies shall be in accordance with the procedure set out in Section **17.49.050** of this title, in the case of the planning commission, or in Section 17.49.060, in the case of the city council. (Ord. 940 §1, Ex. A(part), 1992)

17.33.030 Required findings.

The decision-making authority may approve, conditionally approve or deny an application for a minor plan modification if it finds all of the following:

- A. The modification is in substantial conformity with the previously approved plan or permit.
- B. The modification is in compliance with all the applicable provisions of this title.

C. The modification will not create impacts substantially different from those of the project as previously approved.

D. The granting of the modification will not be materially detrimental to the public health, safety or welfare, or to the property or residents in the vicinity. (Ord. 940 §1, Ex. A(part), 1992)

17.33.040 Terms and conditions.

A. Imposition of Conditions. Any minor plan modification granted may include such terms and conditions as deemed necessary or appropriate by the decision-making body to effect the purpose of this title. If no additional terms or conditions are specified, the minor plan modification shall be considered unconditional and valid for the period set forth in subsection B of this section.

B. Time Limits. The development for which a minor plan modification has been approved pursuant to this chapter shall commence within one year of the granting of the minor plan modification. Only one extension for a period not to exceed one year from the expiration of the original period shall be granted. This provision shall not apply to applications approved in conjunction with another discretionary permit. In such cases, the expiration period shall coincide with that of the associated permit.

C. Conditions of Approval Are Final. All conditions of approval shall be final, and a request to delete or to modify a condition to make it less restrictive shall only be considered upon submission of another minor plan modification application, unless such conditions are appealed. (Ord. 940 §1, Ex. A(part), 1992)

17.33.050 Permit revocation and modification.

Any minor plan modification issued pursuant to this chapter may be revoked or modified pursuant to Section **17.49.080** of this title. (Ord. 940 §1, Ex. A(part), 1992)

Chapter 17.35 VARIANCES

17.35.010 Purpose.

The purpose of this chapter is to allow relief from the strict application of the terms of this title where the literal enforcement of the requirements of this title would involve practical difficulties or would cause undue hardship unnecessary to carry out the spirit and purpose of this title. The granting or denial of a variance will be based on whether the particular circumstances conform to the standards of this chapter.

The power to grant variances does not extend to use regulations because the flexibility necessary to avoid results inconsistent with the objectives of this title is provided by the use permit provisions of this title. In no case shall a variance be granted to permit a use other than a use permitted in the district in which the property in question is situated.

Variances may be granted to the regulations prescribed by this title, in accordance with depth, and coverage; front, rear and side yards; basic floor area; open

space; height of structures; distances between structures; courts; signs; and off-street parking facilities and off-street loading facilities. (Ord. 940 §1, Ex. A(part), 1992)

17.35.020 Responsibility for review and approval of variances.

An application for a variance shall be reviewed and acted upon by the planning director, in accordance with the procedures set out in Section **17.49.040** of this title. If a variance is required as part of a larger project that requires planning commission or city council review, then review of the variance shall be the responsibility of the planning commission or city council, respectively. Review by the planning commission shall be in accordance with the procedure set out in Section 17.49.050, city council review shall be in accordance with the procedure set out in Section **17.49.060** of this title. (Ord. 1088 §6, 1998: Ord. 940 §1, Ex. A(part), 1992)

17.35.030 Required findings.

The planning director or the planning commission may approve or conditionally approve an application for a variance if all of the following is found:

A. That there are peculiar and unusual conditions inherent in the property in question sufficient to cause a hardship, and that such conditions are not common to all or most of the properties in the immediate area;

B. That a hardship peculiar to the property and not created by any act of the owner exists. In this context, personal, family or financial difficulties, loss of prospective profits, and neighboring violations are not hardships justifying a variance;

C. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the vicinity, and that a variance, if granted, would not constitute a special privilege of the recipient not enjoyed by his/her neighbors;

D. That the authorizing of such variance shall not be of substantial detriment to adjacent property, and will not materially impair the purposes of this title or the public interest;

E. No variance shall be granted if the planning director or the planning commission finds that the condition of the specific piece of property, or the intended use of such property, for which variance is sought, is so general or recurrent in nature as to make reasonably practical the formulation of a general regulation for such condition. (Ord. 1088 §7, 1998: Ord. 940 §1, Ex. A(part), 1992)

17.35.040 Terms and conditions.

A. Imposition of Conditions. Any variance granted may include such terms and conditions as deemed necessary or appropriate by the decision-making authority to effect the purpose of this title. If no additional terms or conditions are specified, the variance shall be considered unconditional and valid for the period set forth in subsection B of this section.

B. Time Limits. The development for which a variance has been approved pursuant to this chapter shall commence within one year of the granting of the variance. Only one extension for a period not to exceed one year from the expiration of the original period shall be granted. This provision shall not apply to applications approved in conjunction with another discretionary permit. In such cases, the expiration period shall coincide with that of the associated permit.

C. Variance to Run With Land. A variance granted pursuant to the provisions of this chapter shall run with the land and shall be valid for the successors in interest of the original grantee. (Ord. 940 §1, Ex. A(part), 1992)

17.35.050 Permit revocation and modification.

Any permit issued pursuant to this chapter may be revoked or modified pursuant to Section **17.49.080** of this title. (Ord. 940 §1, Ex. A(part), 1992)

Chapter 17.37 USE PERMITS

17.37.010 Purpose.

The purpose of this chapter is to establish procedures and general standards for the review and approval of use permits authorized by various sections of this title. Whenever a use is listed in Table 1 as a use permitted subject to securing a use permit, it shall be approved only if it is consistent with the general plan and meets all requirements of this title and subject to any conditions deemed appropriate by the decision-making authority.

The purpose of the use permit is to ensure the proper integration of uses which, because of their special nature, may be suitable only in certain locations and only provided such uses are arranged or operated in a particular manner. (Ord. 940 §1, Ex. A(part), 1992)

17.37.020 Responsibility for review and approval of use permits.

An application for a use permit shall be reviewed and acted upon by the planning director, when exempt from CEQA review, in accordance with the procedures set out in Section **17.49.040** of this title. If a use permit is not exempt from CEQA review, then the use permit application shall be reviewed and acted upon by the planning commission in accordance with the procedures set out in Section **17.49.050** of this title. If a use permit is required as part of a larger project that requires city council review, then review of the use permit shall be the responsibility of the city council. Review by the city council shall be in accordance with the procedure set out in Section **17.49.060** of this title. (Ord. 1088 §8, 1998; Ord. 940 §1, Ex. A(part), 1992)

17.37.030 Required findings.

A. Conditional Use Permit. The decision-making authority may approve or conditionally approve an application for a use permit if it finds all of the following:

1. The proposed use is consistent with the goals and policies of the general plan and any applicable specific plan.

2. The proposed use is consistent with the purpose of the applicable district or districts.

3. The proposed use is listed as a use subject to a use permit in the applicable zoning district or districts or a use determined to be similar to a listed conditional use in accordance with the procedures set out in Chapter 17.57 of this title.

4. The proposed use meets the minimum requirements of this title applicable to the use and complies with all other applicable laws, ordinances and regulations of the city and state.

5. The proposed use will not be materially detrimental to the health, safety and welfare of the public or to property and residents in the vicinity.

B. Special Use Permits.

1. Findings. The city council finds that "adult" businesses, by their very nature, have an adverse impact on the core of commerce in the city generally, particularly when several of them are concentrated under certain circumstances. Such businesses attract undesirable persons who pose dangers to school children and who interfere with adjoining businesses. When such businesses are permitted in major commercial areas they tend to downgrade the image of the city and to make it a less desirable place to work and live. Special regulation of these businesses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods. The primary purpose of the regulation is to prevent the concentration of clustering of such businesses in any one area.

2. Special Use Permit Required. It shall be unlawful to establish any adult business unless a special use permit has been granted by the planning commission pursuant to this chapter.

3. Findings Required For Issuance of Special Use Permit. The planning commission shall approve an application for a special use permit where the information submitted by the applicant and the information presented at a public hearing substantiates the following findings:

a. Those set forth in subsections A 1 through A 4 of this section.

b. The requested use will not be located within five hundred feet of a church.

c. The requested use will not be located within five hundred feet of a school.

d. The requested use will not be located within three hundred feet of any residential zone district.

e. The exterior appearance of the structure to house the requested use will not be inconsistent with the external appearance of commercial

structures already constructed or under construction within the immediate neighborhood. (Ord. 940 §1, Ex. A(part), 1992)

17.37.040 Temporary use permits.

In order to assure the protection of the health, safety and welfare of the citizens of the city, while still providing for their pleasure and convenience, the planning director may issue a permit for the establishment of temporary uses within the city in accordance with the following procedure and conditions; however, at his/her discretion or at the request of the planning commission, he may refer any application for a temporary use or structure to the planning commission for consideration:

A. Prior to the establishment of any temporary use on any lot or parcel in the city, a temporary use permit shall be obtained from the planning department. Such permit may be issued for a maximum of thirty days after the date of issue for any use which is deemed by the planning director to be of a temporary nature upon making the following findings:

1. That the temporary use will not be detrimental to the zoning district in which it is proposed to be located; and

2. That the temporary use will not be detrimental to adjoining properties through the creation of excessive dust, noise, light, odor or other objectionable characteristics.

B. Temporary uses for which permits may be granted include, but are not limited to, carnivals, circuses, religious revivals, Christmas tree lots, promotions and sales in trucks or trailers, animal shows or displays and food stands.

C. Temporary uses conducted entirely within a structure that is occupied by an existing business or organization shall be exempt from the provisions of this section.

D. Ingress and egress shall be limited to that designated by the community development department. Appropriate directional signs, barricades, fences or landscaping shall be provided where required. A security officer may be required for promotional events.

E. Off-street parking facilities shall be provided on the site of each temporary use.

F. Upon termination of the temporary use permit or the abandonment of the site, the applicant shall remove all materials and equipment and restore the premises to its original condition.

G. The opening and closing time for promotional enterprises shall coincide with the hours of operation of the sponsoring commercial establishment. Reasonable time limits for other uses may be set by the planning director.

H. Applications for temporary use permits shall be made to the community development department and shall be accompanied by the following:

1. Five copies of a dimensional plot plan showing the following:
 - a. The subject property with the lot lines and abutting properties;
 - b. The location of the temporary use related to the subject and adjoining properties;
 - c. The parking, driveways and loading areas;
 - d. The vehicular ingress and egress; and
2. One copy of the dimensioned elevations of any structure proposed for location.

I. The planning director shall have the authority to approve or disapprove the application, or to approve it subject to compliance with such conditions as may be deemed necessary to carry out the purposes of this title and to meet the requirements listed in subsection A of this section.

J. In the event the applicant is not satisfied with the decision of the planning director, the applicant may appeal in writing to the planning commission within ten days, and the planning commission shall render a decision within thirty days following such appeal. (Ord. 940 §1, Ex. A(part), 1992)

17.37.050 Terms and conditions.

A. Imposition of Conditions. In granting conditional approval, the decision-making body may impose such requirements and conditions, in addition to those specified in Chapter 17.07 of this title, with respect to size, location, construction, maintenance, operation and duration as may be deemed appropriate or necessary by the decision-making body to make the findings specified in Section **17.37.030** of this chapter. If no terms or conditions are specified, the use permit shall be considered unconditional and valid for the period set forth in subsection B of this section.

B. Time Limits. The development for which a use permit has been approved pursuant to this chapter shall commence within one year of the granting of the use permit. Only one extension for a period not to exceed one year from the expiration of the original period shall be granted. This provision shall not apply to applications approved in conjunction with another discretionary permit. In such cases, the expiration period shall coincide with that of the associated permit.

C. Use Permit to Run With Land. A use permit granted pursuant to the provisions of this chapter shall run with the land and shall be valid for the successors in interest of the original grantee. (Ord. 940 §1, Ex. A(part), 1992)

17.37.060 Permit revocation and modification.

Any permit issued pursuant to this chapter may be revoked or modified pursuant to Section **17.49.080** of this title. (Ord. 940 §1, Ex. A(part), 1992)

Chapter 17.39 SECOND RESIDENTIAL UNIT

17.39.010 Purpose.

The purpose of this chapter is to provide for the establishment of new second residential units on existing lots that already contain a legally established principal dwelling unit. Pursuant to Government Code Section 65852.2a(4), second residential units are deemed to be in conformance with the density limitations established by the general plan land use category applicable to the area within which the unit is located.

The requirements of this chapter shall apply to new and existing second units on existing lots that already contain a legally established principal dwelling unit. The second residential unit may be occupied by family members, guests, servants or employees of the property owner or may be used as a rental unit. (Ord. 940 §1, Ex. A(part), 1992)

17.39.030 Development standards.

A. A second residential unit may be established by any one of the following methods:

1. Alteration of interior space of an existing dwelling;
2. Conversion of an attic, basement, garage or other previously uninhabited portion of a dwelling or accessory structure;
3. Addition of a separate unit onto an existing dwelling;
4. Construction of a separate structure on a lot in addition to an existing principal dwelling;
5. Installation of manufactured housing.

B. No second unit permit will be approved unless the proposed second unit conforms to the following standards:

1. The lot upon which the second residential unit is to be established shall be a minimum of seven thousand five hundred net square feet in area.
2. No other second residential unit shall be located on lot.
3. The total floor area of the second residential unit shall not exceed six hundred forty feet and shall contain no more than one bedroom.
4. The second residential unit shall contain separate kitchen and bathroom facilities and have a separate entrance.
5. The second residential unit shall comply with the development standards for the zoning district in which it is located, including front, rear and side yard setbacks, minimum distance between structures, height limits, but excluding the maximum lot coverage requirement.
6. Off-street parking for the second residential unit shall be provided in accordance with Chapter 17.15 of this title. (Ord. 940 §1, Ex. A(part), 1992)

Chapter 17.41 MOBILE HOME PARKS

17.41.010 Purpose.

The purpose of this chapter is to set forth requirements for the development of mobile home parks. (Ord. 940 §1, Ex. A(part), 1992)

17.41.020 Use permit required.

No mobile home park may be established until an application for a use permit has been submitted and approved in accordance with the procedures set forth in Chapter 17.37. (Ord. 940 §1, Ex. A(part), 1992)

17.41.030 Development standards.

A mobile home park shall conform to the following design, equipment and operational requirements:

A. Drainage facilities and utilities: All storm drainage facilities shall be placed underground in conformance with city standards. All utility distribution facilities (including but not limited to electric, communication and cable television lines) installed in and for the purpose of supplying service to any mobile home park shall be placed underground, except as follows:

1. Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes, meter cabinets and concealed ducts.

2. The planning commission may waive the requirements of this section if topographical, soil, or any other conditions make underground installation of such facilities unreasonable or impractical.

B. The developer is responsible for complying with the requirements of this section, and shall make the necessary arrangements with the utility companies involved in the installation of such facilities.

C. Not more than ten percent of the spaces in a mobile home park may be reserved for transient use by recreational vehicles.

D. Walls and screening: Appropriate decorative screening of not less than six feet in height shall be constructed along all boundaries adjoining other properties. Three-foot screening shall be constructed along all boundaries adjoining a street or road. The screening herein required shall be designed so as to effectively screen the property, and may be constructed of solid or other material such as, but not limited to, block masonry, pilaster wooden fencing and wooden fencing.

E. Parking requirements: There shall be two paved parking spaces for each mobile home space. One parking space shall be included in each mobile home space and the remaining required parking spaces shall be conveniently distributed throughout the park to serve tenant and guest needs.

F. Interior access drives: Access drives shall be paved to a width of not less than twenty-five feet from shoulder to shoulder. Access drives shall be thirty-three feet

in width if car parking is permitted on one side, and forty feet in width if parking is permitted on both sides.

1. All parking drives shall be paved with asphalt concrete on adequate sub-base material with concrete curbs and gutters. All such construction and improvement shall be in accordance with standards established by the department of public works.
2. No access drive shall intersect a public street closer than one hundred feet to any public street intersection.
3. All dead end drives shall have a minimum outside turning radius of thirty-eight feet.
4. All corners shall have a minimum fifteen foot radius.
5. Curbs and gutters shall be installed on both sides of all access drives.
6. All access drives shall be adequately lighted.
7. Each mobile home space shall front on an access drive.
8. Stop signs, or signalization if warranted, shall be provided at all intersections between access drives and public streets.

G. Pedestrian walkways: Pedestrian walkways shall be required for interior pedestrian movement and shall be separate from drive for vehicular traffic. (Ord. 940 §1, Ex. A(part), 1992)

Chapter 17.43 DENSITY BONUSES

17.43.010 Purpose.

The housing element of the city general plan includes a goal of meeting existing and projected housing needs for all economic segments of the community. Towards that goal the housing element identifies various policies, including the granting of residential density bonuses for projects that reserve units for low and moderate income households and the promotion of home ownership in new housing constructed for low and moderate income households. The purpose of this chapter is to implement those general plan policies with the purpose of accomplishing the identified goal. The affordable and qualified resident housing program established by this chapter is to be liberally construed to accomplish that goal. (Ord. 940 §1, Ex. A(part), 1992)

17.43.020 Density bonus and incentives.

A. In accordance with Government Code Section 65915 et seq. where a residential development project qualifies for one of the affordable housing programs established by this chapter, the planning commission, in accordance with the procedure set forth in Section **17.49.050** of this title, shall either:

1. Grant a density bonus and at least one of the following incentives to the developer:

- a. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements.
 - b. Approval of mixed-use zoning in conjunction with the housing project if such mixed use will reduce the cost of the housing development and such mixed uses are compatible with the housing project and the existing or planned development in the area;
 - c. Such other regulatory incentives or concessions proposed by the developer or the city which result in identifiable cost reductions; unless it makes a written finding that the additional incentive is not required to provide for affordable housing costs as defined in Section 50052.5 of the Health and Safety Code; or
2. Provide other incentives or equivalent financial value based upon the land cost per dwelling unit. (Ord. 940 §1, Ex. A(part), 1992)

17.43.030 Responsibility for review and approval of density bonuses.

An application for a density bonus shall be reviewed and acted upon by the planning commission in accordance with the procedures set out in Section **17.49.050** of this title. If a density bonus is required as part of a larger project that requires city council review, review of the density bonus application shall be the responsibility of the city council. Review by the city council shall be in accordance with the procedure set out in Section **17.49.060** of this title. (Ord. 940 §1, Ex. A(part), 1992)

17.43.040 Program description.

- A. The program established by this chapter consists of three components:
 1. Affordable ownership housing component;
 2. Affordable rental housing component;
 3. Qualified resident housing component.
- B. The developer of a development project with a minimum of five dwelling units intended to participate in the program established by this chapter shall prior to or at the time of submittal of any formal requests for general plan amendment, zoning amendments or subdivision map approvals, submit a proposal for such participation.

The city shall, within ninety days of receipt of a written proposal, notify the developer in writing that either:

 1. The proposal fails to qualify for the program and the reasons for such determinations; or
 2. The proposal qualifies, and that the city will grant a density bonus and/or incentives as required.
- C. Dwelling units designated for very low or lower income households shall be of similar design and similar quality as the remaining units. Variations in interior features are permissible.

D. Program income units shall be dispersed throughout the development rather than clustered in a single area or areas. Siting of such units within a project shall be approved by the planning commission in order to ensure dispersal. (Ord. 940 §1, Ex. A(part), 1992)

17.43.050 Affordable ownership housing program.

A. Agreement. The “affordable ownership housing agreement” shall include the following:

1. The requirements for participation;
2. The minimum qualifications that units and projects must meet in order to participate in the program;
3. The specific responsibilities of the parties to the agreement;
4. Standards for household eligibility and unit prices;
5. Resale control provisions;
6. Sales price of the program units;
7. Number, type and phasing of affordable units;
8. A requirement that affordable units be owner-occupied;
9. A provision permitting the developer to sell program units without restriction after six months have elapsed from the date sales first began for the project upon showing of inability to sell at the specified price;
10. A provision for the city to receive any proceeds from the last transfer of the unit under the terms of the agreement which exceed the amount at which the unit could be purchased under the agreement with such proceeds to be used in the program established by this chapter.

B. Requirements for Eligibility. In order for a project to be eligible for the program it must meet the following requirements:

1. Availability of program units. Program units must be made available to qualified households at program prices for at least six months from the opening of the tract sales offices, or from the opening of the sales office for the specific phase or portion of a tract, if the tract is to be developed in phases, and the date the project has reached the stage where sales contracts can be executed. If at the end of the six-month period some units remain unsold and the city council determines that all reasonable efforts have been made to advertise and sell the units, then the remaining unsold units may be released from the program requirements. Any amount received for a unit released from the program above the program price shall be forwarded to the city finance director within fourteen days of closing of escrow.
2. Time period of affordability: The units must remain available to qualified households at program prices for a minimum of thirty days.

3. Down payment. The down payment required for affordable units shall not exceed five percent of the purchase price. This shall not prevent a home buyer from putting down more than five percent.

B. Division of Responsibilities. Project responsibilities will be divided as follows:

1. Developer. The project developer shall:

a. Offer the required number of affordable units for sale in accordance with the terms and provisions of this chapter using appropriate deed forms approved by the city attorney, and appropriately recording such deeds and other documents as may be required by the city;

b. Consult with planning director to determine the price ranges at which the developer will be required to offer the units for sale;

c. Notify planning director of issuance of the department of real estate public report, upon receipt of the same by the developer;

d. Advertise the units, ensuring that sales people are available to show them and provide assistance in sales processing and paperwork for the affordable units in the same manner as the market rate units;

e. Pay to the city, based on a rate set by resolution or such other current hourly rate as is charged by the city, to compensate for time expended qualifying applicants and preparing the list of eligible households;

f. Review the affordable ownership housing agreement with the home buyer under the supervision of the city or its designee;

g. In cooperation with the city, make every reasonable effort to obtain below-market interest rate financing for the program units.

2. Home Buyer. The prospective purchaser of a program unit shall:

a. Provide the information necessary to determine whether the household is qualified to participate in the program;

b. Complete the loan application and supply all information necessary to process the loan;

c. Provide a minimum down payment as required by the lender for the unit;

d. Record the grant deed as required by the city, and send a copy of the recorded deed to the city;

e. Review the affordable ownership housing agreement with the developer under the supervision of the city or its designee;

f. Notify the city of all substantial improvements to the property and document the same;

- g. Comply with all deed conditions, restrictions and requirements of this program;
- h. Live in the unit;
- i. Notify the city in writing in advance of intent to sell the unit which triggers the ninety-day period during which city has a right to acquire the unit; and
- j. Purchasers shall be subject to the same qualifications and residency requirements as the initial purchaser.

These provisions shall remain in effect not less than thirty years or the length of the mortgage, whichever is longer.

- 3. City. The city shall conduct application review as follows:
 - a. Evaluated proposed affordable housing projects to determine whether they are in accordance with the terms of provisions of this affordable housing program;
 - b. In consultation with the developer, determine price ranges for the affordable units;
 - c. Set and periodically update the requirements and qualifications for eligible households;
 - d. Screen applicant households to prepare and maintain a list of eligible households;
 - e. Supervise the review of the affordable ownership housing agreement by the developer and the home buyer.

D. Standards for Household Eligibility and Unit Prices.

- 1. Criteria for Household Eligibility. Households shall be eligible to purchase a program unit if they meet the following criteria:
 - a. Where at least twenty percent of the total units of a development are set aside for lower income households as defined in Health and Safety Code Section 50079.5; or
 - b. Where at least ten percent of the total units of a development are set aside for very low income households as defined in Health and Safety Code Section 50105.
 - c. Consideration will be given to households residing/or working in Manteca.
- 2. Determination of Initial Sales Price. Initial prices of program units shall not be greater than an amount calculated based on unit size (number of bedrooms) and monthly housing expenses to the household.
 - a. The "unit size" will be based on the following standard:

unit;

i. One to two person household to a one bedroom

unit;

ii. Three to four person household to a two bedroom

unit;

iii. Five to six person household to a three bedroom

iv. Seven and more person household to a four bedroom unit.

b. Monthly "housing expenses" include mortgage payment and property taxes.

c. Prices shall be set so that monthly housing expenses do not exceed twenty-five percent of the gross income of the eligible household.

E. Resale Control. Grant deeds for affordable units shall contain a restriction giving the first right of refusal upon resale to the city or its designee, for a period not to exceed ninety days from the date of notice, pursuant to subsection C of this section. If the city, its designee, or assignee has opened escrow to purchase a unit before the end of the ninety days, the city shall be considered to have exercised its right of first refusal.

The resale restrictions shall be effective for each unit for a period not to exceed thirty years. The city council may by resolution terminate all such deed restrictions, after making a finding that a need for affordable housing no longer exists.

The city and/or its designee shall use its right of first refusal to resell the unit to a qualified home buyer at the lower of the following two amounts:

1. The market value, as established by a qualified appraiser, to be paid for by the seller; or
2. The total of:
 - a. The original sale price, plus
 - b. An increase based on two-thirds of the percentage increase in the Consumer Price Index, from the time the current homeowner purchases the unit, until the city or its designee receives the notification of intent to sell, plus
 - c. The value of any structural or permanent fixed improvements, plus
 - d. The seller's closing costs, minus
 - e. The amount needed to remedy any deficiencies in the unit, including:
 - i. Violations of applicable building, plumbing, electrical, fire or housing codes;

ii. Repair of appliances which were originally furnished to owner which are not in good working order, and

iii. Holes or other defects (except for holes from picture hangers) in walls, ceilings, floors, doors, windows, screens, carpets, drapes and similar appurtenances.

Upon receipt of notification of intent to sell an affordable unit, the city or its designee will notify eligible households from the eligibility list it maintains. One of these households may then purchase the unit at the price determined by the above formula.

A fee shall be paid to the city or its designee to compensate for time expended during the resale of the unit at a rate of twenty dollars per hour, or such other current hourly rate as is charged by the city, from the proceeds of the sale of the unit.

Seller and buyer shall use deed forms and record such other documents as approved and reasonably required by the city attorney for purposes of effectuating continuation of the specific units as affordable housing. (Ord. 940 §1, Ex. A(part), 1992)

17.43.060 Affordable rental housing program.

A. Agreement. The “affordable rental housing agreement” shall include the following:

1. The requirements for participation;
2. The minimum qualifications that units and projects must meet in order to participate in the program;
3. The specific responsibilities of the parties to the agreement;
4. Standards for household eligibility and rental rates;
5. The number, type and phasing of program units;
6. A limitation for a period of thirty years of tenants to those certified by the city as being eligible households;
7. The rental price of program units;
8. A requirement that program units be occupied by households of very low and lower income;
9. A limitation that the rental price of a program unit be that which is affordable to the same income category as the previous occupants for a period of thirty years.

B. Requirements for Eligibility. In order for a project to be eligible for the program it must meet the following requirements:

1. Availability of program units: The program units must be made available to eligible households for a minimum of thirty years.

2. Rental rates: Program units shall be available at rents not exceeding those provided in subsection D of this section.

3. Deposits: Any deposit required of a renter shall not exceed one month's rent.

C. Division of Responsibilities. Program responsibilities will be divided as follows:

1. Developer. The project developer shall:

a. Provide the requisite number of units, renting at the prices or rates set forth below. Specific units shall be designated for participation in the program.

b. Enter into a thirty-year lease or other agreement or arrangement with the city to the satisfaction of the planning director and city attorney.

c. Execute and record a deed restriction or other document in a form and manner acceptable to the planning director and city attorney to make record of the limitations and requirements set forth in the affordable rental housing agreement.

d. Pay to the city, a fee, based on the current hourly rate as is charged by the administering agency, to compensate for time expended establishing rental rates and determining eligibility.

e. Review the affordable rental housing agreement with the tenant under the supervision of the city.

f. Provide for management of all the units. It shall be the responsibility of the management to notify the city when a participating unit is vacant.

2. Tenant. The tenant shall:

a. Provide the information necessary to determine whether the household is qualified to participate in the program.

b. Review the affordable rental housing agreement with the developer under the supervision of the city.

3. City. The city shall:

a. Administer the lease or other agreement executed in accordance with subsection D of this section;

b. Provide, to the extent feasible, eligible tenants;

c. Provide the density bonus and other incentives;

d. Supervise the review of the agreement by the developer and the tenant.

D. Standards for Household Eligibility and Rental Rates.

1. Criteria for household eligibility: Households shall be eligible to rent an affordable unit pursuant to the same criteria set forth in Section **17.43.050** D of this chapter.

2. Rental rates: Program units shall be rented at a rental rate not exceeding the following:

a. Lower income household units: An amount equal to eighteen percent of area median income for household size.

b. Very low income household units: An amount not exceeding fifteen percent of area median income for household size. (Ord. 940 §1, Ex. A(part), 1992)

17.43.070 Qualified resident housing program.

A. Agreement. The “qualified resident housing agreement” shall include the following:

1. The requirements for participation;
2. The minimum qualifications that units and projects must meet in order to participate in the program;
3. The specific responsibilities of the parties to the agreement;
4. Standards for household eligibility and unit prices or rental rates;
5. Resale or new tenant controls;
6. The number, type and phasing of program units;
7. A requirement that program units be occupied by qualified residents.

B. Requirements for Participation-Ownership. To be eligible for the program a project must meet the requirements for ownership as follows:

1. Requirements for Participation. For a project to be eligible to participate in the program it must meet the following requirements:

a. Program units must be made available to qualified households at program prices for at least six months from the opening of the project sales office, or from the opening of the sales office for the specific phase or portion of a project if the project is to be developed in phases and the project has reached the stage where sales contracts can be executed. If at the end of the six-month period some units remain unsold, and the city council determines that all reasonable efforts have been made to advertise and sell the units, then the remaining unsold units may be released from the program requirements. Any amount received for a unit released from the program above the program price shall be forwarded to the city finance director within fourteen days of closing of escrow.

b. The units must remain available to qualified households at project prices for a minimum of thirty years.

2. Division of Responsibilities. Project responsibilities will be divided as follows:

a. The project developer shall:

i. Offer the required number of program units for sale in accordance with the terms and provisions of this chapter using appropriate deed forms approved by the city attorney, and appropriate recording of such deeds and other documents as may be required by the city;

ii. Notify the planning director of issuance of the department of real estate public report, upon receipt of same by the developer;

iii. Notify the planning director ten days in advance of the date on which the units will become available for sale, and submit monthly reports to the planning director covering the progress of sale of the units;

iv. Advertise the units, ensure that sales people are available to show them, and provide assistance in sales processing and paperwork for the units;

v. Pay to the city, based on a rate set by resolution or such other current hourly rate set by resolution or such other currently hourly rate as is charged by the city, to compensate for time expended qualifying applicants and preparing the list of eligible households; and

vi. Review the qualified resident housing agreement with the home buyer under the supervision of the city or its designee.

b. The prospective purchaser of the unit shall:

i. Provide the information necessary to determine whether the household is qualified to participate in the program;

ii. Complete the loan application and supply the information necessary to process the loan;

iii. Provide a minimum down payment as required by the lender for the unit;

iv. Record the grant deed as required by the city, and send a copy of the recorded deed to the city;

v. Review the qualified resident housing agreement with the developer under the supervision of the city or its designee;

vi. Notify the city of all substantial improvements to the property and document the same;

vii. Comply with all deed conditions, restrictions and requirements of this program.

viii. Live in the unit;

ix. Notify the city in advance of intent to sell the unit which triggers the ninety-day period during which city has a right to acquire the unit;

x. Purchasers shall be subject to the same qualifications and residency requirements as the initial purchaser.

These provisions will remain in effect not less than thirty years.

c. The city will conduct application review as follows:

i. Evaluate proposed projects to determine whether they are in accordance with the terms and provisions of this program;

ii. Set and periodically update the requirements and qualifications for eligible households;

iii. Screen applicant households to prepare and maintain a list of eligible households;

iv. Supervise the review of the qualified resident housing agreement by the developer and the home buyer.

3. Standards for Household Eligibility and Unit Prices.

a. Households shall be eligible to purchase a unit if they meet the following criteria:

i. Where at least fifty percent of the total dwelling units of a development are set aside for qualifying residents as defined in Civil Code Section 51.3;

ii. Consideration will be given to households residing or working in Manteca.

4. Resale Control. Grant deeds for the units shall contain a restriction giving the first right of refusal upon resale to the city, for a period not to exceed ninety days from the date of notice, pursuant to subsection B of this section. If the city, its designee or assignee has opened escrow to purchase a unit before the end of the ninety days, the city shall be considered to have exercised its right of first refusal.

The resale restrictions shall be effective for each unit for a period not to exceed thirty years. The city council may by resolution terminate all such deed restrictions, after making a finding that a need for affordable housing no longer exists.

The city shall use its right of first refusal to resell the unit to a qualified home buyer at the lower of the two market amounts:

a. The market value, as established by a qualified appraiser to be paid for by the seller; or

- b. The total of:
 - i. The original sale price, plus
 - ii. An increase based on two-thirds of the percentage increase in the area Consumer Price Index, from the time the current homeowner purchases the unit, until the city or its designee receives the notification of intent to sell, plus
 - iii. The value of any structural or permanent fixed improvements, plus
 - iv. The seller's closing costs, minus
 - v. The amount needed to remedy any deficiencies in the unit, including:
 - (1) Violations of applicable building, plumbing, electrical, fire or housing codes;
 - (2) Repair of appliances which were originally furnished to owner which are not in good working order; and
 - (3) Holes or other defects (except for holes from picture hangers) in walls, ceilings, floors, doors, windows, screens, carpets, drapes and similar appurtenances.

Upon receipt of notification of intent to sell a unit, the city will notify eligible households from the eligibility list it maintains. One of these households may then purchase the unit at the price determined by the above formula.

A fee shall be paid to the city to compensate for time expended during the resale of the unit at a rate of twenty dollars per hour, or such other current hourly rate as is charged by the city, from the proceeds of the sale of the unit.

Seller and buyer shall use deed forms and record such other documents as approved and reasonably required by the city attorney for purposes of effectuating continuation of the specified units as qualified resident housing.

C. Requirements for Participation-Rentals.

1. Requirements for Participation. For a project to be eligible to participate in the program the program units must be made available to qualifying households for a minimum of thirty years.

2. Division of Responsibilities. Program responsibilities will be divided as follows:

- a. The project developer shall:
 - i. Provide the requisite number of units, renting to qualifying residents. Specific units shall be designated for participation in the program;

ii. Enter into an agreement with the city approved by the city attorney;

iii. Execute and record a deed restriction or other document in a form and manner acceptable to the city attorney to make record of the limitations and requirements set forth in the qualified resident housing agreement;

iv. Pay to the city, a fee, based on the rate of twenty dollars per hour, or such other current hourly rate as is charged by the city, to compensate for time expended establishing rental rates and determining eligibility of households;

v. Review the qualified resident housing agreement with the tenant under the supervision of the city; and

vi. Provide for management of all the units. It shall be the responsibility of the management to notify the city or its designee when a participating unit is vacant.

b. The tenant shall:

i. Provide the information necessary to determine whether the household is eligible to participate in the program; and

ii. Review the qualified resident housing agreement with the developer under the supervision of the city.

c. The city shall:

i. Provide the density bonus or other incentive; and

ii. Supervise the review of the qualified resident housing agreement by the developer and the tenant.

3. Standards for Household Eligibility and Rental Rates.

a. Households shall be eligible to rent a program unit pursuant to the same criteria set forth in Section 17.43.060(D) of this chapter.

b. Program units shall be rented at monthly rates which do not exceed twenty-five percent of the gross monthly income of eligible households.
(Ord. 940 §1, Ex. A(part), 1992)

Chapter 17.44 WILLIAMSON ACT REGULATIONS

17.44.010 Purpose and description.

The purpose of this chapter is to provide for the continuation, nonrenewal, or cancellation of Williamson Act contracts for properties which are annexed into the city.
(Ord. 1368 §1(part), 2007)

17.44.020 Contracts.

It is the intent of the city to continue Williamson Act contracts which are in force at the time the property is included in the city. No new agricultural preserves will be initiated for property within the city. The city, after acquiring land in a preserve by annexation, shall have all the rights and responsibilities specified in Government Code Section 51235. (Ord. 1368 §1(part), 2007)

17.44.030 Filing of map.

On or before September 1st of each year, the city shall file with the director of conservation a map of the city and designate thereon all agricultural preserves in existence at the end of the preceding fiscal year. (Ord. 1368 §1(part), 2007)

17.44.040 Uses.

Uses permitted under this section shall be consistent with the principles of compatibility set forth in Government Code Section 51238.1(a)(b)(c). The city council may conditionally approve uses to establish conformity with the principles of compatibility. (Ord. 1368 §1(part), 2007)

17.44.050 Mineral extraction.

Conditions imposed on mineral extraction as a compatible use of contracted land shall include compliance with the reclamation standards adopted by the Mining and Geology Board pursuant to Public Resources Code Section 2773, including the applicable performance standards for prime agricultural land and other agricultural land, and no exceptions to these standards may be permitted. (Ord. 1368 §1(part), 2007)

17.44.060 Notice of nonrenewal—Renewal—Recording requirements.

A. Nonrenewal Process.

1. Filing.

a. Initiation. Notice of nonrenewal may be initiated by either of the following, in compliance with state law (Government Code Section 51245):

i. Council. The council may initiate a notice of nonrenewal; or

ii. Property Owner(s). The property owner(s) may initiate a notice of nonrenewal.

b. A copy of the notice shall be filed with the planning division of the community development department.

c. Contents. The notice shall contain the following materials:

i. Notice Form. One copy of the completed notice form;

ii. Preliminary Title Report. One copy of a current preliminary title report. Reports more than six months old are not considered current and shall not be accepted; and

iii. Deadline. The written notice shall be served on the city by the property owner(s) at least ninety days, or on the property owner(s) by the city at least sixty days, before the annual renewal date of the contract.

2. Recordation. The notice of nonrenewal shall be recorded in the following manner:

a. Document Preparation. Once the notice is deemed complete and acceptable, the city clerk shall prepare all documents for recordation;

b. Forwarded for Recordation. The city clerk shall forward the notice to the county recorder's office for recordation;

c. Mailing of Copies. A copy of the recorded notice shall be mailed to the following:

i. The property owner(s);

ii. The director of conservation; and

iii. The county assessor.

d. December Deadline. The notice shall be recorded in the county recorder's office before December 1st in order to be processed for the following March 1st lien date, in compliance with state law (Government Code Section 51245).

B. Terminates in Ten Years. The notice of nonrenewal terminates the Williamson Act contract in ten years, in compliance with state law (Government Code Section 51246[a]).

C. Assessment. During this ten-year nonrenewal period, the assessment of the subject property may incrementally increase. (Ord. 1368 §1(part), 2007)

17.44.070 Cancellation.

A. Filing.

1. Initiation. A petition for cancellation may only be initiated by the property owner(s), in compliance with Government Code Section 51281.

2. The petition for cancellation shall be filed with the planning division of the community development department.

3. Contents. The petition for cancellation shall contain the following materials:

a. Petition Form. One complete copy of the city's required form; and

b. Preliminary Title Report. One copy of a current preliminary title report more than six months old are not considered current and shall not be accepted; and

c. Additional Information. Any additional information the director determines to be necessary to process the petition.

B. Tentative Cancellation of Contract.

1. Notice. Notice of a public hearing shall be given as follows:

a. Published Notice. A notice shall be published at least once in a local newspaper of general circulation within the city at least ten days before the hearing.

b. Mailed Notice. Notice shall be mailed to owners of contracted property within one mile, property owners within three hundred feet, other concerned agencies, and the department of conservation.

2. Review Procedure. The council shall conduct a public hearing for a tentative cancellation of the contract.

3. Findings. The council may grant cancellation of the contract only if all the findings in subsection (B)(3)(a) or (3)(b), below, can be made in a positive manner:

a. The cancellation is consistent with the purposes of the Williamson Act. This finding can only be made if the cancellation is:

i. For property on which a notice of nonrenewal has been served in compliance with state law (Government Code Section 51245) (Nonrenewal of Williamson Act Contract), above;

ii. Not likely to result in the removal of adjoining lands from agricultural use;

iii. For an alternative use of land which is consistent with the land uses, objectives, policies, and programs of the general plan and any applicable specific plan zoning;

iv. Intended to ensure/maintain a contiguous pattern of urban development; and

v. In an area which has no noncontracted land available and suitable for the proposed use which is intended for the subject property or development of the contracted land would provide for a more contiguous pattern of urban development than would development of the available noncontracted land.

b. The cancellation is in the public interest. This finding can only be made if:

i. Other public considerations substantially outweigh the objectives of the Williamson Act; and

ii. There is no proximate noncontracted land in the area which is available and suitable for the proposed use which is intended for the subject property, or development of the contracted land would provide for a more

contiguous pattern of urban development than would development of any proximate noncontracted land.

4. Notice of Decision. A notice of the decision on the tentative cancellation of the contract shall be published within thirty days of the council's decision, with a copy to the director of the department of conservation, in compliance with Government Code Section 51284.

5. Recordation. The city clerk shall record the certificate of tentative cancellation with the county recorder in compliance with Government Code Section 51283.4(a). (Ord. 1368 §1(part), 2007)

17.44.080 Fees.

Prior to giving approval to any contract cancellation, the city council shall determine and certify the cancellation fee pursuant to Section 51283 or Section 51297 of the Government Code. Cancellation fees that are not paid within one year of the recording of the certificate of tentative cancellation will be recomputed as of the date of notice (Government Code Section 51283.4(a) and (b)).

A. Cancellation Fee Waiver. If it finds that it is in the public interest, the city council may waive any payment or any portion of a payment by the landowner. It may extend the time for making the payment, or a portion of the payment, contingent upon the future use made of the land, and its economic return to the landowner for a period of time not to exceed the unexpired period of the contract, had it not been cancelled, if all of the following occur:

1. The cancellation is caused by an involuntary transfer or change in the use which may be made of the land and the land is not immediately suitable, nor will be immediately used, for a purpose which produces a greater economic return to the owner;

2. The city council has determined it is in the best interest of the program to conserve agricultural land use that the payment be either deferred or not required; and

3. The waiver or extension of time is approved by the Secretary of the Resources Agency. The secretary will approve a waiver or extension of time only on the finding that the granting of the waiver or extension of time by the local agency is consistent with the policies of the Williamson Act and that the local agency complied with the Act in approving the cancellation. In evaluating a request for a waiver or extension of time, the secretary shall review the findings of the city council, the evidence in the record of the council, and any other evidence received concerning the cancellation, waiver, or extension of time (Government Code Section 51283(c)).

B. Recordation. The cancellation of a contract shall not be final until the certificate of cancellation is recorded pursuant with Section 51283.4(a) of the Government Code. (Ord. 1368 §1(part), 2007)

Chapter 17.45 PLANNED DEVELOPMENT

Note

* Prior ordinance history: Ord. 940.

17.45.010 Purpose.

The primary purpose of the PD overlay district is to encourage and facilitate the creative and innovative use of land which may otherwise be limited or prohibited by the standard provisions of this title. The PD combining district is designed to allow diversity in the relationship between buildings and open spaces to create interesting physical environments and to maximize the development potential of underutilized or problematic land areas. The PD combining district may be combined with any base district. Development within the PD combining district shall conform to the standards specified for the base district with which the PD is combined except to the extent that deviations from such base district standards promote the creative and innovative use of land and remain sensitive to surrounding land uses. The PD combining district shall be applied to areas that are two acres or larger, except projects of less than two acres may be considered when determined that the development area is underutilized or problematic (i.e., in-fill, re-use, redevelopment), and that the surrounding area will be better served by the project. (Ord. 1332 §1(part), 2006)

17.45.020 Applicability and zoning map designator.

A planned development combining district shall be noted by the designation PD added to the base zoning district designation on the official zoning map. Each PD shall be denoted on the official zoning map by the adopted ordinance number. (Ord. 1332 §1(part), 2006)

17.45.030 Review procedures.

A. Decision-Making Body. An application for a planned development shall be reviewed and acted upon by the city council in accordance with the procedures set forth in Chapter 17.49 of this title.

B. Pre-Application Review. Prior to submitting an application for a planned development, an applicant may request a pre-application review to discuss the general acceptability of the project proposal and the possible problems that may be encountered. Such preliminary consultations are advisory in nature and do not constitute a recommendation of approval.

C. Planned Development Application Requirements. Applications for approval of a planned development shall contain all of the following:

1. Project Boundaries. A map showing the proposed project boundaries, location and dimensions of property lines and easements within the site, and the location of buildings, roads, parking and open areas.
2. Topography. The existing and proposed changes in the topography of the site, including the degree of land disturbance, the location of drainage channels or watercourses, and the direction of drainage flow.

3. Utilities; Existing Structures and Trees. The locations and capacities of existing utilities in the vicinity of the site, and tentative extensions to the site. The location of any existing structures and trees on-site or in the adjoining right-of-way designated for retention or removal.

4. Site Plan. A site plan showing the precise dimensions and locations of proposed structures, buildings, streets, parking, yards, pathways, open spaces and other public or private facilities. The site plan shall also indicate all of the proposed uses or activities to be conducted on the site, with related floor area or calculations of site area to be devoted to such uses.

5. Architectural Design. Plans shall show the architectural design of the proposed buildings, and other structures including signs and fencing. The overall design elements shall include the height of the buildings, exterior materials of proposed buildings, and colors.

6. Development Schedule. A preliminary development schedule, indicating the sequence and timing of development.

7. Open Space Plan. An open space plan including landscaping, any other public area used in common on the property and a description of intended improvements to the open area of the property.

8. Engineering Plans. Engineering plans showing site grading, amount of cut and fill, finished grades and proposed drainage facilities.

9. Statement Regarding Compliance with Findings. Written statement and illustrations demonstrating how the project meets the required findings.

10. Other Information. Other information as deemed necessary based on the project specifics. (Ord. 1332 §1(part), 2006)

17.45.040 Modification of base district standards.

The city council may approve a planned development that deviates from the minimum lot area, yard requirements, building heights, and other physical development standards, while ensuring compliance with the land use and density requirements of the base districts. Physical development standards may be modified if the plan includes examples of superior design, environmental preservation and public benefit amenities, and the city council makes the findings required by Section **17.45.050** of this chapter. (Ord. 1366 §1(part), 2007; Ord. 1332 §1(part), 2006)

17.45.050 Required findings.

A planned development shall only be approved if all of the following findings are made:

A. The proposed project does not exceed the total density allowed under the base zoning district or the general plan land use designation.

B. The proposed project is superior to development that could occur under the development standards of the base district in at least two of the following ways:

1. Greater open space and common areas than required;
2. Greater landscaping than required that enhances the public street appearance (including street trees, benches, lights, special paving, water fountains, etc.) or increases landscape buffers with adjacent properties;
3. Superior Site Design. Utilization of the applicable commercial/industrial design standards as provided in the Manteca Community Design Handbooks to achieve a superior site design;
4. Superior Subdivision Design. Utilization of the applicable residential design standards to achieve a superior subdivision design;
5. Greater connectivity to surrounding public streets, bike paths, pedestrian walkways, and public open spaces than required by zoning or subdivision regulations;
6. Enhanced environmental preservation by clustering development to preserve sensitive plant or wildlife habitat, biological resources, or contiguous open space;
7. Reduced impacts on surrounding properties, in terms of privacy, access to sunlight, shadow, views, building bulk, noise, or other types of negative impacts, beyond what would be achieved under existing requirements.

C. The proposed project shall not be substantially detrimental to adjacent property, and will not materially impair the purposes of this title or the public interest. (Ord. 1332 §1(part), 2006)

17.45.060 Terms and conditions.

In approving a planned development, the city council may impose any conditions deemed necessary to:

- A. Ensure that the proposal conforms in all significant respects with the Manteca general plan and with any other applicable plans or policies that the city has adopted;
- B. Achieve the general purpose of this zoning ordinance or the specific purpose of the zoning district in which the project is located;
- C. Achieve the findings for a planned development listed in Section **17.45.050** of this chapter;
- D. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the California Environmental Quality Act. (Ord. 1332 §1(part), 2006)

17.45.070 Expiration and extension; modifications.

Planned developments are effective and may be extended or modified as provided in Chapter 17.49 (Permit Procedures), subject to the following limitations:

- A. Planned Development Expiration. The development for which a planned development has been approved pursuant to this chapter shall commence within two years of the granting of the planned development.
- B. Extensions. Only one extension for a period not to exceed one year from the expiration of the original period shall be granted.
- C. Tentative Map. Where a tentative map has been approved in conjunction with a planned development, the planned development shall expire upon the expiration of the tentative map.
- D. Phased Development. In the event that the applicant intends to develop the project in phases, and the city council approved phased development, the planned development shall remain in effect so long as not more than one year lapses between the end of one phase and the beginning of the next phase. (Ord. 1332 §1(part), 2006)

Chapter 17.46 SPECIFIC PLANS

17.46.010 Authority for specific plans.

Pursuant to California Government Code Sections 65450 et seq., the city council is authorized to prepare, adopt and implement specific plans. (Ord. 1309 §1(part), 2005)

17.46.020 Purpose.

The purpose of this chapter is to establish uniform procedures for the adoption and implementation of specific plans. The specific plan overlay district shall include the following:

- A. Identify specific plans that have been adopted by the city.
- B. Require that all development within each specific plan overlay be consistent with the goals, policies, guidelines and standards of the specific plan.
- C. Provide a link between the regulation of this code and those districts and regulations which may be established under a specific plan. (Ord. 1309 §1(part), 2005)

17.46.030 Applicability and zoning map designator.

The "SP" specific plan overlay shall be combined with any district where a specific plan has been adopted by the city. Where a specific plan creates zoning districts, this chapter will provide a correlation between the districts and those of this code. (Ord. 1309 §1(part), 2005)

17.46.040 Initiation, presubmittal and preparation of specific plans.

A specific plan may be initiated in the following manner:

- A. City. By a resolution of intention adopted by the council with a recommendation from the planning commission;

B. Property Owner. By an application filed by one or more of owners of the property to be included in the specific plan. If initiated by an applicant, the following process shall first occur:

1. Presubmittal Application. A presubmittal application and conference with the director prior to the filing of a formal specific plan application are required. (Ord. 1309 §1(part), 2005)

17.46.050 Content of specific plan application.

A specific plan application shall include text and one or more diagrams which contain all the required elements outlined in state law, commencing with Government Code Section 65450, in addition to all data and related exhibits specified in the general plan. (Ord. 1309 §1(part), 2005)

17.46.060 Adoption, amendment of specific plans.

A specific plan shall be prepared, adopted and amended in the same manner as the general plan by ordinance. Minor modifications that are consistent with plan policies and guidelines may be reviewed and approved by the community development director. It shall be at the sole discretion of the director or his/her designee to determine that an amendment is minor. Minor amendments may be approved, provided that such modifications are consistent with the intent and the policies of the specific plan. (Ord. 1309 §1(part), 2005)

17.46.070 Findings.

The council may approve a specific plan only if the specific plan is found to be consistent with the general plan. (Ord. 1309 §1(part), 2005)

17.46.080 Land use regulations—Administration of the specific plan.

All uses and development shall be consistent with the provision of this code and the adopted specific plan applying to the property. Where a specific plan contains different allowable uses, standards or other regulations than found in this code, those of the specific plan shall control. Where the specific plan is silent on any particular use, standard or regulation, the provisions of this code shall apply. All development within a specific plan area must be consistent with the specific plan in all respects. (Ord. 1309 §1(part), 2005)

17.46.090 Adopted specific plan—Relationship to zoning.

This section identifies the specific plans adopted by the city. Where a specific plan creates zoning districts that are not part of this code, a relationship between those districts and this code is established. This relationship will be used when the zoning district created by a specific plan does not include all the use standards, height and bulk regulations, intensity standards or other regulations established by the base zoning district. It is intended that the base district will supplement, but will not supplant, those of the specific plan district. The addition of adopted specific plans to the following list shall not constitute amendment of this code.

Specific Plan Zoning Districts	Base Zoning Districts
R-1-6-UR	R-1-6 (single-family residential)
R-1-4-WB	R-1-6 (single-family residential)
R-1-5-WB	R-1-6 (single-family residential)
R-1-6-WB	R-1-6 (single-family residential)
CMU	CC (community commercial)
OS	OS (open space district)
P	OS (open space district)

(Ord. 1309 §1(part), 2005)

Chapter 17.47 AMENDMENTS TO THIS TITLE

17.47.010 Purpose.

The purpose of this chapter is to provide for the amendment of the zoning ordinance codified in this title and the official zone map. This title may be amended by changing the boundaries of a district, or by changing any other provisions of the text thereof, whenever the public necessity, convenience and general welfare require such an amendment. (Ord. 940 §1, Ex. A(part), 1992)

17.47.020 Responsibility for review and approval of amendments to this title.

An application for an amendment to this title shall be reviewed and acted upon by the city council in accordance with the procedures set out in Section **17.49.060** of this title. Any decision to grant or deny an amendment to the text of this title or the official zoning map, either advisory or final, shall be preceded by a noticed public hearing in accordance with the standards and procedures set forth in Section 17.49.070(A)(3) of this title. (Ord. 940 §1, Ex. A(part), 1992)

17.47.030 Required findings.

Before any recommendation to approve by the planning commission, or final approval by the city council of the request for amendment to this title, the following findings must be made:

1. That the proposed amendment is in conformity with the Manteca general plan and any applicable specific plan;
2. That the public necessity, convenience and general welfare require or clearly permit the adoption of the proposed amendment. (Ord. 940 §1, Ex. A(part), 1992)

17.47.040 Terms and conditions.

- A. Imposition of Conditions.

1. In granting approval, the city council may impose such requirements and conditions which the city council deems necessary to carry out the intent and purpose of this title or to protect the public health, safety or welfare, and which is reasonably related to the requested amendment to this title.

2. Conditions imposed by the city council on approval of an amendment to this title pursuant to this subsection shall run with the land and shall not be automatically removed by subsequent rezonings of the property. The conditions may be modified or removed only by the city council in accordance with Section **17.49.080** of this title.

B. Repeal of Conflicting Provisions. All provisions of this title in conflict with the amendment approved pursuant to this chapter, to the extent of such conflict and no further, are repealed.

C. Validity. If any section, subsection, sentence, clause or phrase of the amendment approved pursuant to this chapter, is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of the amendment. The city council declares that it would have passed the amendment and each section, subsection, sentence, clause and phrase thereof irrespective of the fact, any one or more section, subsections, sentences, clauses and phrases be declared invalid.

D. Enactment. Any amendment to this title approved pursuant to this chapter shall take effect thirty days from and after its final passage.

E. New Application. Following the denial of an amendment to this title, no application for an amendment to this title for the same or substantially the same amendment shall be filed within one year from the date of denial of the amendment to this title unless it can be shown that there has been a change in the property or environs substantially affecting the proposal. (Ord. 940 §1, Ex. A (part), 1992)

Chapter 17.49 PERMIT PROCEDURES

17.49.010 Purpose.

The purpose of this chapter is to establish review and approval procedures for permits provided for by this title. Development standards and conditions for the approval of permits are contained in the appropriate chapters of this title. (Ord. 940 §1, Ex. A(part), 1992)

17.49.020 Applications for permits and approvals.

A. An applicant for a permit or approval pursuant to this title shall submit an application to the community development director in the format and number of copies specified by the community development director. The application shall contain all the information specified for the application by the community development director. The application shall be accompanied by the fee established by the city council pursuant to Section **17.01.100** of this title.

B. The community development director shall inform the applicant in writing within thirty calendar days of receipt that the application is complete or that additional information is needed to complete the application.

C. Upon acceptance of the application as complete, the community development director shall review the application and prepare the necessary staff analysis of the proposed project, including an initial environmental study, if required. The application and the accompanying staff analysis shall then be set for review and decision by the appropriate decision-making body. (Ord. 940 §1, Ex. A(part), 1992)

17.49.030 Nondiscretionary review by the community development director.

A. Matters Over Which the Community Development Director Has Original Jurisdiction.

1. The community development director shall be responsible for reviewing and deciding applications for the following minor nondiscretionary permits and approvals issued pursuant to this title:

- a. Zoning conformance approval (Chapter 17.21 of this title);
- b. Home occupation permits (Chapter 17.25 of this title);
- c. Large family day care home permits (Chapter 17.27 of this title);
- d. Sign permits (Chapter 17.23 of this title);
- e. Second residential units when exempt from CEQA review (Chapter 17.07).

2. No hearing is required for any nondiscretionary permit or approval.

3. The community development director shall approve an application reviewed pursuant to this section only upon determining that the proposed project complies with all applicable requirements of this title.

4. Written notice of such decision shall be given by mail within five calendar days after the date of the decision to the applicant and any person filing a written request for notice of the decision.

5. The decision of the community development director shall be final on the date of decision.

6. There shall be no appeal from a decision of the community development director made pursuant to this section. (Ord. 1366 §1(part), 2007; Ord. 940 §1, Ex. A(part), 1992)

17.49.040 Discretionary review by the community development director.

A. Matters Over Which the Community Development Director Has Original Jurisdiction.

1. The community development director shall be responsible for reviewing and deciding applications for the following minor discretionary permits and approval pursuant to this title:

- a. Site plan and design review (Chapter 17.29 of this title);
- b. Approve minor zone modifications (Chapter 17.31 of this title);
- c. Approve minor plan modifications (Chapter 17.33 of this title);
- d. Determinations of similar use (Chapter 17.57 of this title);
- e. Major directional real estate sign (Chapter 17.23 of this title);
- f. Temporary use permits (Chapter 17.37 of this title);
- g. Use permits when exempt from CEQA review (Chapter 17.37 of this title);
- h. Variances;
- i. Second residential unit when exempt from CEQA review (Chapter 17.39 of this title).

2. When an application has been accepted as complete in accordance with this section, the community development director shall set the application for hearing, provided, however, that no hearing shall be required where the community development director determines that the granting of the permit or approval would not affect substantial property rights of nearby property owners.

3. Notice of hearing on the application shall be given in the manner specified in Section 17.49.070(A)(1) of this chapter. The community development director may establish his/her own rules for the conduct of such hearings. Evidence shall be offered or presented, and the name and address of each witness shall be recorded and made a part of the permanent files. Any hearing may be continued, provided that prior to adjournment or recess, the community development director shall announce the time and place to which the hearing will be continued.

4. The community development director may approve, conditionally approve or deny any application following the close of the hearing on the matter. Such decision shall include findings in accordance with the provisions of this title. The decision shall be final, subject to appeal in accordance with subsection D of this section.

5. Written notice of such decision shall be given by mail within five working days after the date of the decision to the applicant and any person filing a written request for notice of the decision.

6. The community development director may at his/her discretion refer any site plan and design review decision to the planning commission for action.

7. The decision of the community development director shall be final on expiration of ten calendar days from and including the date of decision, unless a notice of appeal is filed with the community development director within such time.

8. All conditions of approval shall be final, and a request to delete or modify a condition to make it less restrictive shall only be considered at a properly noticed hearing, unless such conditions are appealed pursuant to subsection D of this section.

9. Any decision of the community development director made pursuant to this section shall be subject to appeal to the planning commission. Only such evidence and plans as were submitted to and ruled upon by the community development director may be accepted in an appeal. If additional evidence or modifications in plan are introduced, the case shall be returned to the community development director for new action.

10. The applicant or any other person aggrieved may appeal from such decision by filing a written notice of appeal with the community development director prior to the time the decision becomes final. The community development director shall furnish forms of notice of appeal. The appeal shall be accompanied by the fee established by the city council pursuant to Section **17.01.100** of this title.

11. No permit shall be issued prior to the expiration of any appeal period. (Ord. 1366 §1(part), 2007; Ord. 1088 §10, 1998; Ord. 940 §1, Ex. A(part), 1992)

17.49.050 Discretionary review by the planning commission.

A. Matters Over Which the Planning Commission Has Original Jurisdiction.

1. The planning commission shall be responsible for reviewing and deciding applications for the following discretionary permits and approvals issued pursuant to this title:

- a. Variances (Chapter 17.35 of this title);
- b. Use permits (Chapter 17.37 of this title);
- c. Density bonus (Chapter 17.43 of this title);
- d. Any minor discretionary permit filed in conjunction with

any of the major discretionary permits listed above.

2. When an application has been submitted in accordance with this chapter, the community development director shall set the application for a hearing in accordance with the requirements set forth in Section 17.49.070(A)(2) of this chapter.

3. The planning commission may approve, conditionally approve or deny any application following the close of the hearing on the matter. The decision shall be final, subject to appeal in accordance with Section 17.49.050(E) of this chapter.

4. Written notice of such decision shall be given by mail within five calendar days after the date of the decision to the applicant and any person filing a written request for notice of this decision.

5. The decision of the planning commission shall be final on expiration of ten calendar days from and including the date of the decision, unless a notice of appeal is filed with the community development director within such time.

6. All conditions of approval shall be final, and a request to delete or to modify a condition to make it less restrictive shall only be considered at a properly noticed public hearing, unless said conditions are appealed pursuant to subsection (A)(7) of this section.

7. The applicant or any other person aggrieved by a decision over which the planning commission has original jurisdiction may appeal from such decision to the city council by filing a written notice of appeal with the community development director prior to the time the decision becomes final. The planning director shall furnish forms of notice of appeal. The appeal shall be accompanied by the fee established by the city council pursuant to Section **17.01.100** of this title.

8. No permit shall be issued prior to the expiration of any appeal period.

B. Review and Recommendation by the Planning Commission of Matters Over Which the City Council Has Original Jurisdiction. Any application that comes before the city council for action shall be reviewed and a recommendation made by the planning commission in accordance with the following provisions:

1. When an application has been submitted in accordance with this chapter, the planning director shall set the application for hearing in accordance with the requirements set forth in Section 17.49.070(A)(2) of this chapter, unless the application is for an amendment to this title, in which case the application shall be set for hearing in accordance with the standards set forth in Section 17.49.070(A)(3) of this chapter.

2. At the conclusion of the hearing, the planning commission may recommend imposition of any conditions on project as it deems necessary to enable it to make the required findings for a positive recommendation to the city council.

3. The recommendation shall be made by resolution of the planning commission carried by the affirmative votes of a majority of the members present.

4. Written notice of such decision shall be given by mail within five calendar days after the date of the decision to the applicant and any person filing a written request for notice of the decision.

5. The recommendation of the planning commission shall be submitted to the city council and shall be accompanied by a report of findings, summary of hearings and all data submitted with the application.

C. Consideration of Appeals From Decisions by the Planning Director.

1. If an action of the planning director is appealed, the planning director shall set the application for hearing by the planning commission. Notice of the hearing on the appeal from the decision by the planning director shall be given in the manner and time provided in Section 17.49.070(A)(1) of this chapter. Notice of the hearing shall be given not less than ten days before such hearing to each person entitled to notice of the preceding decision.

2. The planning commission may reverse, affirm wholly or partly, modify or attach other or additional conditions to the decision appealed from.

3. The decision from the planning commission on any such appeal shall be final on adoption of an order or resolution containing its determination, and no notice thereof need be given.

4. Written notice of such decision shall be given by mail within five calendar days after the date of the decision to the application and any person filing a written request for notice of the decision. (Ord. 940 §1, Ex. A(part), 1992)

17.49.060 Discretionary review by the city council.

A. Matters Over Which the City Council Has Original Jurisdiction.

1. The city council shall be responsible for reviewing and deciding applications for the following discretionary permits and approvals issued pursuant to this title:

- a. Planned unit development permits;
- b. Amendments to this title;
- c. Specific plans;
- d. Any other discretionary permits filed in conjunction with any of the permits or approvals listed above.

2. Any application over which the city council has original jurisdiction shall be reviewed by the planning commission in accordance with the procedures set forth in Section 17.49.050(B) of this chapter prior to city council review. The planning commission's recommendation shall not constitute a final action and no appeal of the planning commission's recommendation shall be necessary.

3. Following a recommendation by the planning commission, the city clerk shall set the application for public hearing by the city council. Notice of the public hearing shall be given in the manner specified in Section 17.49.070(A)(2) of this chapter, unless the application is for amendment to this title, in which case the application shall be set for hearing in accordance with the standards set forth in Section 17.49.070(A)(3) of this chapter.

4. If the city council proposes to change the project in a form substantially different from the project as recommended by the planning commission,

the city council shall refer such matter back to the planning commission for report and recommendation before adoption. The failure of the planning commission to report within thirty days after referral shall be deemed to be an approval of the proposed change.

5. The city council may approve, conditionally approve or deny any application following the close of the public hearing on that matter. The decision shall be final.

6. Written notice of such decision shall be given by mail within five calendar days after the date of the decision to the applicant and any person filing a written request for notice of the decision.

7. The decision of the city council shall be final on adoption of an ordinance containing its determination for planned unit development permits, amendments to Title 17 and specific plans. The decision of the city council shall be final on adoption of an ordinance, an order or resolution containing its determination for any other discretionary permit filed in conjunction with any of the permits or approvals listed in subsection (A)(1) of this section.

8. In case an application is denied, such application shall not be eligible for reconsideration by the city council for one year following such denial, except that a new application affecting all or part of the same property which is determined by the city council to be substantially different from the application denied may be eligible for consideration within one year of the denial of the original application.

B. Consideration of Appeals From Decisions by the Planning Commission.

1. If an action of the planning commission is appealed, the city clerk shall set the application for public hearing by the city council. Notice of the public hearing shall be given in the manner specified in Section 17.49.070(A)(2) of this chapter. Notice of the hearing on appeal shall be given not less than ten days before such hearing to each person entitled to notice of the preceding decision.

2. The city council may reserve, affirm wholly or partly, modify or attach other or additional conditions to the decision appealed from.

3. The decision from the city council on any such appeal shall be final on adoption of an order or resolution containing the council's determination, and no notice thereof need be given.

4. Written notice of such decision shall be given by mail within five calendar days after the date of the decision to the applicant and any person filing a written request for notice of the decision.

C. Appeal from City Council Action. There shall be no appeal from a decision by the city council under this title. The decision of the city council shall be final on the date of decision. (Ord. 1309 §2, 2005; Ord. 940 §1, Ex. A(part), 1992)

17.49.070 Requirements for hearings.

A. Types of Hearings. This section establishes three types of hearings upon which decisions regarding permits and approvals pursuant to this title can be made. These are as follows:

1. Hearing. A hearing shall conform to the following requirements:

a. Location. A hearing before the planning director or planning commission shall be held in the city council chambers of the Manteca City Hall or in such other location as the body holding the hearing shall direct.

b. Timing. A hearing before the planning director or planning commission shall be held not less than fourteen nor more than ninety days following receipt by the planning director of a complete application for which the hearing is required.

c. Notice. A hearing before the planning director or planning commission shall be noticed by mailing notices to all residences within one hundred feet of the boundaries of the property in question, as these residences are listed on the equalized assessment role of the county assessor. Such notices shall be mailed out not less than eleven days prior to the date of the hearing.

2. Public Hearing. A public hearing shall conform to the following requirements:

a. Location. A hearing before the planning commission or city council shall be held in the council chambers of the Manteca City Hall or in such other location as the body holding the hearing shall direct.

b. Timing. A hearing before the planning commission or city council shall be held not less than fourteen nor more than ninety days following receipt by the planning commission secretary or city clerk of a complete application for which the hearing is required.

c. Notice. A hearing before the planning commission or city council shall be noticed by mailing notices to all residences within three hundred feet of the boundaries of the property in question as these residences are listed on the equalized assessment role of the county assessor. Such notices shall be mailed out not less than eleven days prior to the date of hearing.

3. Noticed Public Hearing. A noticed public hearing shall conform to the following standards:

a. Location. A hearing for a matter of the nature described in this section shall be held in the city council chambers of the Manteca City Hall, or in such other locations as the body holding the hearing shall direct.

b. Timing. Such a hearing shall be held not less than fourteen or more than ninety days following receipt of a complete application or proposal for zoning change.

c. Notice. A hearing for a matter of the nature described in this section shall be given by the following methods:

i. Notice by publication in a newspaper of general circulation in the city not less than eleven days prior to the date of hearing;

ii. In addition to such newspaper notice, mailed notices shall be sent to all property owners within three hundred feet of the property in question, and as these appear on the last equalized assessment role of the county assessor. If, however, the number of owners to whom the notice would be mailed or delivered is greater than one thousand, the mailed or delivered notice can be substituted with a display advertisement of at least one-eighth page in a newspaper of general circulation in the city. Such notices shall be mailed not less than eleven days prior to the date of the hearing.

B. Content of Hearing Notice. A hearing notice, whether posted, mailed or published, shall contain at least the following information:

1. The address and location of the property in question;
2. The nature of the matter being considered;
3. The time and location of the public hearing;
4. The fact that any interested person may testify either in person or in writing delivered to the proper address prior to the date and time of the hearing;
5. The address and telephone number of the city office where further information may be requested and the address to which written communications shall be directed;
6. The following clause:

If you challenge the [insert proposed city action] in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission or City Council, as the case may be, at, or prior to, the noticed public hearing.

C. Failure to Receive Notice. The failure of any person or entity to receive notice given pursuant to this title shall not constitute grounds to invalidate the actions of the decision-making body for which the notice was given.

D. Conduct of Hearings. The planning commission and city council may establish its own rules for the conduct of hearings. Evidence shall be offered or presented, and the name and address of each witness shall be recorded and made a part of the permanent files. Any hearing may be continued provided that prior to adjournment or recess the presiding officer shall announce the time and place to which the hearing will be continued. (Ord. 940 §1, Ex. A(part), 1992)

17.49.080 Permit revocation and modification.

A. Basis for Revocation or Modification. Any permit or approval issued pursuant to this title may be modified or revoked by the decision-making authority that originally issued the permit or approval by the same procedure under which the permit or approval was issued for any of the following causes:

1. That any term or condition of the permit or approval has not been complied with;
2. That the property or portion thereof subject to the permit or approval is used or maintained in violation of any statute, ordinance, law or regulation;
3. That the use for which the permit or approval was granted has been so exercised as to be detrimental to the public health or safety or as to constitute a nuisance;
4. That changes in technology or in the type or amount of development in the vicinity of the use or other good cause warrants modification of the conditions of operation or imposition of additional conditions of operation to assure that the use remains compatible with existing and potential uses of other property within the general area in which the use is located.

B. Revocation. Upon violation of any applicable provision of this title or failure to comply with any condition imposed pursuant to this title the planning director shall notify the permittee that revocation proceedings have begun. The decision-making authority shall then hold a hearing of the type employed in the original approval within thirty days, and if not satisfied that the regulation, general provision, or condition is being complied with, may revoke the permit or approval or take such action as may be necessary to ensure compliance with the regulation, general provision or condition. Within ten days of the date of a decision by the decision-making authority revoking a permit or approval, the decision may be appealed to the next highest review level in accordance with applicable appeal procedures set forth in this chapter.

C. Permit Modification. All conditions of approval shall be final, and a request to delete or to modify a condition to make it less restrictive shall only be considered by the original decision-making authority after a hearing of the type employed in the original approval. Notwithstanding, minor zone or minor plan modifications may be applied for pursuant to Chapters 17.31 or 17.33 of this title.

D. New Application. Following the denial of a permit or approval application, no application for a permit or approval for the same or substantially the same permit or approval, on the same site shall be filed within one year from the date of denial of the permit or approval unless it can be shown that there has been a change in the property or environs substantially affecting the permit or approval. (Ord. 940 §1 Ex. A(part), 1992)

Chapter 17.53 PROPERTY MAINTENANCE

17.53.010 Purpose.

The purpose of this chapter is to establish standards and procedures for the maintenance of property in the city of Manteca. (Ord. 940 §1, Ex. A(part), 1992)

17.53.020 Nuisances.

A. Unlawful Residential Property Nuisance. It shall be unlawful for any person owning, leasing, renting, occupying or having charge or possession of any residential property in the city to maintain or to allow to be maintained such property in such manner that any of the following conditions are found to exist thereon, except as may be allowed by any other provision of law, including provisions of city ordinances:

1. The accumulation of dirt, litter or debris;
2. Clothes lines or clothes hanging in front yards;
3. Boxes, bins, containers, lumber, junk, trash, salvage materials or other similar materials;
4. Attractive nuisances dangerous to children, including but not limited to abandoned, broken or neglected equipment, machinery, refrigerators and freezers, hazardous pools, ponds and excavations;
5. Broken or discarded furniture, household equipment and furnishings or shopping carts;
6. Overgrown vegetation likely to harbor rats, vermin and other nuisances dangerous to public health, safety and welfare, or obstructing a necessary view of drivers on public streets or private driveways;
7. Weeds, dead, decayed, diseased or hazardous trees and other vegetation constituting an unsightly appearance or dangerous to public health, safety and welfare;
8. Graffiti on the exterior of any building, fence or other structure;
9. Wrecked or inoperable vehicles, vehicle parts or other articles or personal property that are abandoned or left in a state of partial construction or repair;
10. Mobile homes, recreational vehicles, utility trailers, unmounted camper shells, boats, cars, trucks or other vehicles that are parked or stored in violation of Chapter 17.15 of this title;
11. Buildings that are abandoned, boarded up, partially destroyed or left in a state of partial construction and such buildings that are unpainted or where the paint on the building exterior is mostly worn off.

B. Unlawful Nonresidential Property Nuisance. It shall be unlawful for any person owning, leasing, renting, occupying or having charge or possession of any nonresidential property in the city to maintain or to allow to be maintained such property in such a manner that any of the following conditions are found to exist thereon and are visible from a public street, except as may be allowed by any other provision of law, including provision of city ordinances:

1. The accumulation of dirt, litter or debris;
2. Boxes, bins, containers, lumber, junk, trash, salvage materials or other similar materials;
3. Attractive nuisances dangerous to children, including but not limited to abandoned, broken or neglected equipment, machinery, refrigerators and freezers, hazardous pools, ponds and excavations;
4. Broken or discarded furniture, household equipment and furnishings or shopping carts;
5. Overgrown vegetation likely to harbor rats, vermin and other nuisances dangerous to public health, safety and welfare, or obstructing a necessary view of drivers on public streets or private driveways;
6. Weeds, dead, decayed, diseased or hazardous trees and other vegetation constituting an unsightly appearance or dangerous to public health, safety and welfare;
7. Wrecked or inoperable vehicles, vehicle parts or other articles of personal property that are abandoned or left in a state of partial construction or repair;
8. Mobile homes, recreational vehicles, utility trailers, unmounted camper shells, boats, cars, trucks or other vehicles that are parked or stored in violation of Chapter 17.15 of this title;
9. Graffiti on the exterior of any building, fence or other structure.
10. Buildings that are abandoned, boarded up, partially destroyed or left in a state of partial construction and such buildings that are unpainted or where the paint on the building exterior is mostly worn off.

C. Declaration of Public Nuisance. Any property found to be maintained in violation of subsections A or B of this section is declared to be a public nuisance and shall be abated by rehabilitation, removal, demolition or repair pursuant to the procedures set forth herein. The procedures for abatement set forth in this chapter shall not be exclusive and shall not in any manner limit or restrict the city from enforcing other city ordinances or abating public nuisances in any other manner provided by law. (Ord. 940 §1, Ex. A(part), 1992)

17.53.030 Abatement procedure.

A. Notification of Nuisance. Whenever the city manager or city manager designate determines that any property within the city is being maintained contrary to one or more of the provisions of Subsections **17.53.020** A or B of this chapter, he or she shall give written notice ("notice to abate") to the owner of such property stating the sections being violated. Such notice shall set forth a reasonable time limit, in no event less than seven calendar days, for correcting the violation(s) and may also set forth suggested methods of correcting the same. Such notice shall be served upon the owner

in accordance with provisions of subsection A of this section covering service in person or by mail.

B. Administrative Hearing to Abate Nuisance. In the event such owner fails, neglects or refuses to comply with the "notice to abate," the city manager, or his/her designee, shall conduct an administrative hearing to ascertain whether such violation constitutes a public nuisance.

C. Notice of Hearing. Notice of the hearing shall be served upon the owner not less than seven calendar days before the time fixed for hearing. Notice of hearing shall be served in person, by first class mail, or by certified mail to the owner's last known address. Service shall be deemed complete at the time notice is personally served or deposited in the mail. Failure of any person to receive notice shall not affect the validity of any proceedings hereunder. Notice shall be substantially in the format set forth as follows:

NOTICE OF ADMINISTRATIVE HEARING ON ABATEMENT OF NUISANCE

This is a notice of hearing before the City Manager (or his designees) to ascertain whether certain property situated in the city of Manteca, State of California, known and designated as (street address) _____, in said city, and more particularly described as (assessor's parcel number) _____ constitutes a public nuisance subject to abatement by the rehabilitation of such property or by the repair or demolition of buildings situated thereon. If said property, in whole or part, is found to constitute a public nuisance as defined in this chapter and if the same is not promptly abated by the owner, such nuisance may be abated by City authorities, in which case the cost of such rehabilitation, repair or demolition will be assessed upon such property and such costs, together with interest thereon, will constitute a lien upon such property until paid; in addition, you may be cited for violation of the provisions of City ordinances and subject to a fine.

Said alleged conditions consist of the following:

The method(s) of abatement are:

All persons having an interest in said matters may attend the hearing and their testimony and evidence will be heard and given due consideration.

Dated this _____ day of _____, 20____.

City Manager

Time and Date of Hearing: _____

Location of Hearing: _____

D. Administrative Hearing by City Manager or His/Her Designee. At the time stated in the notice, the city manager, or his/her designee, shall hear and consider all relevant evidence, objections or protests, and shall receive testimony under oath

relative to such alleged public nuisance and to proposed rehabilitation, repair, removal or demolition of such property. The hearing may be continued from time to time.

If the city manager, or his/her designee, finds that such public nuisance does exist and that there is sufficient cause to rehabilitate, demolish, remove or repair the same, the city manager, or his/her designee, shall prepare findings and an order, which shall specify the nature of the nuisance, the method(s) of abatement and the time within which the work shall be commenced and completed. The order shall include reference to the right to appeal set forth in subsection F of this section. A copy of the findings and order shall be served on all owners of the subject property in accordance with the provisions of subsection C of this section. In addition, a copy of the findings and order shall be forthwith conspicuously posted on or near the property.

E. Procedure-No Appeal. In the absence of any appeal, the property shall be rehabilitated, repaired, removed or demolished in the manner and means specifically set forth in said findings and order.

F. Appeal Procedure-Hearing by City Council. The owner may appeal the city manager's or his/her designee's findings and order to the city council, ("council") by filing an appeal with the city clerk within seven calendar days of the date of service of the city manager's or his/her designee's decision. The appeal shall contain:

1. A specific identification of the subject property;
2. The names and addresses of all appellants;
3. A statement of appellant's legal interest in the subject property;
4. A statement in ordinary and concise language of the specific order or action protested and the ground for appeal, together with all material facts in support thereof;
5. The date and signatures of all appellants; and
6. The verification of at least one appellant as to the truth of the matters stated in the appeal.

As soon as practicable after receiving the appeal, the city clerk shall set a date for the council to hear the appeal which date shall not be less than seven calendar days nor more than thirty calendar days from the date the appeal was filed. The city clerk shall give each appellant written notice of the time and the place of the hearing at least five calendar days prior to the date of hearing, either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his address shown on the appeal. Continuances of the hearing may be granted by the council on the request of the owner for good cause shown, or on the council's own motion.

G. Decision by Council. Upon the conclusion of the hearing, the council shall determine whether the property, or any part thereof, as maintained, constitutes a public nuisance. If the council so finds, the council shall adopt a resolution declaring

such property to be a public nuisance, setting forth its findings, and ordering the abatement of the same by having such property rehabilitated, repaired, removed or demolished in the manner and means specifically set forth in such resolution. The resolution shall set forth the time within which such work shall be completed by the owner, in no event less than thirty days. The decision and order of the council shall be final.

H. Service of Order to Abate. A copy of the resolution of the council ordering the abatement of the nuisance shall be served upon the owner(s) of the property in accordance with the provisions of subsection C of this section. Upon abatement in full by the owner, the proceedings under this chapter shall terminate.

I. Hearing Procedure Before City Manager or His/Her Designate and Council. All hearings shall be tape recorded.

Hearings need not be conducted according to the technical rules of evidence.

Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state. Any relevant evidence shall be admitted if it is the type of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

Oral evidence shall be taken only on oath or affirmation.

Irrelevant and unduly repetitious evidence shall be excluded.

J. Abatement by City. If such nuisance is not abated as ordered within the abatement period, the city manager shall cause the same to be abated by city employees or private contract. The cost, including incidental expenses, of abating the nuisance shall be billed to the owner and shall become due and payable thirty days thereafter. The term "incidental expenses" shall include, but not be limited to, personnel costs, both direct and indirect, including attorney's fees; costs incurred in documenting the nuisance; the actual expenses and costs of the city in the preparation of notices, specifications and contracts, and in inspecting the work; and the costs of printing and mailing required under this section.

A person shall not obstruct, impede or interfere with the city manager, or his/her representative, or with any person who owns, or holds any interest or estate in any property in the performance of any necessary act, preliminary to or incidental to, carrying out an abatement order issued pursuant to subsections D and G of this section.

K. Limitation of Filing Judicial Action. Any action appealing the council's decision and order shall be commenced within thirty calendar days of the date of service of the decision.

L. Demolition. No property shall be found to be a public nuisance under Sections **17.53.020 A 11** or **17.53.020 B 10** of this chapter and ordered demolished unless the order is based on competent sworn testimony and it is found that in fairness and in justice there is no way other than demolition reasonably to correct such nuisance.

M. Notice of Intent to Demolish. A copy of any order or resolution requiring abatement by demolition under subsections D or H of this section shall be forthwith recorded with the county recorder.

N. Record of Cost of Abatement. The city manager shall keep an account of the cost, including incidental expenses, of abating such nuisance on each separate lot or parcel of land where the work is done by the city and shall render an itemized report in writing to the city council showing the cost of abatement, including the rehabilitation, demolition or repair of said property, including any salvage value relating thereto; provided that before such report is submitted to the city council, a copy of the same shall be posted for at least five days upon or in front of such property, together with a notice of the time when such report shall be heard by the city council for confirmation. A copy of such report and notice shall be served upon the owners of such property in accordance with the provisions of subsection C of this section at least five calendar days prior to submitting the same to the city council. Proof of such posting and service shall be made by affidavit filed with the city clerk.

O. Assessment Lien. The total cost for abating such nuisance, as so confirmed by the city council, shall constitute a special assessment against the respective lot or parcel of land to which it relates, and upon recordation in the office of the county recorder of a notice of lien, as so made and confirmed, shall constitute a lien on the property for the amount of such assessment.

After such confirmation and recordation, a certified copy of the council's decision shall be filed with the county auditor-controller on or before August 1st of each year, whereupon it shall be the duty of the auditor-controller to add the amounts of the respective assessments to the next regular tax bills levied against and respective lots and parcels of land for municipal purposes and thereafter the amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to such special assessment.

In the alternative, after such recordation, such lien may be foreclosed by judicial or other sale in the manner and means provided by law.

Such notice of lien for recordation shall be in form substantially as follows:

NOTICE OF LIEN

(Claim of the City of Manteca)

Pursuant to the authority vested by the provisions of Section of Manteca Ordinance No. _____, the City Manager of the City of Manteca did on or about the ____ day of _____, 20____, cause the property hereinafter described to be rehabilitated or the building or structure on the property hereinafter described, to be repaired or demolished in order to abate a public nuisance on said real property; and the City Council of the City of Manteca did on the ____ day of _____, 20____, assess the cost of such hereinafter described; and the same has not been paid nor any part thereof; and that the City of Manteca does hereby claim a lien on such rehabilitation, repair or demolition in the amount of said assessment, to wit, the sum of \$_____, and the same, shall be a lien upon said real property until the same has been paid in full and discharged of record.

The real property hereinabove mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being in the city of Manteca, county of San Joaquin, state of California, and particularly described as follows:

(description)

Dated this ____ day of _____, 20____.

City Manager

P. Alternative Actions Available. Nothing in this chapter shall be deemed to prevent the city council from ordering the commencement of a civil proceeding to abate a public nuisance to applicable law or from pursuing any other remedy available under applicable law. (Ord. 1022 §§1-4, 1995; Ord. 940 §1, Ex. A(part), 1992)

Chapter 17.55 NONCONFORMING BUILDINGS AND USES

17.55.010 Purpose.

The purpose of this chapter is to provide for the termination of nonconforming buildings and uses in order to promote the public health, safety and general welfare, and to bring such buildings and uses into conformity with the goals and policies of the Manteca general plan. This chapter is intended to prevent the expansion of nonconforming uses and buildings, establish the circumstances under which they may be continued, and provide for the removal, correction or change of such use and buildings. (Ord. 940 §1, Exh. A(part), 1992)

17.55.020 Limitations to nonconforming buildings.

A. The following limitations shall apply to nonconforming buildings and structures:

1. A nonconforming building which is damaged to the extent that the cost of repair or replacement would exceed fifty percent of the appraised value of the damaged structure may be restored only if made to conform to all provisions of this title.

2. Maintenance, repairs, changes to interior partitions and other nonstructural improvements may be made to a nonconforming building; however, the cost of such maintenance, repairs and changes shall not exceed fifty percent of the appraised value of the structure to be renovated.

3. Subject to the valuation limit in subsection A 2 of this section, structural elements may be modified where the building official determines such modification is immediately necessary to protect the health and safety of the public or occupants of the nonconforming building or adjacent property.

4. If the use of a nonconforming structure is discontinued for a period of six months or more, the building shall lose its nonconforming status and shall thereafter be removed or altered to conform to the provisions of this title. Intent to resume use of a nonconforming structure shall not confer the right to do so. For purpose of determining whether a right to continue a nonconforming situation is lost pursuant to this subsection, all of the buildings, activities and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one apartment in a nonconforming apartment building for six months shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building as a whole is continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of the nonconforming use for the required period shall terminate the right to maintain it thereafter.

5. A nonconforming use of land involving no structure, other than a fence, signs and buildings less than four hundred square feet in area shall not be reestablished if such use of land has been discontinued for a period of three months or more or has been changed to, or replaced by, a conforming use. Intent to resume a nonconforming use of land shall not confer the right to do so.

6. A nonconforming use shall not be enlarged, extended or moved to a different portion of the lot or parcel of land occupied by such use, except as follows:

- a. To make such use conforming;
- b. For a single-family residential structure, wherein such a structure may be enlarged, provided the normal standard of aggregate rear yard is maintained, and the addition shall be no closer than five feet to any side lot line;
- c. For a multiple-family residential structure, wherein such a structure may be enlarged, provided the addition conforms to the normal standard of lot area coverage and building setbacks, and parking for the zone district is maintained and no additional dwelling units are created.

7. A nonconforming use shall not be changed to another nonconforming use without approval by the planning commission and then only to a use which in the opinion of the commission is of the same or of a more restrictive nature.

B. For purposes of subsection A of this section:

1. The “cost” of renovation or repair or replacement means the fair market value of the materials and services necessary to accomplish such renovation, repair or replacement.
 2. The “cost” of such renovation or repair or replacement means the total cost of all such intended work, and no person may seek to avoid the intent of subsection A of this section by doing such work incrementally.
 3. The “appraised valuation” means either the appraised valuation for property tax purposes, updated as necessary by the increase in the consumer price index since the date of the last valuation, or the valuation determined by a professionally recognized property appraiser.
 4. Renovation, repair or replacement costs shall be determined by the building official, whose decision may be appealed to the city council.
- C. Notwithstanding the provisions of this chapter, any legally established single or multiple-family residence existing in any zone district since March 1, 2002 may be used, repaired, replaced and maintained to its original footprint without regard to the limitations otherwise imposed by this chapter, except as provided in Section 17.55.020(A)(6)(c). (Ord. 1215 §1, 2002; Ord. 1142 §§I, II, 2000; Ord. 940 §1, Exh. A(part), 1992)

17.55.030 Limitations to nonconforming uses.

The following limitations shall apply to nonconforming uses:

- A. Change of ownership, tenancy or management of a nonconforming use shall not affect its legal nonconforming status.
- B. A lot or portion thereof occupied by a nonconforming use may be further developed by the addition of conforming uses and structures through the approval of a minor zone modification permit as provided for in Chapter 17.31 of this title.
- C. Any nonconforming use may be changed to a conforming use provided that all applicable permit requirements and standards of this title are satisfied.
- D. No use of land or structure existing at the time of the adoption of this title shall be deemed to be nonconforming solely because of a failure to meet the requirements of Chapter 17.15 of this title (Parking and Loading), provided that facilities being used for off-street parking or loading at that time shall not be reduced in capacity to less than the number of spaces or berths required by Chapter 17.15 of this title or reduced in area to less than the minimum standards required by Chapter 17.15 of this title.
- E. A building, structure or part thereof which does not conform to the regulations for the district in which it is situated but for which a building permit was issued prior to the enactment of the ordinance codified in this title, may be completed providing work is pursued continuously and without delay. Such building, structure or

part thereof shall be deemed to be a nonconforming use and shall thereafter be subject to the restrictions set forth herein. (Ord. 940 §1, Exh. A(part), 1992)

17.55.040 Use of nonconforming lots.

Any lot, the area, dimensions or location of which was lawful on the effective date of this title or any amendment thereto, but which fails by reason of such adoption or amendment to conform to the requirements of the applicable zoning district, shall be considered buildable for the purposes of this title. (Ord. 940 §1, Exh. A(part), 1992)

17.55.050 Termination of nonconforming buildings and uses.

A. The following nonconforming buildings and uses shall be discontinued, removed or altered to conform to the provisions of this title within the following time limits from the effective date of the ordinance codified in this title, after receipt of written notice by the owner of the property from the planning director informing same of the nature of the nonconformity and of the city's intent to enforce these regulations:

1. A nonconforming use which does not occupy a structure, or which occupies a structure for which no building permit is required, ninety days.
2. A nonconforming use occupying a structure for which a building permit is required, three years.
3. A nonconforming building which contains less than one hundred square feet of gross floor area, or has an assessed value of one hundred thousand dollars or less, as reflected by the current assessment roll, three years.
4. A use nonconforming because of a failure to meet the outdoor storage requirements of this title, ninety days.
5. In all other cases not covered by subsections A 2 through A 4 of this section, nonconforming buildings and structures shall be removed or altered to conform to the provisions of this title in accordance with the following schedule, provided that such buildings and structures may continue to be used for a period of not less than five years from the effective date of this title:

Type of Construction	Removal Date
(Uniform Building Code)	(Years from date structure was originally constructed)
Type I	50 years
Type II or III	40 years
Type IV or V	35 years

B. Nonconforming signs shall be abated in accordance with the provisions of Chapter 17.17 of this title.

C. In any R district, any nonconforming use of open land including, but not limited to, such uses as a parking lot, junk yard or open storage yard for materials or equipment, which is sufficiently objectionable, undesirable and out of character in the district in which such use is located as to depreciate the value of other property and uses permitted in the district, and impair the proper and orderly development and general welfare of such district and the community, shall be discontinued at the end of three years after the effective date of the ordinance codified in this title, which time period is specified for the purpose of permitting the amortization of the value of such use. The time period shall be measured from the date of adoption of the ordinance codified in this title or from the date of any subsequent amendment thereof which has the effect of making any existing use nonconforming.

D. Any use which is nonconforming at the time of the adoption of the ordinance codified in this title by reason of noncompliance with performance standards established in Chapter 17.13 of this title shall adopt measures necessary to conform herewith within five years of the adoption of the ordinance codified in this title.

E. Any use which is nonconforming by reason of failure to secure a use permit shall be subject to the regulations of subsection C of this section until such time as a use permit is secured. (Ord. 940 §1, Ex. A(part), 1992)

17.55.060 Extension of amortization period.

A. An application may be filed requesting an extension of the time within which a nonconforming use or building must be discontinued or removed as required by Section **17.55.050** of this chapter. Such application shall be filed prior to the date the use or building is required to be terminated, and shall be accompanied by proof of the following:

1. That to require cessation or removal of such use or building would impair the property rights of any person to such an extent as to be an unconstitutional taking of property, and

2. That such use or building does not now and will not during the extension period requested:

a. Adversely effect the health, peace or welfare of persons residing or working in the surrounding area;

b. Be materially detrimental to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site; and

c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

B. The planning commission shall hold a public hearing on an extension request and may approve such a request provided that all of the findings of fact required by subsection A of this section are made in a positive manner by the commission. The commission, in approving an application for a time extension, may impose conditions it deems necessary to ensure that the approval will be in accordance

with the required findings. Conditions imposed by the commission may involve any pertinent factors affecting the operation and maintenance of the use(s) or building(s). (Ord. 940 §1, Ex. A(part), 1992)

17.55.070 Public utility exceptions.

Nothing contained in this chapter shall be construed or implied so as to require the removal of public utility buildings, structures, equipment or facilities, provided that there is no change of use and no enlargement of the land area devoted to such use. (Ord. 940 §1, Ex. A(part), 1992)

17.55.080 Prohibited building permits and certificates of occupancy.

When any nonconforming building or use is required to be abated pursuant to the provisions of this chapter, no building permit or certificate of occupancy shall thereafter be issued for further continuance, alteration or expansion of the nonconforming building or use, except as provided for in Section **17.55.060** of this chapter. The issuance of such permit or certificate in error shall not be construed as allowing the continuation of the nonconforming building or use. (Ord. 940 §1, Ex. A(part), 1992)

17.55.090 Removal of illegal nonconforming buildings and uses.

Nothing contained in this chapter shall be construed or implied so as to allow for the continuation of illegal nonconforming buildings and uses. Such uses shall be removed immediately upon notification by the planning director. (Ord. 940 §1, Ex. A(part), 1992)

17.55.100. Exceptions.

Any nonconforming site proposed for further development, including expansion of use, building additions and establishment of new uses, shall conform to all current codes except as follows:

A. In commercial districts, an existing use on a nonconforming site may be expanded provided that the expansion does not involve the installation of permanent improvements. The installation of any permanent improvement will be subject to site plan and design review.

B. In commercial districts, a new accessory use can be established on a nonconforming site provided that the expansion does not involve the installation of permanent improvements including any building additions in accordance with Section 17.58.

(Ord. 1241 §2, 2003)

Chapter 17.57 DETERMINATIONS OF SIMILAR USE

17.57.010 Purpose.

The purpose of this chapter is to establish procedures to make a determination that a proposed use is similar to a use specified in this title as a permitted use or conditionally permitted use. (Ord. 940 §1, Ex. A(part), 1992)

17.57.020 Applicability.

When a property owner, applicant or potential applicant proposes or contemplates a use of property not expressly authorized as a permitted use or as a conditional use by the regulations of the applicable zoning district or districts, he or she may apply for a determination of similar use in accordance with the procedures set out in this section. An application for similar use may be submitted in conjunction with an application for a permit or approval described in this title or at any other time as may be convenient to the applicant. (Ord. 940 §1, Ex. A(part), 1992)

17.57.030 Responsibility for determination of similar use.

An application for a determination of similar use shall be reviewed and acted upon by the planning director in accordance with the procedures set out in Section **17.49.040** of this title. If a determination of similar use is required as part of a larger project that requires planning commission or city council review, then review of the request for determination of similar use shall be the responsibility of the planning commission or city council, respectively. Review by these decision-making bodies shall be in accordance with the procedure set out in Section **17.49.050** of this title, in the case of the planning commission, or in Section **17.49.060** of this title, in the case of the city council review. (Ord. 940 §1, Ex. A(part), 1992)

17.57.040 Required findings.

The decision-making authority may approve an application for determination of similar use if it makes all of the following findings:

A. The proposed or contemplated use resembles or is of the same basic nature as a use or uses expressly authorized in the applicable zoning district or districts in terms of the following:

1. The activities involved in or equipment or materials employed in the use.

2. The effects of the use on the surrounding area, such as traffic impacts, noise, dust, odors, vibrations and appearance.

B. The use is consistent with the stated purpose of the applicable district or districts. (Ord. 940 §1 Ex. A(part), 1992)

Chapter 17.58 DETERMINATIONS OF AN ACCESSORY USE

17.58.010 Purpose.

The purpose of this chapter is to establish procedures to make a determination that a proposed use is an accessory use to an existing use on a nonconforming site. (Ord. 1241 §8, 2003)

17.58.020 Applicability.

When a property owner, applicant or potential applicant proposes to establish an accessory use on a nonconforming site, he or she may apply for a determination of an accessory use in accordance with the procedures set out in this section. An application for accessory use may be submitted in conjunction with an application for a permit or approval described in this title or at any other time as may be convenient to the applicant. (Ord. 1241 §8, 2003)

17.58.030 Responsibility for determination of an accessory use.

An application for a determination of an accessory use shall be reviewed and acted upon by the planning director in accordance with the procedures set out in Section **17.49.040** of this title. If a determination of an accessory use is required as part of a larger project that requires planning commission or city council review, then review of the request for determination of similar use shall be the responsibility of the planning commission or city council, respectively. Review by these decision-making bodies shall be in accordance with the procedure set out in Section **17.49.050** of this title, in the case of the planning commission, or in Section **17.49.060** of this title, in the case of the city council review. (Ord. 1241 §8, 2003)

17.58.040 Required findings.

The decision-making authority may approve an application for determination of an accessory use if it makes all of the following findings:

- A. The proposed use is compatible with the existing use on the nonconforming site.
- B. The proposed accessory use is listed as a permitted use in the applicable zone district.
- C. The accessory use is incidental to the existing use on the site.
- D. The accessory use will not result in additional business entities on the site, but rather is an expansion of the existing business.
- E. The addition of the accessory use shall not be materially detrimental to the health, safety or welfare of the public or to the property and residents in the vicinity.
- F. The addition of the accessory use shall not create impacts substantially different from those of the existing business.
- G. The accessory use shall be in compliance with Chapter 17.13, Performance Standards. (Ord. 1241 §8, 2003)

Chapter 17.59 ENFORCEMENT AND PENALTIES**17.59.010 Purpose.**

The purpose of this chapter is to provide for the enforcement of the provisions of this title and any entitlements granted pursuant thereto, in order to provide for their

effective administration, to ensure compliance with any conditions of approval for a permit, to promote the city's planning efforts, and to protect the public health, safety and welfare. (Ord. 940 §1, Ex. A(part), 1992)

17.59.020 Responsibility for enforcement.

A. It shall be the duty of the building official and the planning director of the city to enforce the provisions of this title pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any use, building, sign or premise. In the discharge of this duty the building official and planning director or their agents shall have the right to enter on any site or to enter any structure for the purpose of investigation and inspection, provided that the right of entry shall be exercised only at reasonable hours and that in no case shall any structure be entered in the absence of the owner or tenant without the written order of a court of competent jurisdiction.

B. All department officials and public employees of the city vested with the duty or authority to issue permits shall conform to the provisions of this title and shall issue no permit, certificate or license for uses, buildings or purposes in conflict with the provisions of this title. Any such permit, certificate or license issued in conflict with the provisions of this title, intentionally or otherwise, shall be null and void.

C. The building official or the planning director of the city may serve notice requiring the removal of any structure or use in violation of this title on the owner or their authorized agent, on a tenant, or on an architect, builder, contractor or other person who commits or participates in any violation. The building official or the planning director of the city may call upon the city attorney to institute necessary legal proceedings to enforce the provisions of this title, and the city attorney is authorized to institute appropriate actions to that end. The planning director may call upon the chief of police and his or her authorized agents to assist in the enforcement of this title. (Ord. 940 §1, Ex. A(part), 1992)

17.59.030 Violations and penalties.

A. Any person, firm, corporation or organization, whether acting as principal agent, employee or otherwise, violating or causing the violation of any provision of this title shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than one thousand dollars and by imprisonment for a term not exceeding six months, or by both a fine and imprisonment. A person, firm, corporation or organization shall be deemed guilty of a separate offense for each day during the portion of which a violation of this title is committed, continued or permitted by the person, firm, corporation or organization and shall be punishable as provided in this chapter.

B. Any structure or sign erected, moved, altered, enlarged or maintained and any use of a site contrary to the provisions of this title may be and is declared to be unlawful and a public nuisance, and the city attorney may immediately institute necessary legal proceedings for the abatement, removal and injunction thereof in the manner provided by law, may take such other steps as may be necessary to accomplish

these ends, and may apply to a court of competent jurisdiction to grant such relief as will remove or abate the structure, sign or use and restrain or enjoin the person, firm, corporation or organization from erecting, moving, altering or enlarging the structure or sign or using the site contrary to the provisions of this title.

C. All remedies provided for in this chapter shall be cumulative and not exclusive. (Ord. 940 §1, Ex. A(part), 1992)

Chapter 17.61 DEFINITIONS

17.61.010 Purpose.

The purpose of this chapter is to define terms used in this title and establish rules for the construction of the language to ensure a consistent interpretation of the requirements of this title. (Ord. 940 §1, Ex. A(part), 1992)

17.61.020 Rules for construction of language.

In interpreting the various provisions of the title, the following rules of construction shall apply:

- A. The particular shall control the general.
- B. In case of conflict between the text and diagram, the text shall control.
- C. All references to departments, commissions, boards or other public agencies are to those of the city unless otherwise indicated.
- D. All references to public officials are to those of the city and include designated deputies of such officials, unless otherwise indicated.
- E. All references to days are to calendar days unless otherwise indicated. If a deadline falls on a weekend or holiday, it shall be extended to the next working day.
- F. The words "shall," "will" and "is to" are always mandatory and not discretionary. The words "should" or "may" are permissive.
- G. The present tense includes the past and future tenses, and the future tense includes the past.
- H. The singular number includes the plural, and the plural, the singular.
- I. Whenever a certain hour or time of day is specified in this title or any permit, condition of approval or notice issued or given as set forth in this title, such hour shall be Standard Time or Daylight Savings Time, whichever is current use in the city.
- J. Whenever this title requires consideration of distances, parking spaces or other aspects of development or the physical environment expressed in numerical quantities which are fractions of whole numbers, such numbers are to be rounded to the next highest whole number, when the fraction is .5 or more, and to the next lowest whole number when the fraction is less than .5 except as otherwise noted in this title. In the case of the number of dwelling units (development permit or density bonus option),

the numerical quantities which are fractions of whole numbers shall be rounded to the next lowest whole number in all such instances. (Ord. 940 §1, Ex. A(part), 1992)

17.61.030 Definitions.

For the purposes of this title, the following words and phrases shall be defined as follows:

“Abut” means to physically touch, border upon or to share a common corner or lot line.

“Accessible parking” means parking or a parking space or stall devoted to use by vehicles operated by or for persons with mobility impairments.

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

Accessory Building or Structure, Detached. “Detached accessory building or structure” means an accessory building or structure that meets the standards set forth in the most recent Uniform Building Code for detached structure.

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

Acre, Gross. “Gross acre” means the area of a lot or site, including easements of right-of-way to be dedicated, but excluding existing public rights-of-way.

Acre, Net. “Net acre” means the area of a lot or site remaining after dedication of all required rights-of-way.

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

“Adult business” means any of the following types of establishments:

“Adult bookstore” means any commercial establishment that has more than twenty-five percent of its merchandise (as measured by cost of inventory, retail floor area, retail value or gross revenue) in books, magazines, photographs, drawings, motion pictures, video tapes, films or other visual representations which describe or depict sexual intercourse, fellatio, cunnilingus, bestiality, sodomy, sadomasochism or other sexual excitement or sexual conduct.

“Adult theater” means any establishment which shows or provides films or displays them on a viewer, screen or television set, more than twenty-five percent of

which depict, describe or relate sexual intercourse, fellatio, cunnilingus, bestiality, sodomy, sadomasochism or other sexual excitement or sexual conduct.

“Agricultural and farming operations” means the use of land for cultivation and animal raising and agricultural and farming purposes, including dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animals and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

“Agricultural and farming orchard area” means net area of one acre or more for trees used for commercial agricultural and farming production operations.

“Agricultural services” means services provided by a person, company, or other means through contract to perform work or provide supplies of an agricultural nature to an unassociated agricultural land use.

“Alley” means a public way permanently reserved primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

“Alter” means to make a change in the exterior appearance or the supporting members of a structure, such as bearing walls, columns, beams or girders, that will prolong the life of the structure.

“Ambient noise level” means the composite of noise from all sources excluding the alleged offensive noise. In this context, it represents the normal or existing level of environmental noise at a given location for a specified time of day or night.

“Amusement center” means any premises where there is maintained five or more games of skill or amusement whereby machines, contests, devices, games, tables, boards or amusements, the operation of which is permitted, controlled, obtained, conducted, allowed, authorized or made possible by depositing of any coin, token, plate or by the payment of any fee or fees, and where such machine, contest, device, game table, board or amusement tests, or provides a means for testing, the skill of the operator thereof with reference to its operation or the results thereof.

“Amusement complex” means an amusement center conducted at least partly outdoors.

“Antennae” means transmitting and receiving devices.

“Apartment.” See Dwelling, Multi-Family.

“Arcade center” means an amusement center conducted wholly indoors.

Area, Lot, Parcel or Site. “Lot, parcel or site area” means the horizontal area within the lot lines excluding access corridors, vehicular easements and areas to be included in future street rights-of-way as established by easement, dedication or ordinance.

“Automobile service, specialized” means specialized automobile component fabrication on a wholesale or subcontract basis.

“Automobile service station” means any premises where gasoline and other petroleum products are dispensed for use in automobiles and where light maintenance activities such as engine tune-ups, lubrication, minor repairs and carburetor cleaning may be conducted. Automobile service station shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting and body and fender work are conducted.

“A-weighted sound level” means the sound level in decibels as measured with a sound level meter using the A-weighted network (scale at slow meter response). The unit of measurement is referred to in this title as dBA or DBA.

“Awning” means a roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

“Back yard” means that portion of property between a building and the back lot line.

Bakery, Large. “Large bakery” means a commercial enterprise engaged in large scale production and wholesale marketing of bakery goods, and which may include incidental retail sales.

Bakery, Small. “Small bakery” means a retail commercial enterprise engaged principally in the production of bakery goods intended for retail sale on site and not including any large scale production wholesale marketing of bakery goods.

“Bar” means a structure, or part of a structure, used primarily for the sale or dispensing of liquor by the drink.

“Base district” means a zoning district which includes use, height, bulk, space and development standards for the regulation of development in a particular area (e.g., R-1, CS, IL).

“Bed and breakfast inn” means a structure which was originally built as a residential dwelling in which paying guests are lodged on an overnight basis.

“Boarder” means an individual other than a member of the family occupying the dwelling unit or a part thereof, who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration.

“Boarding house” means a residential use consisting of at least one dwelling unit together with three or more rooms that are rented or are designed or intended to be rented to long term residents, but which rooms, individually or collectively, do not constitute separate dwelling units.

“Bookstore” means any premises which has a substantial or significant portion of its stock in trade books, magazines, periodicals, pamphlets or newspapers.

Brewery, Micro. "Micro brewery" means a use which involves the manufacture of malt liquors or other like distilled beverages and limited to an annual fifteen-thousand-barrel production capacity and where food and beverage sales may be present.

"Building" means any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

"Building facade" means that portion of any exterior elevation of a building extending vertically from the grade to the top of a parapet wall or eave, and horizontally across the entire width of the building elevation.

"Building front" means that portion of the main building which affords public entry. In the case of more than one public entry, the entrance with the assigned address shall be considered the main public entry for computation purposes.

Building, Multitenant. "Multitenant building" means three or more separate uses or tenancies located in a single building on a single site.

"Cafeteria" means a restaurant to serve employees that is accessory to the principal use on the property.

"Canopy" means a permanent roofed structure of covering extended along part or all of a building facade, but not over a public right-of-way.

"Caretaker's quarters" means a dwelling unit on the site of a commercial, industrial, public or semipublic use, occupied by a guard or caretaker.

"Change of use" means a discontinuance of a use and the substitution therefor of a different use.

"Charitable institution" means a nonprofit institution devoted to the housing, training or care of children, or of aged, indigent, handicapped or underprivileged persons, but not including lodging houses or dormitories providing temporary quarters for transient unemployed persons, organizations devoted to collecting or salvaging new or used materials, or organizations devoted principally to distributing food, clothing or supplies on a charitable basis.

Chemical Storage, Hazardous. "Hazardous chemical storage" means the on-site storage of materials categorized as hazardous by the California List of Acutely Hazardous Materials.

"Child" means a person who is under eighteen years of age.

"Child day care facility" means a facility which provides non-medical care to children in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual on a less than twenty-four-hour basis.

“Church” means a building, together with its accessory buildings and uses, where persons regularly assemble for worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

“City” means the city of Manteca.

“City council” means the city council of the city of Manteca.

“City manager” means the city manager of the city of Manteca or his/her designees.

“Clinic” means an establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists or social workers, and where patients are not lodged overnight.

“Cold storage facility” means a building or buildings used to keep perishable goods from spoiling by means of refrigeration equipment or other cooling devices.

“Columbarium” means a structure of vaults lined with recesses for cinerary urns for the ashes of cremated bodies.

“Combining district” means a zoning district that modifies use, height, bulk, space or other development standards of the base district with which it is combined (e.g., PUD, CL, H).

“Commission” means the planning commission of the city of Manteca.

“Community care facility” means any facility, place or building which is maintained and operated to provide residential care, day treatment, adult day care or foster family agency services for children, adults or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons and abused and neglected children, and includes all associated types of facilities as set forth in Health and Safety Code 1502.

“Community care facility, large” means a community care facility for seven or more persons.

“Community care facility, senior” means a residential care facility for the elderly.

Community Care Facility, Small. “Small community care facility” means a community care facility for six or fewer persons that is state licensed.

“Community noise equivalent level (CNEL)” means the average noise level during a twenty-four-hour day, in decibels, weighted to account for the lower tolerance of people to noise during evening (seven p.m. to ten p.m.) and night (ten p.m. to seven a.m.) hours relative to daytime hours.

Commonly-Owned Property Maintenance Association (COM). A commonly-owned property maintenance (COM) association means a mechanism for maintaining commonly-owned areas within a residential project.

“Compatible” means that which is harmonious with and will not adversely affect surrounding buildings and/or uses.

“Composting” means the process whereby a mixture of decaying organic matter is reduced to material used for fertilizers, land conditioners or landscape material through natural processes.

“Condition of use” means a development standard determined to be necessary to permit the harmonious classification of a use as listed in a district and therefore a prerequisite to place, or for application to place, such use as classified.

“Conditionally permitted” means permitted subject to approval of a use permit.

“Condominium” means a building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

“Construction” means construction, erection, enlargement, alteration, conversion or movement of any building, structures or land together with any scientific surveys associated therewith.

“Contracting services” means services provided by a person, company, or other means through a contract to perform work or provide supplies on a large scale.

“Convalescent hospital” means an institution primarily engaged in the care of individuals recovering from illness.

“Council” means the city council of the city of Manteca.

“Country club” means a land area and buildings containing recreational facilities, clubhouse and usual accessory uses, open only to members and their guests for a membership fee.

“County” means the county of San Joaquin.

“Court” means an unoccupied open space on the same site with a building, which is bounded on two or more sides by exterior building walls.

“Critical gradient” means the maximum stable inclination of an unsupported slope under the most adverse conditions that it will likely experience, as determined by current engineering technology.

“Cumulative period (noise)” means an additive period of time composed of individual time segments which may be continuous or interrupted.

“Curblin” means the line at the face of the curb nearest the roadway.

“DBH” means measurement calculation to determine diameter of a tree; measurement at four and one-half feet above ground level.

“Decibel” means a unit for measuring the amplitude of a sound, equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty micropascals.

“Density” means the number of dwelling units per unit of land.

“Density bonus” means a density increase of at least twenty-five percent over the otherwise maximum allowable residential density under the applicable zoning and general plan land use element as of the date of application by the developer. The density bonus housing units shall not be included when determining whether the project qualifies under this title.

“Department store” means a retail store generally carrying a general line of apparel, furnishings, home furnishings, housewares, etc., deliver merchandise and maintain open stocks, and have fifty employees or more.

“Depth” means the horizontal distance between the front and rear lot lines of a site measured along a line midway between the side lot lines.

“Development” means the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.

“District.” See Zoning District.

“Drive-through restaurant” means any restaurant in which business is transacted while the customer or consumer is seated in a motor vehicle.

“Driveway” means a private road, the use of which is limited to persons resident or working on the site and their invitees, licensees and business visitors, and which provides access to off-street parking or loading facilities.

“Dry cleaning establishment” means any premises equipped to perform the service of dry cleaning as defined in the California Business and Professions Code. A “dry cleaning establishment” may include a dry cleaning agency, a retail or wholesale dry cleaning plant and dry cleaning, self-service or coin operated.

“Dwelling group” means a group of two or more detached single-family dwellings located on a parcel of land in one ownership, and having any yard or court in common.

Dwelling, Multifamily. “Multifamily dwelling” means a building containing two or more dwelling units.

Dwelling, Multiple-family. “Multiple-family dwelling” means one building or a group of buildings containing two or more dwelling units each, located on a parcel of land in one (1) ownership, and having any yard or court in common.

Dwelling, Single-Family. “Single-family dwelling” means a building containing one dwelling unit constructed entirely on-site, or a unit constructed and/or assembled off-site, including a mobile home manufactured and certified under the National Mobile Home Construction and Safety Standards Act of 1974 and located on a permanent foundation system approved by the building department.

“Dwelling unit” means one or more rooms with a single kitchen, designed for occupancy by one family for living and sleeping purposes.

Dwelling Unit, Efficiency. “Efficiency dwelling unit” means a dwelling unit consisting of not more than one habitable room together with a kitchen or kitchenette and sanitary facilities.

“Easement” means a grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

“Ecological restoration” means the environment in which the interrelationship of living things to one another and the environment is repaired, restored, changed or created.

“Electronic display sign board” means a sign or sign module that utilizes electronic technology to display fixed, alternating or visually moving imagery and advertisement that is visible to the public.

“Emergency situation” means a fire or structural damage to the primary on-site structure(s) rendering same unsafe for human occupancy.

“Emergency work” means the use of any machinery, equipment, vehicle, manpower or other activity in a short term effort to protect, or restore safe conditions in the community, or work by private or public utilities when restoring utility service.

Equipment, Heavy. “Heavy equipment” means any machinery, equipment, vehicle, manpower or other activity in a short term effort to protect, or restore safe conditions in the community, or work by private or public utilities when restoring utility service.

“Erect” means and includes erect, construct, place, relocate, enlarge, substantially alter, attach, suspend, paint, post, maintain or display.

“Excavations for on-site construction” means earth material moving activities that are required to prepare a site for construction of structures, landscaping or other land improvements (such as excavation, grading, compacting, and the location of fills and embankments), or that in and of themselves constitute engineered works (such as dams, road cuts, fills and catchment basins).

“Exploring or prospecting” means the search for minerals by geological, geophysical, geochemical or other techniques, including, but not limited to, sampling, assaying, drilling or any surface or underground works needed to determine the type, extent or quantity of minerals present.

“Facade” means the exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

“Family” means an individual or two or more persons related by blood, marriage or adoption, or a group of not more than five persons who need not be related by blood or marriage, living in a single housekeeping unit. Wards of the court or other dependent

children placed with families under provisions of the laws of the state and county are considered as belonging to a family unit.

“Family day care” means regularly provided care, protection and supervision of children in the provider’s own home for periods of less than twenty-four hours a day.

Family Day Care Home, Large. “Large family day care home” means a home which provides family day care to seven to twelve children, inclusive, including children who reside at home.

Family Day Care Home, Small. “Small family day care home” means a home which provides family day care to six or fewer children, inclusive, including children who reside at home.

Farm Labor Housing, Contract Labor. “Contract labor farm labor housing” means living quarters, either single-family or group housing, provided by a labor contractor for farm laborers which are not full-time farm employees on land owned or leased by the owner of the living quarters.

Farm Labor Housing, On-Site Employee. “On-site employee farm labor housing” means living quarters, either single-family or group housing, provided for full-time farm laborers employed on the site or on lands owned or leased by the owner of the living quarters.

“Farmers’ market” means a retail market where agricultural produce is offered for sale to the general public, either within an enclosed building or outdoors.

“Fence” means an artificially constructed barrier of any material or combination of materials erected to enclose or screen an area of land.

“Fixed noise source” means a device or machine which creates sounds while fixed or stationary, including but not limited to residential, agricultural, industrial and commercial machinery and equipment, pumps, fans, compressors, air conditioners and refrigeration equipment.

“Flea market” means an occasional or periodic market held in an open air area and/or in a building where space is rented by two or more vendors to offer new or used goods, wares, merchandise or limited services for sale to the general public.

Floor Area, Gross. “Gross floor area” means the sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, vehicular maneuvering areas, or any space where the floor-to-ceiling height is less than six feet.

“Floor area ratio (FAR)” means the gross floor area of all building floors on a lot divided by the lot area.

“Foot candle” means a unit of illumination produced on a surface, all points of which are one foot from a uniform point of on candle.

“Fourplex” means four attached dwellings in one structure in which each unit has two open space exposures and shares one or two walls with the adjoining unit or units.

“Freeway” means State Routes 99 and 120 Bypass.

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

Frontage, Street. “Street frontage” means that portion of a lot or parcel of land which borders a public street other than the sideline of a corner lot. “Street frontage” shall be measured along the common lot line separating such lot or parcel of land from the public street, highway or parkway.

Front Porch. A “front porch” must be open on three sides, be located on the ground floor, be a minimum forty-eight square feet in area, have a minimum depth of six feet, have at least one porch entrance facing the street, upper floor levels shall not extend over the porch, have a solid roof covering and shall not include off street parking or driveway areas.

“Front yard” means that portion of property between the street and a building.

“Garage” or “carport” means an accessory structure or a portion of a main structure, having a permanent roof and designed for the storage of motor vehicles.

“Garage sale” means a sale conducted by an individual homeowner or occupant of a home, or apartment owners, or occupant of an apartment unit, for the purpose of selling, trading, bargaining, exchanging or otherwise disposing of unwanted or surplus household furnishings or goods, or other tangible property, usually conducted in a garage, on a patio, upon a driveway, or on or in any portion of premises in a residential zone and for which no inventory or permanent or detail records are kept on the transactions thus carried out. It may, at times, be conducted by a combination of residential dwellers at a single location and may take on the nature and character of a rummage sale or a fund raising event for civic or charitable purposes. All sales designated “lawn sale,” “attic sale,” “rummage sale,” “moving sale,” “flea market sale,” or other terms of similar or like intent and having the foregoing characteristics and purposes shall be deemed garage sales.

“General plan” means the general plan of the city of Manteca, and all elements thereof.

“Glare” means a light emitting from a luminaire with an intensity great enough to reduce a viewer’s ability to see and, in extreme cases, causing momentary blindness.

Glare, Direct. “Direct glare” means illumination visible at the points of measurement specified in Section **17.13.040** of this title, caused by direct or specularly

reflected rays from incandescent, fluorescent, or arc lighting, or from such high-temperature processes as welding or petroleum or metallurgical refining.

Glare, Indirect. "Indirect glare" means illumination visible at the points of measurement specified in Section **17.13.040** of this title, caused by diffuse reflection from a surface such as a wall or roof of a structure.

"Glassware" means finished glass products ready for market which are manufactured from glass and not from raw glass.

Glassware, Raw. "Raw glassware" means the components of glass which are fused together to make glass.

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

"Graffiti" means unauthorized scratching, carving, spraying of paint, or marking of ink, chalk, dye or other similar substances on public or private buildings, structures and places.

"Gravel extraction operations" means all or any part of the process involved in the removal by any method of sand, gravel, rock or other earthen material from stream beds or stream channel bars normally subject to inundation during water flows. "Gravel extraction operations" shall include but are not limited to:

1. On-site processing of extracted material, including screening, washing, crushing, stockpiling or batching.
2. The production and disposal of mining waste.
3. Prospecting and exploratory activities.

"Ground floor" means the first floor of a building other than a cellar or basement.

"Group care facility" means a facility or detached dwelling unit providing twenty-four-hour nonmedical care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual.

"Health club" means gymnasiums (except public gymnasiums), private clubs (athletic, health or recreational), reducing salons and weight control establishments.

"Heat" means thermal energy of a radioactive, conductive or convective nature.

"Heritage tree" means any natural woody plant rooted in the ground and having a diameter of thirty inches or more measured at two feet above ground.

"Historical significant sites," pursuant to Section 21084.1 of the Public Resource Code, a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources. Resources listed in a local register of historical

resources as defined in (k) of Section 5020.1 and (g) of Section 5024.1 of the Public Resource Code, are presumed historically or culturally significant.

“Home occupation” means any activity carried out for gain by a resident conducted as an accessory use in or from the resident’s dwelling unit for which a business license is required pursuant to Title 5 of this code.

“Hospital” means any building or portion thereof used for the accommodation and medical care of the sick, injured or infirm persons and includes rest homes and nursing homes.

“Household” means a family living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

“Illegal nonconforming building or use” means a building or use which does not conform to one or more of the provisions of this title and did not lawfully exist on the effective date of applicable ordinances codified in this title.

“Impulsive noise” means a noise of short duration, usually less than one second, with an abrupt onset and rapid decay.

Income, Area Median. “Area median income” means the current median annual household income for San Joaquin County, as annually estimated by the U.S. Department of Housing and Urban Development or, if such federal estimates are discontinued, as published by the California Department of Housing and Community Development.

Income, Lower. “Lower income” means an annual income for a family which does not exceed eighty percent of the area median income.

Income, Moderate. “Moderate income” means an annual income for a family which does not exceed one hundred twenty percent of the area median income.

“Indoor recreation, indoor training facility” means and includes indoor sports and recreation (karate, photography school/studio, and dance).

Intersection, Street. “Street intersection” means the area common to two or more intersecting streets.

“Intruding noise level” means the sound level created, caused, maintained or originating from an alleged offensive source, measured in decibels, at a specific location while the alleged offensive source is in operation.

“Junkyard” means a site or portion of a site on which waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including used furniture and household equipment yards, house wrecking yards, used lumberyards and the like; excepting a site on which such uses are conducted within a completely enclosed structure and excepting motor vehicle wrecking yards as defined in this section. An establishment for the sale, purchase or storage of used cars or salvaged machinery in operable condition and the processing of

used or salvaged materials as part of a manufacturing operation shall not be deemed a junkyard.

“Kennel” means any premises where four or more dogs or cats four months of age or older are kept.

“Kitchen” means any room or space within a building intended to be used for the cooking or preparation of food.

“Landscaping” means the installation of planting and related improvements on the front portion of the lot between the building and the street, except for necessary walks and driveways, and such other areas as may be determined through site plan review.

“Lot” means a parcel, tract or area of land whose boundaries have been established by a legal instrument such as a recorded deed or a recorded map, and which is recognized as a separate legal entity for purposes of transfer of title, except public easements or rights-of-way.

Lot, Corner. “Corner lot” means a lot or parcel situated at the intersection of two or more parkways, highways or streets, which parkways, highways or streets have an angle intersection measured within the lot or parcel of land of not more than one hundred thirty-five degrees.

Lot, Flag. “Flag lot” means a lot with access to a street by means of a strip of land having a width less than the required site width but not less than fifteen feet of frontage. The length of a strip shall be measured from the frontage line to the nearest point of intersection with that lot line parallel or most nearly parallel to the frontage line. The area of an access strip shall not be included in determining the site area of the strip lot.

Lot, Interior. “Interior lot” means a lot or parcel of land other than a corner or flag lot.

Lot, Key. “Key lot” means an interior lot adjoining the rear lot line of a reversed corner lot.

Lot Line, Front. “Front lot line” means a line separating an interior lot from a street, or a line separating the narrower street frontage of a corner lot from a street.

Lot Line, Rear. “Rear lot line” means a lot line which is opposite and most distant from the front lot line.

Lot Line, Side. “Side lot line” means any lot boundary line which is not a front line or a rear lot line.

Lot, Reversed, Corner. “Reversed corner lot” means a corner lot, the highway or street side lot line of which is substantially a continuation of the front line of a lot or parcel of land which adjoins the rear lot line of such lot.

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

"Lot area" means the total area circumscribed by the boundaries of a lot, excluding any street rights-of-way.

"Lot coverage" means that portion of a lot that is covered by roof area excluding eaves.

"Low and moderate income household" means a household which earns one hundred twenty percent or less of the area median income.

"Luminaire" means a complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts. The pole, post, or bracket is not considered a part of the luminaire.

"Marquee" means any permanent roofed structure, projecting over public property or right-of-way, attached to and supported by a building.

Massage Therapy, Certified. "Certified massage therapy" means a personal service for which an individual has fulfilled the requirements of and may practice the therapy of manipulation of tissues (as by rubbing, stroking, kneading or tapping) with the hand or an instrument for remedial or hygienic purposes.

"Mined lands" means and includes the surface, subsurface and groundwater of an area in which surface mining operations will be, are being or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste and areas in which structures, facilities, equipment, machines, tools or other materials or property which result from, or are used in, surface mining operations are located.

"Minerals" means any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including but not limited to, coal, peat and bituminous rock, but excluding geothermal resources, natural gas and petroleum.

"Minimum distance between building" means the distance between the walls of buildings, measured at the nearest point to an adjacent building.

"Mining waste" means and includes the residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools or other materials or property directly resulting from, or displaced by, surface mining operations.

"Mini-warehouse" means a structure containing separate storage spaces of varying sizes leased or rented on an individual basis.

"Minor zone modification" means permission for minor departures from the literal requirements of the zoning ordinance.

"Mobile home" means a structure transportable in one or more sections which, in the traveling mode, is eight body feet wide or more in width or forty body feet or

more in length or, when erected, is three hundred twenty or more square feet in area, and which is built on a permanent chassis. The term "mobile home" includes manufactured housing units.

"Mobile noise source" means any noise source other than a fixed noise source.

"Motel" means a group of attached or detached buildings containing individual sleeping or living units, providing transient accommodations with garage or parking space conveniently located to each unit, including tourist courts, auto courts or motor lodges in which at least sixty percent of the individual guest rooms and suites are without kitchen or cooking facilities.

"Motor vehicle repair facilities" means any building, premises or land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

"Motor vehicle wrecking yard" means a site or portion of a site on which the dismantling or wrecking of used vehicles, whether self-propelled or not, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts is conducted. The presence outside a fully enclosed structure of three or more used motor vehicles which are not capable of operating under their own power shall constitute prima facie evidence of a motor vehicle wrecking yard.

"Multimodal station" means a transportation center which provides multiple modes of transportation to the public at-large from one location.

"Mural" means a painted or otherwise attached or adhered image or representation on the exterior of a building that is visible from a public right-of-way or neighboring property, does not contain commercial advertisement and is designed in a manner so as to serve as public art, to enhance public space and provide inspiration.

"Musical instruments plating" means a process whereby a thin coating of metal is permanently applied to musical instruments.

"Noise disturbance" means any sound as judged by any person empowered to enforce this title which (1) endangers or injures the safety or health of human beings or animals, or (2) endangers or injures personal or real property, or (3) annoys or disturbs a reasonable person of normal sensitiveness. The factors which shall be considered in determining whether a violation of (3) exists shall include, but not be limited to, the following:

- a. The relative sound level of the objectionable noise to the ambient noise;
- b. The proximity of the objectionable noise to residential sleeping facilities;
- c. The number of persons affected by the objectionable noise;
- d. The time of day or night the objectionable noise occurs;
- e. The duration of the objectionable noise and its tonal, informational or musical content;

- f. Whether the objectionable noise is continuous, recurrent or intermittent;
- g. The nature and zoning of the area within which the objectionable noise emanates.

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

“Nonconforming lot” means a lot, the area, dimensions or location of which was lawful prior to the effective date of the ordinance codified in this title, or any amendment thereto, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

“Nonconforming sign” means a sign which lawfully existed prior to but which fails by reason of such adoption or amendment to conform to all of the standards and regulations of the adopted or amended title.

“Nonconforming site” means a site which was legally developed to the standards and regulations existing and/or used at the time of development but which due to the adoption of this code or any amendment thereto does not conform with the rules and regulations of the district in which located.

“Nonconforming use” means any use of land or property that was lawfully established and in compliance with all applicable ordinances and laws at the time the ordinance codified in this title, or any amendment thereto, became effective, but which, due to the application of this title or any amendment there to is a use not listed as permitted, accessory, or subject to permit in the zone in which it is located.

“Nonconforming use” also includes uses classified from “permitted” to “conditionally permitted” in the same zone, and uses made nonconforming by the addition of a development standard previously not required for such use in the same zoning classification, where such added standard is specified to be a “condition of use.” Any existing multiple-family residential structure on property not zoned for such a use is deemed “a conforming use” and shall conform to the provisions of Chapter 17.55.

“Nuisance” means anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use and enjoyment of property, or a violation of this title.

“Nursery school” means a school for pre-elementary school age children which provides controlled activities and instruction.

“Nursing home” means a facility licensed to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

“Occupied” means any full or part-time habitation for any purpose.

“Off-street loading facilities” means a site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives and landscaped areas.

“Off-street parking facilities” means a site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives and landscaped areas.

“On-site” means located on the lot that is the subject of discussion.

“Operator” means any person who is engaged in surface mining operations himself, or who contracts with others to conduct operations on his behalf.

“Outdoor dining” means any restaurant, or other eating establishment, including food take-out, where the food and/or beverages are served, on private property, and where there is not a roof and walls on all sides.

“Outdoor storage” means the keeping, in an unroofed area, of any goods, junk, material, merchandise or vehicles in the same place for more than twenty-four hours.

“Owner” means any person owning property, as shown on the last equalized assessment roll for city taxes or the lessee, tenant or other person having control or possession of the property.

Parcel. See “Lot.”

Patio, Covered. “Covered patio” means an accessory structure, including carports, not exceeding fifteen feet in height, and enclosed on not more than three sides except for posts necessary for roof support.

“Permanent foundation system” means an assembly of materials constructed below or partially below grade and not intended to be removed from its installation site, which assembly is designed to support a structure and is engineered to resist the imposition of external natural forces as defined by Section 18551 of the Health and Safety Code, as such section may have been amended at the time of application of this code.

“Permanent storage” means the storage of motor vehicles, trailers, airplanes, boats, parts thereof or building materials for a period of forty-eight or more consecutive hours.

“Permit” means written governmental permission issued by an authorized official empowering the holder thereof to do some act not forbidden by law but not allowed without such authorization.

“Permitted use” means any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

“Person” means any individual, firm, association, corporation, organization or partnership, or any city, county, district or state or any department or agency thereof.

“Planning director” means the planning director of the city of Manteca.

“Prepared meat plant” means a use engaged in manufacturing prepared meat products and meat specialties for human consumption from purchased carcasses and other materials, and does not include a meatpacking plant or slaughtering.

“Preschool” means a licensed public or private institution which provides structured educational services to children between the ages of two and five.

“Processing” means a series of operations, usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner.

“Professional office” means the office of a member of a recognized profession maintained for the conduct of that profession.

“Project” means any proposal for new or changed use, or for new construction, alteration or enlargement of any structure, that is subject to the provisions of this title.

“Property” means (1) all nonresidential zoned real property and any building located on such property (referred to as nonresidential property) and (2) front yards, the unfenced portions of side yards, the unfenced portion of back yards or corner lots, driveways, walkways and sidewalks of all residential real property and shall include any building located on such property (referred to in this title as “residential property”).

“Public and quasi-public” means institutional, academic, governmental and community service uses, either publicly owned or operated by non-profit organizations.

“Public schools” means any building or premises used for nonprivate institutions conducting regular academic instruction at preschool, kindergarten, elementary, secondary or collegiate levels.

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

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

“Reclamational” means the process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that the mined lands are reclaimed to a useable condition which is readily adaptable for alternate land uses and creates no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization or other measures.

“Recreational vehicle” means a motor home, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area less than two hundred twenty

square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms.

“Refreshment stand/kiosk” means a permanent or temporary structure less than one hundred twenty square feet in floor area that is not the primary use on a site and from which commercial sales and service occurs to the public at large.

“Regional recreation/hospitality center” means a commercial complex which provides regional recreation and hospitable opportunities within two thousand feet of the freeway, on a site at least five acres in size, is zoned commercially, and located on a major arterial street. The complex shall have a minimum of three recreational oriented activities of a size and scope to have a regional draw, and may include conference facilities, web/internet facilities, and a restaurant.

“Residential accessory structures” means buildings and structures normally associated with a dwelling, such as detached garages, carports, greenhouses, storage buildings and swimming pools, but excluding cargo containers.

“Residential care facility for the elderly” means a housing arrangement chosen voluntarily by persons sixty years of age or over, or their authorized representative, where varying levels and intensities of care and supervision, protective supervision, personal care, and health-related services are provided, based upon their varying needs, as determined in order to be admitted and to remain in the facility.

“Residential hotel” means a hotel offering accommodations on a weekly or monthly basis.

“Residential property” means a parcel of real property which is developed and used either in whole or in part for residential purposes.

“Rest home” means an institution primarily engaged in the provision of permanent living space for the elderly or mentally infirm.

“Restaurant with alcohol service” means a bona fide eating place. Must make actual and substantial sale of meals during normal meal hours that they are open, at least five days a week. Normal mealtimes are six a.m. to nine a.m., eleven a.m. to two p.m., and six p.m. to nine p.m. Premises that are not open five days a week must serve meals on the days they are open. Minors are allowed on the premises. If the establishment includes a bar area or separation for the section where alcoholic beverages are served, there shall not be a separate entrance for the bar area.

“Retail services” means establishments engaged in selling goods or merchandise to the general public for personal or household consumption.

“Retention/detention basins” means ponds designed to reduce the required capacity of downstream drains, laterals and culverts. This type of water storage system inhibits downstream flooding by reducing the volume of water released into drainage facilities.

“Right-of-way” means a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer or other similar use.

“Right-of-way lines” means the lines that form the boundaries of a right-of-way.

“Roof line” means the ridge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Room, Guest. “Guest room” means a room which is designed, used or intended to be used as temporary sleeping accommodations for any person, and which does not contain a bar sink and/or gas, electrical or water outlets designed, used or intended to be used for cooking facilities except as otherwise specifically provided for this title.

Roominghouse. See “Boarding House.”

Satellite Antenna, Residential. “Residential satellite antenna” means an accessory structure capable of receiving, for the sole benefit of the principle use, television and radio signals from a transmitter or a transmitter relay located in planetary orbit. This definition includes, but is not limited to, satellite receivers, satellite dish antennas and satellite discs and may be of solid, open mesh or bar configuration design.

“School” means public or private institutions conducting regular academic instruction at preschool, kindergarten, elementary, secondary or collegiate levels.

School, Elementary or High. “Elementary or high school” means an institution of learning which offers instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the state. High schools include junior and senior.

“Screening” refers to a wall, fence, hedge, informal planting or berm, provided for the purpose of buffering a building or activity from neighboring areas or from the street.

“Seed enhancement” means a business operation consisting of the coating of seed with nutrients, fertilizers and grasses which enhance its germination properties.

“Senior citizen housing development” means a residential development consisting of at least thirty-five dwelling units which is developed for, or substantially rehabilitated or renovated for persons fifty-five years of age or older.

“Shielding” means a technique or method of construction which causes light emitted from an outdoor light fixture to be projected below an imaginary horizontal plane passing through the fixtures.

“Sidewalk” means a paved, surfaced or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

“Side yard” means that portion of property between a building and the side lot line.

“Sign” means and includes any insignia, display board, bill, announcement, poster, picture, lithograph, map, plat, banner, bunting flag, pennant, balloon, valances, sample model, structure or other device when erected or maintained out of doors in view of the general public, including application of such to window surface so as to be displayed to the exterior, used to announce, declare, demonstrate, display, advertise or attract the attention of the public, including, but not limited to, clocks, barber poles or other similar devices, but shall not include display of the American flag or state flag.

Sign, Abandoned. “Abandoned sign” means a sign which advertises a business, lessor, owner, product, service or activity which has been discontinued on the premises for a period of thirty days or more.

Sign, Animated or Moving. “Animated or moving sign” means a sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.

“Sign area” means the entire area of a sign, if enclosed by a frame, trim or outline, or the area within a single, continuous perimeter enclosing the extreme limits of writing or any representation, emblem or figure.

Sign, Awning, Canopy or Marquee. “Awning, canopy, or marquee sign” means a sign that is mounted or painted on, or attached to, an awning, canopy or marquee, and which contains only the name, address or type of business.

Sign, Banner. “Banner sign” means a temporary sign composed of lightweight material not enclosed in a rigid frame, secured or mounted to allow movement of the sign by the atmosphere.

Sign, Changeable-Copy. “Changeable-copy sign” means a sign or section of a sign designed to be used with removable graphics to allow the changing of copy.

Sign, Community Directional. “Community directional sign” means a sign informing the direction to a community service organization, public facility or a church.

Sign, Construction. “Construction sign” means a temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors and similar individuals or firms having a role or interest with respect to the structure or project.

Sign, Directional. “Directional sign” means signs limited to directional messages, principally for pedestrian or vehicular traffic, such as “one-way,” “entrance,” and “exit.”

Sign, Directory. “Directory sign” means a pedestrian-oriented sign which lists the tenants or occupants of a building or center.

“Sign face” means the area of display used for the sign’s message.

Sign, Flashing. “Flashing sign” means a directly or indirectly illuminated sign, which exhibits changing natural or artificial light or color effects by any means whatsoever.

Sign, Freestanding. "Freestanding sign" means a sign wholly supported by one or more uprights, poles or upright members in or upon the ground; which are not part of, or supported by a building, and are not temporary in nature.

Sign, Governmental. "Governmental sign" means a sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation. A sign required as a condition of approval shall not be considered a governmental sign.

Sign, Holiday Decoration. "Holiday decoration sign" means temporary signs, in the nature of decorations, clearly incidental to and customarily associated with national, local or religious holidays.

Sign, Identification. "Identification sign" means a sign giving the name, nature, logo, trademark or other identifying symbol, address or any combination of the name, symbol and address of a building, business, development or establishment on the premises where it is located.

Sign, Illuminated. "Illuminated sign" means a sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.

Sign, Institutional. "Institutional sign" means a sign identifying the premises of a church, school, hospital, rest home or similar institutional facility.

Sign, Marquee. "Marquee sign" means any sign attached to or constructed in or on a marquee.

Sign, Memorial. "Memorial sign" means a sign, tablet, or plaque memorializing a person, event, structure or site.

Sign, Monument. "Monument sign" means a non-movable sign not affixed to a building that is not a pole sign.

Sign, Nameplate. "Nameplate sign" means a sign, located on the premises giving the name or address, or both, of the owner or occupant of the building or premises.

Sign, Nonconforming. "Nonconforming sign" means a sign which was lawfully erected or placed upon real property but which could not be established in the same manner under the present chapter.

Sign, Off-Site. "Off-site sign" means a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the building premises.

Sign, On-Site, Informational. "Informational on-site sign" means a sign containing information and directions necessary or convenient for visitors coming onto the property, including signs marking entrances and exits, parking areas, circulation directions, rest rooms, and pick-up and delivery areas, but excluding advertising signs.

Sign, Pole. "Pole sign" means a sign mounted on a free-standing pole or other support so that the bottom edge of the sign face is six feet or more above finished grade.

Sign, Political. "Political sign" means a sign supporting or opposing political candidates, ballot measures or ballot proposals, before the voters at the upcoming primary, general or special election, specifically referring to such candidate, ballot measure or ballot proposals.

Sign, Portable. "Portable sign" means a sign that is not permanently affixed to a building, structure or the ground.

Sign, Private Sale or Event. "Private sale or event sign" means a temporary sign advertising private sales of personal property such as house sales, garage sales, rummage sales and the like, or private not-for-profit events such as picnics, carnivals, bazaars, game nights, art fairs, craft shows and Christmas tree sales.

Sign, Projecting. "Projecting sign" means a sign that is wholly or partly dependent upon a building for support and which projects in a perpendicular manner more than twelve inches from such building.

Sign, Real Estate. "Real estate sign" means a sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

Sign, Roof. "Roof sign" means a sign that is mounted to the roof of a building or which is wholly dependent upon a building for support and which projects above the highest point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof or the deck line of a building with a mansard roof.

Sign, Rotating. "Rotating sign" means and includes any sign which physically moves about on an axis.

Sign, Subdivision. "Subdivision sign" means any sign located either on or off a subdivision tract, which indicates the direction to or advertises the location, existence or sale of a subdivision or any home, lot or part thereof.

Sign, Temporary. "Temporary sign" means a sign or advertising display constructed of cloth, canvas, fabric, plywood or other material and designed or intended to be displayed for a short period of time.

Sign, Wall. "Wall sign" means a sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than twelve inches from building or structure.

Sign, Warning. "Warning sign" means a sign limited to messages of warning, danger or caution.

Sign, Window. "Window sign" means a sign that is permanently applied or attached to the interior of a permanent window or located in such a manner within a building that it can be seen from the exterior of the structure through a window.

“Simple tone noise” means any noise which is distinctly audible as a single pitch (frequency) or set of pitches as determined by the enforcement officer.

“Single ownership” means holding record title, possession under a contract to purchase or possession under a lease, by a person, individually, jointly, in common, or in any other manner whereby the property is or will be under unitary or unified control.

“Site,” (inclusive of parcel, land and premise) means that portion of the site or building land area actually occupied by the building and/or contiguous improved surfaces. This is not to be construed as including vacant or unimproved land under the same ownership, or contiguous to the building site area.

“Site coverage” means the percentage of total site area covered by structures, open or enclosed, excluding uncovered steps, patios, terraces and swimming pools.

“Sound level meter” means an instrument meeting American National Standard Institute’s Standard S1.4-1983 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

“Specialized services, multiple occupancy” means a multiple occupancy commercial or light industrial complex containing service business establishments serving a regional market and offering custom or specialized services with no more than twenty percent of the establishment floor space used for retail activity.

“Specific plan” means a plan for a defined area that is consistent with the general plan and with the provisions of the California Government Code, Section 65450 et seq.

“Sports/entertainment complex” means any building, stadium or arena utilized for operating and promoting professional or semi-professional sporting events or track operations.

“State geologist” means the individual holding office as structured in the Public Resources Code Section 2710 et seq.

“Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the roof above.

“Story” includes a basement but not a cellar.

“Street” means a public or private right-of-way, other than a major or secondary highway or alley, whose function is to carry vehicular traffic or provide vehicular access to abutting property.

“Structure” means anything constructed or erected which requires a fixed location on the ground, or is attached to a building or other structure having fixed location on the ground.

Structure, Main. "Main structure" means a structure housing the principal use of a site or functioning as the principal use.

Structure, Temporary. "Temporary structure" means a structure without any foundation or footings and which is intended to be removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

"Swimming pool or spa" means pool, pond, lake or open tank capable of containing water to a depth greater than one and one-half feet at any point.

"Swimming pool or spa, private" means an outdoor swimming pool or spa accessory to a single-family residence.

"Swimming pool or spa, community" means an outdoor swimming pool or spa accessory to a motel or hotel or to a residential land use other than a single-family residence.

"Townhouse" means a building with three or more attached dwelling units, each with its own roof, oriented in a common wall relationship as one building.

"Transfer processing station" means and includes those facilities utilized to receive solid wastes, temporarily store, separate, convert or otherwise process the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport. "Transfer station" does not include any facility the principal function of which is to receive, store, separate, convert or otherwise process, in accordance with state minimum standards, manure; nor does it include any facility, the principal function of which is to receive, store, convert or otherwise process wastes which have already been separated for reuse and are not intended for disposal.

"Transitional ancillary parking" means a parking facility developed on residential district property that qualifies for such use under the provisions of this section in conjunction with those commercially zoned lots so designated on Map 1 of Section 17.07.020(A) and that is exclusively accessory to and services an adjacent commercial retail, office or service use.

"Truck rental, light duty" means a facility that provides short-term rental or leasing of light duty trucks and utility trailers to consumers or the general public, wherein a Class 1 license is not required to operate the trucks.

"Use" means the purpose for which a site or structure is arranged, designed, intended, constructed, erected, moved, altered or enlarged for which either a site or a structure is or may be occupied or maintained.

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

"Variance" means permission to depart from the literal requirements of the zoning ordinance.

“Warehousing” means the storage of materials in a warehouse or terminal, where such materials may be combined, or separated for transshipment or storage purposes but the original material is not chemically or physically changed.

“Wheel stop” means a physical barrier sufficient in size and shape to prevent the movement of automobiles or other vehicles over or past such barrier.

“Wholesale trade” means establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

“Width” means the horizontal distance between the side lot lines of a site measured at right angles to the depth of a point midway between the front and rear lot lines.

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

Yard, Front. “Front yard” means a yard extending across the full width of the lot or parcel of land. The depth of a required front yard shall be a specified horizontal distance between the right-of-way line of the highway or street on which the property fronts and a line parallel thereto on the lot or parcel of land, except as otherwise provided for a flag lot. On corner lots, the front yard shall be located across the narrower frontage of the lot. A yard shall not be deemed a front yard if there is not right of access of any kind, pedestrian or vehicular, from the adjoining street.

Yard, Side, Corner. “Corner side yard” means a yard bounded by a highway or street, extending from the required front yard, or the right-of-way line on which the property fronts where no front yard is required, to the required rear yard or to the rear lot line where no rear yard is required. The width of such required side yard shall be a specified horizontal distance between the right-of-way line of the highway or street on which the property sides, and a line parallel thereto on the lot or parcel of land.

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

“Zoning district” means a specifically delineated area or district in the city within which regulations and requirements uniformly govern the use, placement, spacing and size of land and buildings.

“Zoning ordinance” means the zoning ordinance of the city of Manteca, as amended. (Ord. 1366 §1(part), 2007; Ord. 1326 (part), 2006; Ord. 1241 §1, 2003; Ord. 1238 §5, 2003; Ord. 1235 §2, 2003; Ord. 1234 §1(part), 2003; Ord. 1185 §4, 2001; Ord.

1183 §1, 2001; Ord. 1142 §3, 2000; Ord. 1120 §3, 1999; Ord. 1099 §2, 1999; Ord. 1097 §3, 1998; Ord. 1088 §11, 1998; Ord. 1049 §3, 1996; Ord. 1032 §2, 1996; Ord. 1021 §2, 1995; Ord. 991 §2, 1994; Ord. 975 §2, 1993; Ord. 940 §1, Ex. A(part), 1992)