



City of Manteca

Title 17, Zoning

Rev. May 5, 2017

**City of Manteca
Municipal Code Title 17
Zoning**

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Title 17 – Zoning

Article I

Zoning Code Establishment, Administration, and Entitlements

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Revisions:

The following revisions have been made to Article I of Title 17:

Date of Adoption	Ordinance Number	Subject	Section	Page Number

Chapter 17.02 Zoning Code Purpose and Adoption

Sections:

17.02.010	Title and Authority.....	17.02-1
17.02.020	Purpose and Intent of the Zoning Ordinance.....	17.02-1
17.02.030	Applicability.....	17.02-2

17.02.010 Title and Authority

- A. Title. This Title shall be known and cited as the “Manteca Zoning Ordinance.”
- B. Authority. This Title (Zoning) is adopted pursuant to the authority vested in the City of Manteca by the State of California, including, but not limited to, Article XI, Section 7 of the Constitution of the State of California, the Planning and Zoning Law (Government Code Sections 65000 et seq.), the Subdivision Map Act (California Government Code Sections 66410 et seq.), and the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.).

17.02.020 Purpose and Intent of the Zoning Ordinance

- A. Purpose. The purpose of the Zoning Ordinance is to protect and to promote the public health, safety, peace, comfort convenience, prosperity, and general welfare as well as to set forth and coordinate City regulations governing the development and use of land in accordance with the City of Manteca General Plan. More specifically, the Zoning Ordinance is adopted in order to achieve the following objectives:
 - 1. To provide a precise guide for the physical development of the City in such a manner as to progressively achieve the arrangement of land uses depicted in the Manteca General Plan consistent with the goals and policies of the General Plan;
 - 2. To facilitate prompt review of development proposals and provide for public information, review, and comment on development proposals;
 - 3. To foster a harmonious, convenient, and workable relationship among land uses to help ensure the provision of adequate water, sewer, transportation, off-street parking and off-street loading facilities, drainage, parks, open space, and other public and community facilities and institutions;
 - 4. To promote the stability of existing land uses that conform with the General Plan and to protect them from inharmonious influences and harmful intrusions;
 - 5. 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;
 - 6. To protect and enhance real property values;
 - 7. To ensure compatibility between residential and nonresidential development and land uses;

8. To conserve and protect the City's natural resources and features, such as creeks, significant trees, and historic and environmental resources;
 9. To safeguard and enhance the appearance of the City and its established character and the social and economic stability of agricultural, residential, commercial, industrial, and other types of improved areas.
- B. Intent. This Zoning Ordinance is intended to:
1. Apply to all private, public, quasi-public, institutional, and public utility properties, and all other lands, buildings, and structures within the incorporated area of the City.
 2. Be 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 judgments.
 3. Indicate the nature of rezoning and future zoning of lands beyond the City limits in the City's Sphere of Influence.

17.02.030 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 of Manteca; 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.

- A. Relationship to Prior Ordinance. The provisions of this Title, as it existed prior to the effective date of the ordinance enacting this Title, Ordinance No. 940 are repealed and superseded as provided in Ordinance No. 1501. No provision of this Title shall validate or legalize any land use or structure established, constructed, or maintained in violation of the Title as it existed prior to its repeal by Ordinance No. 1501.
- B. Prior Rights and Violations. The enactment of this Title shall not terminate or otherwise affect vested land use development permits, approvals, or agreements authorized under the provisions of any ordinance, nor shall violation of a prior ordinance be excused by the adoption of this Title.
- C. New Land Uses or Structures. It shall be unlawful and a violation of the Manteca Municipal Code for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with the requirements of this Title.
- D. Continuation of an Existing Land Use or Structure. It is unlawful and a violation of the Municipal Code for anyone to use a parcel or structure in a manner that violates any provision of this Title. However, a land use that was lawfully established before this Title was enacted, or before enactment of any applicable amendment to this Title, may continue except as provided in Chapter 17.12 (Nonconforming Uses and Structures). No expansion or modification to a pre-existing legal nonconforming use or structure

shall be permitted except as allowed by Chapter 17.12 (Nonconforming Uses and Structures).

- E. Subdivisions. Any subdivision of land proposed within the City after the effective date of this Zoning Ordinance shall be consistent with the minimum lot size requirements of Article II (Zoning Districts, Allowed Uses, and Development Standards), the subdivision requirements of the City of Manteca Subdivision Code (Title 16 of this Municipal Code), and all other applicable requirements of this Zoning Ordinance.
- F. Effect of Zoning Ordinance Changes on Pending Applications. The enactment of this Ordinance or amendments to its requirements may have the effect of imposing different standards on new land uses, development, and/or structures than those that applied to existing land uses, development, and/or structures. Following the effective date of this Ordinance, or any amendments to this Ordinance, the following provisions shall apply:
 - 1. Pending applications. All land use permit applications that have been determined by the Community Development Department to be complete before the effective date of this Ordinance, or any amendment, will be processed according to the regulations in effect when the application was accepted as complete.
 - 2. Approved projects not yet under construction. Any structure authorized by a Conditional Use Permit, Site Development Review, Temporary Use Permit, or Variance, for which construction has not begun as of the effective date of this Ordinance, or any amendment, may still be constructed in compliance with the approved permit, as long as construction is completed and the approved land use is established before the expiration of the permit or, where applicable, before the expiration of any approved time extension.
 - 3. Projects under construction. A structure that is under construction pursuant to a valid building permit on the effective date of this Ordinance, or any amendment, may be completed and need not be changed to satisfy any new or different requirements of this Ordinance as long as construction is beyond the approval of the first inspection on the effective date of this Ordinance, or any amendment, and provided that construction is diligently prosecuted to completion. Such a structure shall be deemed to be a lawfully existing building.
- G. Conflicting Requirements. Wherever conflict occurs between the provisions of this Title and any other provision of law, the more restrictive of any such provisions shall apply.
 - 1. Zoning Code and Municipal Code provisions. If conflicts occur between requirements of this Zoning Code, or between this Zoning Code, the Municipal Code, or other plans and policies adopted by the City, the most restrictive shall apply.
 - 2. General Plan. If conflict occurs between the requirements of this Zoning Code and the adopted City General Plan, the requirements of the General Plan shall govern.

3. Specific Plan. If conflicts occur between the requirements of this Zoning Code and any adopted City Specific Plan, the requirements of the Specific Plan shall govern.
 4. Private agreements. This Zoning Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction (for example, CC&Rs) without affecting the applicability of any agreement or restriction. The City shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement.
- H. Other Requirements/Permits. Nothing in this Zoning Ordinance eliminates the need for obtaining any other permits required by the City, or any permit, approval, or entitlement required by the regulations of any regional, state, or federal agency.
- I. Public Nuisance. Neither the provisions of this Title nor the approval of any permit authorized by this Title shall authorize the maintenance of any public nuisance as defined in this Municipal Code (also see Section 17.14.040 – Violations, Abatement, Penalties, and Remedies).
- J. Severability, Partial Invalidation of Zoning Ordinance. If any portion of this Title is for any reason held by a court of competent jurisdiction to be invalid, unconstitutional, or unenforceable, such decision shall not affect the validity of the remaining portions of this Title. The City Council hereby declares that this Title and each article, chapter, section, subsection, paragraph, subparagraph, sentence, clause, phrase, and portion thereof is adopted, irrespective of the fact that one or more portions of this Title may be declared invalid, unconstitutional, or unenforceable.
- K. Permit Streamlining Act. 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.

Chapter 17.04 Interpretation

Sections:

17.04.010	Purpose.....	17.04-1
17.04.020	Applicability and Authority for Interpretations	17.04-1
17.04.030	Rules of Interpretation	17.04-1
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17.04.010 Purpose

The purpose of this Chapter is to specify the authority and procedures for clarification of ambiguity in the regulations of this Title in order to ensure consistent interpretation and application.

17.04.020 Applicability and Authority for Interpretations

This land use code is enacted based on the authority vested in the City of Manteca by the State of California, including, but not limited to, the State Constitution, the Planning and Zoning Law (Government Code Section 65000 et seq.), and the California Environmental Quality Act (Public Resources Code Section 21000 et seq.).

If questions arise concerning the meaning or applicability of the provisions of this Title, it shall be the responsibility of the Community Development Director to review pertinent facts, determine the intent of the provision, and issue an administrative interpretation of said provision(s) as specified in this Chapter.

17.04.030 Rules of Interpretation

- A. Zoning Boundaries. Where uncertainty exists with respect to the boundaries of the various zones as shown on the Zoning Map, the provisions of Chapter 17.20 (Establishment of Zoning Districts and Land Use Classification System) shall apply.
- B. Zoning Regulations. Any list of any item, including zones or uses, is exclusive. If a use or other item is not listed, it is not permitted unless, per the provisions of Section 17.10.040 (Similar Use Determination), the use is determined to be similar to a listed use or use category.
- C. Conflicting Requirements. 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.
- D. Private Agreements. This Zoning Ordinance applies to all land uses and development, but may not affect private agreements or restrictions in the use of land or

development of structures. The City shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement.

- E. General Terminology. When used in this Title, the following rules apply to all provisions of this Title.
1. Language and conjunctions
 - i. The word "City" refers to the City of Manteca.
 - ii. The phrase "Community Development Director" refers to the City of Manteca Community Development Director and his or her designee.
 - iii. The words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but strongly recommended, and "may" is permissive.
 - iv. The word "building" includes the word "structure."
 - v. Conjunctions. "And" indicates that all connected items or provisions shall apply. "Or" indicates that the connected items or provisions may apply singly or in any combination. "Either . . . or" indicates that the connected items and provisions shall apply singly but not in combination. "Includes" and "including" shall mean "including, but not limited to, . . ."
 2. Gender. Each gender includes the masculine, feminine, and neutral genders.
 3. Tense and number. Words used in the present tense include past and future and vice versa, unless manifestly inapplicable. Words in the singular include the plural, and words in the plural include the singular.
 4. Number of days. Whenever the number of days is specified in this Title, or in any permit, condition of approval or notice issued or given as provided in this Title, the number of days shall be construed as calendar days. When the last of the specified number of days falls on a weekend or City holiday, time limits shall extend to the end of the next working day. The term "holiday" or "City holiday" shall mean any day other than the weekend when the City offices are closed for the entire day.
- F. Minimum Requirements. When interpreting and applying the regulations of this Title, all provisions shall be considered to be minimum requirements, unless specifically stated otherwise.
- G. Calculations – Rounding. Where any provision of this Code requires calculation to determine applicable requirements, any fractional/decimal results of the calculation shall be rounded to the nearest whole number (0.5 or more is rounded up, less than 0.5 is rounded down).

17.04.040 Record of Interpretation

- A. **Official Interpretation.** Whenever the Community Development Director determines that an ambiguity in a zoning regulation exists or when an applicant, property owner, or interested party requests, the Community Development Director shall issue an official interpretation. Official interpretations shall be in writing and shall cite the provisions being interpreted, together with an explanation of the meaning or applicability of the provision(s) in the particular or general circumstances that caused the need for interpretation. The Community Development Director shall make an interpretation based on his or her judgment and understanding of the current Code. All official interpretations shall be maintained in the Community Development Department for public review and shall be provided to the requestor including information regarding the City's appeal procedures, as appropriate.

- B. **Amendment.** Any provision determined by the Community Development Director to be ambiguous or conflicting pursuant to this Chapter shall be clarified by amendment to the Zoning Code as soon as is practical.

17.04.050 Appeals

Appeal of the Community Development Director for official interpretations shall be made in accordance with the procedures specified in Section 17.08.070 (Appeals).

Chapter 17.06 Zoning Code Administration

Sections:

17.06.010	Purpose.....	17.06-1
17.06.020	Responsibilities for Administration.....	17.06-1
17.06.030	Responsibilities of the City Council	17.06-1
17.06.040	Responsibilities of the Planning Commission	17.06-1
17.06.050	Responsibilities of the City Manager.....	17.06-2
17.06.060	Responsibilities of the Community Development Director.....	17.06-2

17.06.010 Purpose

The purpose of this Chapter is to establish the authority and responsibilities of the officials and bodies charged with administration of the Zoning Code.

17.06.020 Responsibilities for Administration

This Zoning Code shall be administered by the Manteca City Council, the Planning Commission, the City Manager, the Zoning Administrator, and the Community Development Director. For the purposes of this title, the Community Development Director shall be the City’s designated Zoning Administrator.

17.06.030 Responsibilities of the City Council

- A. Approve Mayor’s appointments of members of the Planning Commission.
- B. Review appeals of Planning Commission decisions.
- C. Make final decisions on applications for land use entitlements as listed in Table 17.08.060-1 (Approving Authority for Land Use Entitlements).
- D. Initiate plans, plan amendments, and studies related to City land use policy and processes.
- E. Exercise such other powers and duties as prescribed by state law or local ordinance.

17.06.040 Responsibilities of the Planning Commission

- A. Review appeals of Community Development Director (Zoning Administrator) decisions.
- B. Make final decisions on applications for land use entitlements as listed in Table 17.08.060-1 (Approving Authority for Land Use Entitlements).
- C. Make recommendations to the City Council on land use decisions as listed in Table 17.08.060-1 (Approving Authority for Land Use Entitlements).
- D. Initiate amendments to the General Plan or this Zoning Code.

- E. Exercise such other powers and duties as prescribed by state law or local ordinance, or as directed by the City Council.

17.06.050 Responsibilities of the City Manager

- A. Negotiate and conduct periodic review of Development Agreements.
- B. Exercise such other powers and duties as are prescribed by state law or local ordinance, or as directed by the City Council.

17.06.060 Responsibilities of the Community Development Director

- A. The Community Development Director or his/her designee shall serve as the Zoning Administrator pursuant to Government Code Section 65900. If there is no Community Development Director, the Planning Manager, or as otherwise designated by the City Manager, shall serve as the Zoning Administrator.
- B. Oversee the comprehensive application of this Title, the Zoning Map, and all records of zoning actions and interpretations.
- C. Advise the City Council, Planning Commission, and City Manager on planning matters.
- D. Decide and issue administrative entitlements as listed in Table 17.08.060-1 (Approving Authority for Land Use Entitlements).
- E. Exercise such other powers and duties as are prescribed by state law or local ordinance, or as directed by the Planning Commission, City Council, or City Manager.

Chapter 17.08 General Application Processing Procedures

Sections:

17.08.010	Purpose.....	17.08-1
17.08.020	Application and Fee.....	17.08-1
17.08.030	Determination of Completeness for Discretionary Projects.....	17.08-1
17.08.040	Application Review and Report.....	17.08-2
17.08.050	Public Hearing and Public Notice.....	17.08-2
17.08.060	Approving Authority.....	17.08-4
17.08.070	Appeals.....	17.08-5
17.08.080	Effective Date.....	17.08-6
17.08.090	Denial without Prejudice.....	17.08-6
17.08.100	New Application.....	17.08-7
17.08.110	Approvals to Run with Land.....	17.08-7
17.08.120	Time Limits and Extensions.....	17.08-7
17.08.130	Modification.....	17.08-8
17.08.140	Revocation of Previously Approved Entitlement.....	17.08-8

17.08.010 Purpose

The purpose of this Chapter is to establish review and approval procedures for the processing of planning and development applications and requests provided for by this Title. Development standards and conditions for the approval of land use entitlements are contained in the appropriate chapters of this Title.

17.08.020 Application and Fee

- A. Application. Applications pertaining to this Title shall be submitted in writing to the Community Development Director on a completed form designated for the particular request. Every application shall include applicant signature(s), agent authorization as appropriate, and the fee established by the City Council pursuant to Subsection 17.08.020(B) (Fee) of this Title to cover the cost of processing. Applications shall be submitted together with all plans, maps, and data about the project development, project site, and vicinity deemed necessary by the Community Development Director to provide the Approving Authority the adequate information on which to base decisions. Each application form lists the necessary submittal materials for that particular type of permit. 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.

- B. Fee. 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.

17.08.030 Determination of Completeness for Discretionary Projects

- A. Application Completeness. Within 30 days of application submittal, the Community Development Director shall determine whether or not the application for a

discretionary project is complete. The Community Development Director shall notify the applicant, in writing, of the determination that either:

1. All the submittal requirements have been satisfied and the application has been accepted as complete.
 2. Specific information is still necessary to complete the application. The letter may also identify preliminary information regarding the areas in which the submitted plans are not in compliance with City standards and requirements.
- B. **Application Completeness without Notification.** If the written determination is not made within 30 days after receipt, the application shall be deemed complete for purposes of this Chapter.
- C. **Resubmittal.** Upon receipt and resubmittal of any incomplete application, a new 30-day period for all other applications shall begin during which the Community Development Director shall determine the completeness of the application. Application completeness shall be determined and noticed as specified in Subsection 17.08.030(A) (Application Completeness).
- D. **Incomplete Application.** If additional information or submittals are required and the application is not made complete within six months of the completeness determination letter, the application shall be deemed by the City to have been withdrawn and no action will be taken on the application. Unexpended fees, as determined by the Community Development Director, will be returned to the applicant. If the applicant subsequently wishes to pursue the project, a new application, including fees, plans, exhibits, and other materials, must then be filed in compliance with Section 17.08.020 (Application and Fee).
- E. **Right to Appeal.** The applicant may appeal the determination in accordance with Section 17.08.070 (Appeals) and the Permit Streamlining Act (California Government Code Section 65920 et seq.).

17.08.040 Application Review and Report

After acceptance of a complete application, the project shall be reviewed in accordance with the environmental review procedures of the California Environmental Quality Act (CEQA). The Community Development Director will consult with other departments as appropriate to ensure compliance with all provisions of the Municipal Code and other adopted policies and plans. The Community Development Director will prepare a report (the staff report) to the designated Approving Authority describing the project, along with a recommendation to approve, conditionally approve, deny the application, or deny the application without prejudice. The report shall be provided to the applicant and property owner at the same time as it is provided to the Approving Authority prior to consideration of the entitlement request. The report may be amended as necessary or supplemented with additional information at any time prior to the hearing to address issues or information not reasonably known at the time the report is due.

17.08.050 Public Hearing and Public Notice

- A. **Public Hearing Required.** The following procedures shall govern the notice and public hearing, where required pursuant to this Title. A public hearing shall be held for the consideration of all Major Use Permits, Major Site Plan and Design Reviews, Variances,

Planned Developments, Development Agreements, Specific Plans, Master Plans, rezonings, subsequent amendments to the Zoning Code (text and map) and General Plan, and Minor Zone and Plan Modifications by the Planning Commission or City Council.

- B. Notice of Hearing. Pursuant to California Government Code Sections 65090 through 65094, not less than 10 days before the scheduled date of a hearing, public notice shall be given of such hearing in the manner listed below. The notice shall state the date, time, and place of hearing, identify the hearing body, and provide a general explanation of the matter to be considered and a general description of the real property (text or diagram), if any, which is the subject of the hearing.
1. Notice of public hearing shall be published in at least one newspaper of general circulation in the city.
 2. Except as otherwise provided herein, notice of the public hearing shall be mailed, postage prepaid, to the owners of property within a radius of 300 feet of the exterior boundaries of the property involved in the application, using for this purpose the last known name and address of such owners as shown upon the current tax assessors records. If the number of owners exceeds 1,000, the City may, in lieu of mailed notice, provide notice by placing notice of at least 1/8 page in one newspaper of general circulation within the city.
 3. Notice of the public hearing shall be mailed, postage prepaid, to the owner of the subject real property or the owner's authorized agent and to each local agency expected to provide water, sewerage, streets, roads, schools, or other essential facilities or services to the proposed project.
 4. Notice of the public hearing shall be posted at City Hall.
 5. Notice of the public hearing shall be mailed to any person who has filed a written request for notice.
- C. Requests for Notification. Any person who requests to be on a mailing list for notice of hearing shall submit such request in writing to the Community Development Director. The City may impose a reasonable fee for the purpose of recovering the cost of such notification.
- D. Receipt of Notice. Failure of any person or entity to receive any properly issued notice required by law for any hearing required by this Title shall not constitute grounds for any court to invalidate the actions of a designated Approving Authority for which the notice was given.
- E. Hearing Procedure. Hearings as provided for in this Chapter shall be held at the date, time, and place for which notice has been given as required in this Chapter. The Approving Authority, as identified in Table 17.08.060-1 (Approving Authority for Land Use Entitlements), shall conduct the public hearing and hear testimony. The summary minutes shall be prepared and made part of the permanent file of the case. Any hearing may be continued to a date certain. If the hearing is not continued to a specific date/time, then the hearing shall be re-noticed.

17.08.060 Approving Authority

- A. **Approving Authority.** The Approving Authority as designated in Table 17.08.060-1 (Approving Authority for Land Use Entitlements) shall approve, conditionally approve, or deny the proposed land use entitlement, or deny without prejudice the proposed land use entitlement in accordance with the requirements of this Title. Table 17.08.060-1 (Approving Authority for Land Use Entitlements) identifies both recommending (R) and final (F) authorities for each land use entitlement. In acting on a land use entitlement, the Approving Authority shall make the applicable findings as established in Chapter 17.10 (Entitlements) and as may be required by other laws and regulations. An action of the Approving Authority may be appealed pursuant to procedures set forth in Section 17.08.070 (Appeals).
 - 1. Multiple land use entitlements. When a proposed project requires more than one land use entitlement with more than one Approving Authority, all project land use entitlements shall be processed concurrently and final action shall be taken by the highest-level designated Approving Authority for all such requested land use entitlements.

TABLE 17.08.060-1
APPROVING AUTHORITY FOR LAND USE ENTITLEMENTS

Type of Land Use Entitlement	Designated Approving Authority ¹ "R" symbolizes the Recommending Body "F" symbolizes the Final Decision-Making Body		
	Community Development Director	Planning Commission	City Council
Zoning Conformance	F		
Similar Use Determination	F		
Reasonable Accommodations	F		
Site Plan and Design Review (Minor)	F		
Site Plan and Design Review (Major)	R	F	
Minor Use Permit	F		
Conditional Use Permit	R	F	
Temporary Use Permit	F		
Master Sign Program	F		
Minor Zone Modification	F ²	F ²	
Minor Plan Modification	F ²	F ²	
Variance	R	F	
Planned Development	R	R	F
Development Agreement	R	R	F
Specific Plan	R	R	F

Type of Land Use Entitlement	Designated Approving Authority ¹ "R" symbolizes the Recommending Body "F" symbolizes the Final Decision-Making Body		
	Community Development Director	Planning Commission	City Council
Master Plan	R	R	F
Prezoning	R	R	F
Zoning Amendment (Text and Map)	R	R	F
General Plan Amendment (Text and Map)	R	R	F

Notes:

1. All listed actions are subject to appeal pursuant to Section 17.08.070 (Appeals).
2. Final decision-making body is the same as the original decision-making body for original plan proposed for modification.

17.08.070 Appeals

- A. Purpose and Applicability. The purpose of these provisions is to prescribe the procedure through which an appeal may be made in case an interested person is dissatisfied with any order, requirement, permit, decision, determination, approval, or disapproval, made in the administration, interpretation, or enforcement of this title.
- B. Appeal Authority. Any person dissatisfied with a determination or action of the Community Development Director or Planning Commission made pursuant to this Article may appeal such action to the designated Appeal Authority listed in Table 17.08.070-2 (Appeal Authority) below, within 10 days from the date of the action. Actions by the City Council are final, and no further administrative appeals are available.

TABLE 17.08.070-2
APPEAL AUTHORITY

Approving Authority for Action Being Appealed	Appeal Authority	
	Planning Commission	City Council
Community Development Director	X	
Planning Commission		X

- C. Filing an Appeal. All appeals shall be submitted in writing, identifying the determination or action being appealed and specifically stating the basis or grounds of the appeal. Appeals shall be filed within 10 days from, but not including, the date of determination or action for which an appeal is made, accompanied by a filing fee established by City Council resolution, and submitted to the Community Development Director. The filing of an appeal shall stay the issuance of any necessary subsequent permit(s) associated with any right or entitlement that will be the subject of the appeal.

1. Appeal of Community Development Director decision
 - i. The applicant or any other person may appeal 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.
 - ii. The Planning Commission may appeal a decision made by the Community Development Director by filing a written notice of appeal with the City Clerk prior to the time the decision becomes final.
 2. Appeal of Planning Commission decision
 - i. The applicant or any other person aggrieved may appeal such decision by filing a written notice of appeal with the Community Development Director prior to the time the decision becomes final.
 - ii. The City Council may appeal a decision made by the Planning Commission by filing a written notice of appeal with the City Clerk prior to the time the decision becomes final.
- D. Notice and Schedule of Appeal Hearings. Unless otherwise agreed upon by the person filing the appeal and the applicant, appeal hearings should be conducted within 45 days from the date of appeal submittal. Notice of hearing for the appeal shall be provided pursuant to noticing requirements of Section 17.08.050 (Public Hearing and Public Notice).
- E. Appeal Hearing and Action. Each appeal shall be considered a de novo (new) hearing. In taking its action on an appeal, the Appeal Authority shall state the basis for its action. Only such evidence and plans as were submitted to and ruled upon by the Approving Authority may be provided to the Appeal Authority for review. The Appeal Authority may act to confirm, modify, or reverse the action of the Approving Authority, in whole or in part, or add or amend such conditions as it deems necessary. The action of the Appeal Authority is final on the date of decision and, unless expressly provided by this Chapter, may not be further appealed.

17.08.080 Effective Date

Generally, the action to approve, conditionally approve, deny, or deny without prejudice a permit or entitlement authorized by this Title shall be effective on the 11th day after the date of action, immediately following expiration of the 10-day appeal period. Legislative actions by the City Council become effective 30 days from the date of final action and may not be appealed. In accordance with Chapter 17.04.030 (Rules of Interpretation), where the last of the specified number of days falls on a weekend or City holiday, the time limit of the appeal shall extend to the end of the next working day. Entitlement(s) shall not be issued until the effective date of the required permit.

17.08.090 Denial without Prejudice

If the application is denied without prejudice, the applicant may reapply for substantially the same request without complying with the time limit prescribed in Section 17.08.100 (New Application).

17.08.100 New Application

Following a denied or prejudicially denied land use entitlement application, no application for a land use entitlement for the same or substantially the same land use entitlement on the same site shall be filed within one year from the date of denial of the land use entitlement, unless it can be shown that there has been a change in the property or environs substantially affecting the land use entitlement.

17.08.110 Approvals to Run with Land

Unless otherwise conditioned, land use entitlements granted pursuant to the provisions of this Chapter shall run with the land through any change of ownership of the site, business, service, use, or structures, provided that such use is compliant with this Title or as specified in the land use entitlement, and the land use entitlement does not expire. All applicable conditions of approval shall continue to apply after a change in property ownership.

17.08.120 Time Limits and Extensions

- A. **Time Limits.** Unless a condition of approval or other provision of this Title establishes a different time limit, any permit not exercised within two years of approval shall expire and become void, except where an extension of time is approved in compliance with Subsection 17.08.120(C) (Permit Extensions) below.
- B. **Exercising Approvals.** The exercise of a land use entitlement occurs when the property owner has performed substantial work and incurred substantial liabilities in good faith reliance upon such permit(s) to the satisfaction of the Community Development Director. A land use entitlement may be otherwise exercised pursuant to a condition of the land use entitlement or corresponding legal agreement that specifies that other substantial efforts or expenditures constitute exercise of the land use entitlement. Unless otherwise provided, land use entitlements that have not been exercised prior to a Zoning Amendment that would make the permitted use or structure nonconforming shall automatically be deemed invalid on the effective date of the Zoning Amendment.
- C. **Permit Extensions.** The approval of an extension extends the expiration date for one year from the original two-year time limit described in this Section. A one-year extension of time may be granted pursuant to the same process as set forth in this Section.
 1. **Process.** The same Approving Authority that granted the original land use entitlement may extend the period within which the exercise of a land use entitlement must occur. Notice and/or public hearing shall be provided in the same manner as for the original land use entitlement. An application for extension shall be filed not less than 30 days prior to the expiration date of the land use entitlement, along with appropriate fees as adopted by the City Council by resolution and necessary submittal materials listed on the application form of the appropriate land use entitlement application.
 2. **Conditions.** The land use entitlement, as extended, may be conditioned to comply with any development standards that may have been enacted since the land use entitlement was initially approved.

3. Land use entitlement extension findings. The extension may be granted only when the designated Approving Authority finds that the original land use entitlement findings can be made and there are changed circumstances or there has been diligent pursuit to exercise the land use entitlement that warrants such extension.

17.08.130 Modification

Any person holding a land use entitlement granted under this Title may request a modification or amendment to that land use entitlement. For the purpose of this Section, the modification of a land use entitlement may include modification of the terms of the land use entitlement itself, project design, or the waiver or alteration of conditions imposed in the granting of the land use entitlement.

If the Community Development Director determines that a proposed project action is not in substantial conformance with the original approval, the Community Development Director shall notify the property owner of the requirement to submit an application for consideration and action by the same Approving Authority as the original land use entitlement. A modification to the land use entitlement may be granted only when the Approving Authority makes all findings required for the original approval and the additional finding that there are changed circumstances sufficient to justify the modification of the approval.

17.08.140 Revocation of Previously Approved Entitlement

This Section provides procedures for the revocation of previously approved land use entitlements.

- A. Consideration. The Approving Authority for the original land use entitlement shall consider the revocation of same land use entitlement.
- B. Noticed Public Hearing. The decision to revoke a land use entitlement granted pursuant to the provisions of this Title shall be considered at a noticed public hearing. Public notice shall be provided and public hearing conducted pursuant to Section 17.08.050 (Public Hearing and Public Notice).
- C. Findings. A decision to revoke a land use entitlement may be made if any one of the following findings can be made:
 1. Circumstances under which the land use entitlement was granted have been changed by the applicant to a degree that one or more of the findings contained in the original land use entitlement can no longer be met.
 2. The land use entitlement was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the land use entitlement.
 3. One or more of the conditions of the land use entitlement have not been substantially fulfilled or have been violated.
 4. The use or structure for which the land use entitlement was granted has ceased to exist or has lost its legal nonconforming use status.

5. The improvement authorized in compliance with the land use entitlement is in violation of any code, law, ordinance, regulation, or statute.
6. The improvement/use allowed by the land use entitlement has become detrimental to the public health, safety, or welfare, or the manner of operation constitutes or is creating a public nuisance.

Chapter 17.10 Entitlements

Sections:

17.10.010	Purpose.....	17.10-1
17.10.020	Applicability.....	17.10-1
17.10.030	Zoning Conformance Approval.....	17.10-1
17.10.040	Similar Use Determination.....	17.10-2
17.10.050	Reasonable Accommodation.....	17.10-3
17.10.060	Site Plan and Design Review (Minor and Major).....	17.10-5
17.10.070	Minor Use Permit.....	17.10-7
17.10.080	Temporary Use Permit.....	17.10-8
17.10.090	Master Sign Program.....	17.10-10
17.10.100	Minor Zone Modification.....	17.10-10
17.10.110	Minor Plan Modification.....	17.10-12
17.10.120	Variance.....	17.10-13
17.10.130	Conditional Use Permit.....	17.10-14
17.10.140	Planned Development.....	17.10-16
17.10.150	Development Agreement.....	17.10-17
17.10.160	Specific Plan.....	17.10-19
17.10.170	Master Plan.....	17.10-21
17.10.180	Rezoning.....	17.10-23
17.10.190	Zoning Amendment (Text and Map).....	17.10-23
17.10.200	General Plan Amendment (Text and Map).....	17.10-24

17.10.010 Purpose

The purpose of this Chapter is to establish procedures for administering all planning- and zoning-related land use entitlements required and regulated by the City in accordance with this Title.

17.10.020 Applicability

Each land use entitlement is described in this Chapter in terms of purpose and applicability, Approving Authority, and unique processing provisions. Exemptions to permit requirements are listed throughout this Title. General processing procedures are established in Chapter 17.08 (General Application Processing Procedures). Provisions for Tentative Maps, Parcel Maps, and Final Maps are identified in Title 16 of this Municipal Code.

17.10.030 Zoning Conformance Approval

- A. Purpose. The purpose of the Zoning Conformance Approval is to ensure that all new and modified uses and structures comply with applicable provisions of this Title, using simple administrative plan check procedures.
- B. Applicability. Zoning Conformance Approval is required for the following actions:
 - 1. All structures that require a building permit;
 - 2. All business license applications;
 - 3. All sign programs;

4. All home occupation permits; and
 5. All large family day care home permits.
- C. **Approving Authority.** The Community Development Director shall be the designated Approving Authority for Zoning Conformance Approval.
- D. **Procedure.** The Zoning Conformance Approval process will be conducted by the Community Development Director as part of the building permit, land use entitlement, or other City application review. No public hearing is required for a Zoning Conformance Approval.
- E. **Approval Findings.** Zoning Conformance Approval shall be granted only when the Community Development Director finds the proposal to be in conformance with all applicable provisions of this Title. The Community Development Director shall evidence his/her finding of the Zoning Conformance Approval by affixing his/her signature to the building permit application, business license application, or other such permit requiring a Zoning Conformance Approval.
- F. **Determinations.** The determination of the Community Development Director shall be final on the date of decision. The decision shall be mailed to the applicant within five working days after the date of decision. There shall be no appeal from a decision of the Community Development Director made on a Zoning Conformance Approval.

17.10.040 Similar Use Determination

- A. **Purpose and Applicability.** All possible uses may not be listed within the provisions of this Title, and new uses may evolve over time. When a particular use is not specifically listed in this Zoning Ordinance and it is unclear whether the use is permitted, the provisions established in this Chapter allow the Approving Authority, by formal action, to determine whether or not a proposed use is similar to a permitted or conditionally permitted use and whether such proposed use may be permitted in a particular Zoning District.
- B. **Approving Authority.** The Community Development Director shall be the designated Approving Authority for Similar Use Determinations.
- C. **Procedure.** This process will be conducted by the Community Development Director as part of building permit review, land use entitlement, or other City application review. No public hearing is required for a Similar Use Determination.
- D. **Approval Findings.** In determining “similarity,” the Approving Authority shall make all of the following findings:
1. The characteristics of and activities associated with the proposed use are equivalent to one or more of the listed uses and will not involve a higher level of activity or population density than the uses listed in the Zoning District.
 2. The proposed use will be consistent with the purposes of the applicable Zoning District.
 3. The proposed use will be consistent with the General Plan, any applicable Specific Plan, and the Zoning Ordinance.

- E. Record and Notification of Determinations. Determinations shall be made in writing and shall contain the facts that support the determination. The Community Development Department shall maintain all such determinations on record for review by the general public upon request. The notice of decision shall be provided, in writing, to the applicant and interested parties within five working days after the date of decision. The notice shall include:
1. A brief statement explaining the criteria and standards considered relevant to the decision.
 2. A statement of the standards and facts relied upon in rendering the decision.
 3. An explanation of appeal rights and appeal deadlines.

17.10.050 Reasonable Accommodation

- A. Purpose. The purpose of allowing reasonable accommodation is to provide a process for individuals with disabilities to make requests for reasonable accommodation for relief from the various land use, zoning, or rules, policies, practices, and/or procedures of the City. It is the policy of the City, pursuant to the Federal Fair Housing Act (as amended), to provide persons with disabilities reasonable accommodation in rules, policies, and procedures that may be necessary to ensure equal access to housing.
- B. Requesting Reasonable Accommodation
1. In order to make specific housing available to an individual with a disability, a disabled person or representative may request reasonable accommodation relating to the various land use, zoning, or rules, policies, practices, and/or procedures of the City.
 2. If an individual needs assistance in making the request for reasonable accommodation or appealing a determination regarding reasonable accommodation, the Community Development Director will endeavor to provide the assistance necessary to ensure that the process is accessible to the applicant or representative.
 3. A request for reasonable accommodation with regard to City regulations, rules, policies, practices, and/or procedures may be filed on an application form provided by the Community Development Director at the time that the accommodation may be necessary to ensure equal access to housing.
- C. Required Information. The applicant shall provide the following information when requesting reasonable accommodation:
1. A completed City application indicating, among other things, the applicant name, address, and telephone.
 2. The address of the property for which the request is being made.
 3. The current actual use of the property.

4. The Zoning Ordinance provision, regulation, or policy from which reasonable accommodation is being requested.
 5. The basis for the claim that the person(s) for whom the reasonable accommodation is sought is/are considered disabled under the Fair Housing Act and why the accommodation is reasonably necessary to make specific housing available to the person(s).
 6. Such other relevant information as may be requested by the Community Development Director.
- D. **Approving Authority.** The Community Development Director shall be the designated Approving Authority for reasonable accommodation.
- E. **Procedure.** When a request for reasonable accommodation is filed with the Community Development Director, the request will be reviewed and considered as a ministerial action unless determined otherwise by the Community Development Director. A request for reasonable accommodation shall be considered ministerial in nature when it is related to a physical improvement that cannot be constructed to conform to the City's setbacks or design standards. Typical improvements considered to be "ministerial" in nature would include ramps, walls, handrails, or other physical improvements necessary to accommodate a person's disability. The Community Development Director shall issue a written determination of his or her action within 30 days of the date of receipt of a completed application and may:
1. Grant or deny the accommodation request; or
 2. Grant the accommodation request subject to specified nondiscriminatory conditions(s); or
 3. Determine that the request for reasonable accommodation is nonministerial in nature and forward the request to the Planning Commission. The request will be considered by the Planning Commission in accordance with Section 17.10.130 (Conditional Use Permit) and shall be subject to the findings stated in Subsection 17.10.050(F) (Approval Findings).

All written determinations of actions of the Community Development Director shall give notice of the right to appeal and the right to request reasonable accommodation on the appeals process (e.g., requesting that City staff attempt to schedule an appeal hearing as soon as legally and practically possible), if necessary. The notice of action shall be sent to the applicant by mail.

If necessary to reach a determination or action on the request for reasonable accommodation, the Community Development Director may request further information from the applicant specifying in detail what information is required. In the event a request for further information is made, the 30-day period to issue a written determination shall be stayed until the applicant fully and sufficiently responds to the request.

- F. **Approval Findings.** In making a determination regarding the reasonableness of a requested accommodation, the Approving Authority shall make the following findings:

1. The housing which is the subject of the request for reasonable accommodation will be used for an individual protected under the Fair Housing Act.
 2. The request for reasonable accommodation is necessary to make specific housing available to an individual protected under the Fair Housing Act.
 3. The requested reasonable accommodation does not impose an undue financial or administrative burden on the City and does not fundamentally alter City zoning, development standards, policies, or procedures.
- G. Notification of Determination. The decision of the Approving Authority shall be mailed to the applicant within five working days after the date of the decision.
- H. Appeals. Appeal of the Approving Authority's action on the request for reasonable accommodation shall be made in accordance with the procedures specified in Section 17.08.070 (Appeals).

17.10.060 Site Plan and Design Review (Minor and Major)

- A. Purpose and Intent. The purpose of Site Plan and Design Review is to provide a 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.
- B. Applicability. There are two categories of Site Plan and Design Review, depending on the type of project as follows:
1. Minor Site Plan and Design Review. A Minor Site Plan and Design Review entitlement is required for changes in use or modifications to existing multi-family and nonresidential uses and structures that are exempt from state environmental review requirements as outlined in the California Environmental Quality Act (CEQA).
 2. Major Site Plan and Design Review. A Major Site Plan and Design Review entitlement is required for new multi-family and nonresidential uses and structures. Additionally, Major Site Plan and Design Review is required for changes in use or modifications to existing multi-family and nonresidential uses and structures that are not exempt from state environmental review requirements as outlined in the California Environmental Quality Act (CEQA).
- C. Approving Authority. The designated Approving Authority for the two categories of Site Plan and Design Review is as follows:
1. Minor Site Plan and Design Review. The Approving Authority is the Community Development Director.
 2. Major Site Plan and Design Review. The Approving Authority is the Planning Commission.

- D. Procedure. The procedures for Site Plan and Design Review shall be as provided in Chapter 17.08 (General Application Processing Procedures), with the following special provisions:
1. Minor Site Plan and Design Review. No public hearing or notice is required.
 2. Major Site Plan and Design Review. The City shall provide public hearing for consideration of the approval modification revocation or appeal of an application for a Major Site Plan and Design Review entitlement in accordance with Section 17.08.050 (Public Hearing and Public Notice).
- E. Considerations. In conducting a Site Plan and Design Review, the designated Approving Authority shall consider the following:
1. Site layout, the orientation and location of building, signs, other structures, open spaces, landscaping, and other development features in relation to the physical characteristics, zoning, and land use of the site and surrounding properties;
 2. Traffic, safety, and traffic congestion, including the effect of the development plan on traffic conditions on abutting streets, the layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, driveways, and walkways, the adequacy of off-street parking facilities to prevent traffic congestion, and the circulation patterns within the boundaries of the development;
 3. Availability of City services, including, but not limited to, water, sewer, drainage, police and fire, and whether such services are adequate based on City standards.
- F. Approval Findings. The designated Approving Authority shall make all of the following findings to approve or conditionally approve a Site Plan and Design Review application:
1. The proposed project is consistent with the objectives of the General Plan, complies with applicable zoning regulations, Planned Development, Master Plan or Specific Plan provisions, Improvement Standards, and other applicable standards and regulations adopted by the City;
 2. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation;
 3. The site layout (orientation and placement of buildings and parking areas), as well as the landscaping, lighting, and other development features, is compatible with and complements the existing surrounding environment and ultimate character of the area under the General Plan; and
 4. The proposed architecture, including the character, scale, and quality of the design, relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and signing, and similar elements, establishes a clear design concept and is compatible with the character of buildings on adjoining and nearby properties.

- G. **Conditions of Approval.** The Approving Authority may modify plans, in whole or in part, apply conditions of approval, or require guarantees to ensure compliance with applicable provisions of this Title and to prevent adverse or detrimental impact to the surrounding neighborhood. Specifically, the Approving Authority may require that the plans address issues related to ingress, egress, internal traffic, circulation, lighting, signage, landscaping and screening, architectural design, and other factors to ensure that the project is compatible with the surrounding neighborhood if a potential conflict exists, or to otherwise comply with relevant design guidelines.
- H. **Notification of Determination.** The decision of the Approving Authority shall be mailed to the applicant within five working days after the date of the decision.
- I. **Appeals.** Appeal of the Approving Authority's action on the request for Site Plan and Design Review entitlement shall be made in accordance with the procedures specified in Section 17.08.070 (Appeals).
- J. **Expiration.** Site Plan and Design Review approvals shall expire 24 months from the date of approval. A one-year extension may be granted pursuant to Section 17.08.120 (Time Limits and Extensions). 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.

17.10.070 Minor Use Permit

- A. **Purpose.** Minor Use Permits provide a mechanism for administrative review. Minor Use Permits are for those uses that are exempt from CEQA review and that are expected to have minimal impacts and effects on surrounding uses.
- B. **Applicability.** A Minor Use Permit is required for those land uses shown with an "M" in Table 17.22.010-1 (Allowed Uses and Required Entitlements for Manteca's Base Zoning Districts).
- C. **Approving Authority.** The Community Development Director shall be the designated Approving Authority for Minor Use Permits.
- D. **Procedure.** This process will be conducted by the Community Development Director in accordance with Chapter 17.08 (General Application Processing Procedures). No public hearing is required for a Minor Use Permit.
- E. **Approval Findings.** Whenever authorized by ordinance, the Approving Authority may issue a Minor Use Permit when he/she finds as follows:
 - 1. The proposed use is consistent with the General Plan, any applicable Specific Plan, and the provisions of this Title.
 - 2. The proposed use is consistent with the purpose of the applicable district or districts.
 - 3. 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.
 - 4. The proposed project is consistent with the objectives of the General Plan, complies with applicable zoning regulations Planned Development, Master

Plan or Specific Plan provisions, Improvement Standards, and other applicable standards and regulations adopted by the City.

- F. Conditions of Approval. Whenever any Minor Use Permit is granted, the designated Approving Authority may impose such conditions as may be necessary to safeguard the public safety and the intent of this Title.
- G. Notification of Determination. The decision of the Approving Authority shall be mailed to the applicant within five working days after the date of the decision.
- H. Appeals. Appeal of the Approving Authority's action on the request for a Minor Use Permit shall be made in accordance with the procedures specified in Section 17.08.070 (Appeals).
- I. Expiration. All approved Minor Use Permits are subject to the provisions set forth in Section 17.08.120 (Time Limits and Extensions).

17.10.080 Temporary Use Permit

- A. Purpose. Temporary Use Permits provide a mechanism for administrative review and determinations for proposed short-term activities as listed in Chapter 17.84 (Temporary Uses) and to ensure that entitlements are consistent with the General Plan and provisions of the Zoning Code. Temporary uses may not meet the normal development or use standards of the applicable Zoning District, but may be acceptable because of their temporary nature. The Temporary Use Permit applicant must demonstrate that the application is consistent with code requirements.
- B. Applicability. A Temporary Use Permit is required for temporary uses including, but not limited to, carnivals, circuses, religious revivals, Christmas tree lots and pumpkin farms, animal shows or displays, and food stands.
- C. Approving Authority. The Community Development Director shall be the designated Approving Authority for Temporary Use Permits.
- D. Application Contents. 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:
 - i. The subject property with the lot lines and abutting properties.
 - ii. The location of the temporary use related to the subject and adjoining properties.
 - iii. The parking, driveway, and loading areas.
 - iv. The vehicular ingress and egress.
 - 2. One copy of the dimensioned elevations of any structure proposed for location.

- E. Procedure. This process will be conducted by the Community Development Director in accordance with Chapter 17.08 (General Application Processing Procedures). No public hearing is required for a Temporary Use Permit.
- F. Approval Findings. The Approving Authority shall make the following findings to approve or conditionally approve a Temporary Use Permit application:
1. The proposed use is a temporary use and will be limited to a specific duration of time, as established in the Temporary Use Permit.
 2. The establishment, maintenance, or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.
 3. The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.
 4. The use, as described and conditionally approved, will not function or be located in a manner that restricts access to any required parking spaces.
 5. Approved measures for the removal of the use and site restoration have been required to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Zoning Code.
 6. The approval includes provisions to ensure that each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use, and shall thereafter be used in compliance with the provisions of this Zoning Code. The Approving Authority may require appropriate security before initiation of the use to ensure proper cleanup after the use is terminated.
- G. Notification of Determination. The decision of the Approving Authority shall be mailed to the applicant within five working days after the date of the decision.
- H. Conditions of Approval. In approving a Temporary Use Permit, the Approving Authority may impose conditions (e.g., buffers, hours of operation, landscaping and maintenance, lighting, off-site improvements, parking, performance guarantees, property maintenance, signs, surfacing, time limits, traffic circulation) deemed reasonable and necessary to ensure that the approval would be in compliance with the required findings.
- I. Time Limits. Time limits for Temporary Use Permits are listed in Chapter 17.84 (Temporary Uses).
- J. Appeals. Appeal of the Approving Authority's action on the request for a Temporary Use Permit shall be made in accordance with the procedures specified in Section 17.08.070 (Appeals).

17.10.090 Master Sign Program

- A. **Purpose.** The Master Sign Program provides a process for Community Development Director review and decisions related to requests for signs for multi-tenant projects. The intent is to allow the integration of a project's signs with the design of the structures to achieve a unified architectural statement and to approve common sign regulations for multi-tenant projects, and to encourage design flexibility without circumventing the intent of this Code.
- B. **Applicability.** A Master Sign Program shall be required for all new multi-tenant shopping centers, office parks, and other multi-tenant or mixed-use developments of three or more separate tenants/uses that share either the same parcel or structure and use common access and parking facilities.
- C. **Approving Authority.** The designated Approving Authority for a Master Sign Program is the Community Development Director.
- D. **Procedures.** This process will be conducted by the Community Development Director in accordance with Chapter 17.08 (General Application Processing Procedures). No public hearing is required for a Master Sign Program.
- E. **Approval Findings.** The Approving Authority may approve a Master Sign Program with the finding that the proposed sign plan complies with the standards and requirements of this Title. Master Sign Programs which do not clearly meet such requirements shall be referred to the Planning Commission.
- F. **Conditions of Approval.** Whenever any Master Sign Program is granted, the designated Approving Authority may impose such conditions as may be necessary to safeguard the public safety and the intent of this Title.
- G. **Appeals.** Appeal of the Approving Authority's action on the request for a Master Sign Program shall be made in accordance with the procedures specified in Section 17.08.070 (Appeals).
- H. **Expiration.** All approved Master Sign Programs are subject to the provisions set forth in Section 17.08.120 (Time Limits and Extensions).

17.10.100 Minor Zone Modification

- A. **Purpose.** Minor Zone Modifications provide limited relief from the strict application of development requirements specified by this Title in order to promote uniform development or relieve an unreasonable hardship.
- B. **Applicability.** Minor Zone Modifications apply to the requests for minor deviation from any of the following development standards:
 - 1. Maximum 10 percent waiver of off-street parking and loading requirements, including the number of spaces required or the amount of landscaped area required by Chapter 17.52 (Parking) of this Title.
 - 2. Yards, lot coverage, height, lot area, lot width, and lot depth requirements. A 10 percent maximum waiver may be granted if no other structures exist on

- the site; a 20 percent maximum waiver may be granted for additions to existing structures.
3. Maximum 10 percent waiver of open space requirements for residential development.
- C. **Approving Authority.** The Community Development Director shall be the designated Approving Authority for Minor Zone Modifications.
- D. **Procedures.** This process will be conducted by the Community Development Director in accordance with Chapter 17.08 (General Application Processing Procedures). The City shall provide notice of hearing in compliance with Section 17.08.050 (Public Hearing and Public Notice). The notice shall state that the Community Development Director will decide whether to approve or disapprove the Minor Zone Modification application on a date specified in the notice and that a public hearing will be held only if requested in writing by any interested party prior to the specified date for the decision. When a hearing is requested, notice of the hearing shall be provided in compliance with Section 17.08.050 (Public Hearing and Public Notice), and the Community Development Director shall conduct the public hearing prior to a decision on the application.
- E. **Approval Findings.** The Approving Authority shall make all of the following findings to approve or conditionally approve a Minor Zone Modification application:
1. The modification does not exceed the limits specified in this section.
 2. The granting of the modification will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing in the neighborhood.
 3. The modification, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.
 4. The granting of the modification either would promote the uniformity in development on the lot or in the area or would alleviate an unreasonable hardship imposed by the strict application of the requirements of this Title.
- F. **Notification of Determination.** The decision of the Approving Authority shall be mailed to the applicant within five working days after the date of the decision.
- G. **Conditions of Approval.** In approving a Minor Zone Modification, the Approving Authority may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with the required findings.
- H. **Time Limits.** All approved Minor Zone Modifications are subject to the provisions set forth in Section 17.08.120 (Time Limits and Extensions).
- I. **Appeals.** Appeal of the Approving Authority's action on the request for a Minor Zone Modification shall be made in accordance with the procedures specified in Section 17.08.070 (Appeals).

17.10.110 Minor Plan Modification

- A. **Purpose and Applicability.** Minor Plan Modifications provide for minor modifications to previously approved plans or permits where the change is in substantial conformity with the approved plan or permit.
- B. **Approving Authority.** The Community Development Director shall be the designated Approving Authority for Minor Plan Modifications.
- C. **Procedures.** This process will be conducted by the Community Development Director in accordance with Chapter 17.08 (General Application Processing Procedures). The City shall provide notice of hearing in compliance with Section 17.08.050 (Public Hearing and Public Notice). The notice shall state that the Community Development Director will decide whether to approve or disapprove the Minor Plan Modification application on a date specified in the notice and that a public hearing will be held only if requested in writing by any interested party prior to the specified date for the decision. When a hearing is requested, notice of the hearing shall be provided in compliance with Section 17.08.050 (Public Hearing and Public Notice), and the Community Development Director shall conduct the public hearing prior to a decision on the application.
- D. **Approval Findings.** The Approving Authority shall make the following findings to approve or conditionally approve a Minor Plan Modification application:
 - 1. The modification is in substantial conformance with the previously approved pan or permit.
 - 2. The modification is in compliance with all applicable provisions of this Title.
 - 3. The modification will not create impacts substantially different from those of the project as previously approved.
 - 4. The granting of the modification will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing in the neighborhood or injurious to property and improvements in the neighborhood or to the general welfare of the city.
- E. **Notification of Determination.** The decision of the Approving Authority shall be mailed to the applicant within five working days after the date of the decision.
- F. **Conditions of Approval.** In approving a Minor Plan Modification, the Approving Authority may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with the required findings.
- G. **Time Limits.** All approved Minor Plan Modification are subject to the provisions set forth in Section 17.08.120 (Time Limits and Extensions).
- H. **Appeals.** Appeal of the Approving Authority’s action on the request for a Minor Plan Modification shall be made in accordance with the procedures specified in Section 17.08.070 (Appeals).

17.10.120 Variance

- A. **Purpose.** In accordance with California Government Code Section 65906, variances from the development standards and provisions of this Title shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, and location of surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and within the same Zoning District. A Variance approval is required to grant exception from any of the development standards and provisions of this Title. Any Variance granted is subject to such condition as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with limitations upon other properties in the vicinity and zone in which the property is situated.
- B. **Applicability.** A Variance may not be granted to waive or modify any of the following requirements of this Zoning Ordinance:
1. Allow a land use not otherwise permitted in the zone;
 2. Increase the maximum allowed residential density;
 3. Waive a specific provision (e.g., prohibited sign); or
 4. Waive or modify a procedural requirement.
- C. **Approving Authority.** The designated Approving Authority for a Variance is the Planning Commission. The Planning Commission may, upon its own motion or upon the verified application of any interested parties, initiate proceedings for the granting of a Variance. The Community Development Director provides a recommendation and the Planning Commission approves, conditionally approves, denies, or denies without prejudice the Variance in accordance with the requirements of this Title.
- D. **Procedures.** This process will be conducted by the Community Development Director in accordance with Chapter 17.08 (General Application Processing Procedures). A public hearing is required for a Variance.
- E. **Required Findings for a Variance.** The Approving Authority may approve and/or modify any Variance application in whole or in part, with or without conditions, only if the applicant can demonstrate that the circumstances of their particular case can justify making all of the following findings:
1. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of this Zoning Ordinance denies the property owner privileges enjoyed by other property owners in the vicinity and within the same Zoning District.
 2. Granting the Variance is necessary for the preservation and enjoyment of substantial property rights enjoyed by other property owners in the same vicinity and Zoning District and denied to the property owner for which the Variance is sought.

3. Granting the Variance will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the premises in question.
 4. The Variance is consistent with the General Plan, any applicable Specific Plan or Development Agreement, and the intent of this Title.
- F. Conditions of Approval. In approving a Variance, the Approving Authority:
1. Shall impose conditions to ensure that the Variance does not grant special privileges inconsistent with the limitation on other properties in the vicinity and the Zoning District in which the property is located.
 2. May impose any reasonable conditions (e.g., the placement, height, nature, and extent of the use, buffers, landscaping and maintenance, off-site improvements, performance guarantees, screening, surfacing, hours of operation) to ensure that the approval complies with the findings required by this Chapter.
- G. Appeals. Appeal of the Approving Authority's action on the request for Variance shall be made in accordance with the procedures specified in Section 17.08.070 (Appeals).
- H. Time Limits. All approved Variances are subject to the provisions set forth in Section 17.08.120 (Time Limits and Extensions).

17.10.130 Conditional Use Permit

- A. Purpose. The purpose of the Conditional Use Permit is for the individual review of uses, typically having unusual site development features or operating characteristics, including the request to expand or modify a nonconforming use or structure. Conditional Use Permits are intended to ensure compatibility with surrounding areas and uses where such uses are deemed essential or desirable to the various elements or objectives of the General Plan.
- B. Applicability. A Conditional Use Permit is required for all uses specifically identified as requiring a Conditional Use Permit in Article II (Zoning Districts, Allowed Land Uses, and Development Standards) and Article IV (Standards for Specific Land Uses) of this Title. A Conditional Use Permit is also required for the expansion or modification of existing nonconforming structures or uses. Applicable provisions for nonconforming uses and structures can be referenced in Chapter 17.12 (Nonconforming Uses and Structures) of this Title.
- C. Approving Authority. The designated Approving Authority for a Conditional Use Permit is the Planning Commission.
- D. Procedures. This process will be conducted by the Community Development Director in accordance with Chapter 17.08 (General Application Processing Procedures). A public hearing is required for a Conditional Use Permit.
- E. Approval Findings. The Approving Authority shall make the following findings to approve a Conditional Use Permit application.

1. General. Conditional Use Permits shall be granted only when the Planning Commission determines that the proposed use or activity complies with all of the following findings:
 - i. The proposed use is consistent with the General Plan, any applicable Specific Plan, and all applicable provisions of this Title.
 - ii. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city.
 - iii. The proposed use is consistent with the purpose of the applicable district or districts.
 - iv. 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.
 2. Approval findings for nonconforming uses. A Conditional Use Permit shall be granted only when the designated Approving Authority determines that the proposed use or activity complies with all of the following findings:
 - i. The proposed use is consistent with the General Plan and all applicable provisions of this Title.
 - ii. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city.
 - iii. The benefit to the public health, safety, or welfare exceeds the detriment inherent in the expansion of nonconformity.
 - iv. The modified or expanded nonconforming structure or uses would not be incompatible with reasonably foreseeable uses as allowed under the applicable zoning regulations.
 - v. The modified or expanded nonconforming structure or use would be consistent with the General Plan.
- F. Conditions. The Approving Authority may impose conditions for the Conditional Use Permit to ensure compliance with this Section and other applicable provisions of this Title and to prevent adverse or detrimental impact to the surrounding neighborhood.
- G. Appeals. Appeal of the Approving Authority's action on the request for Conditional Use Permit shall be made in accordance with the procedures specified in Section 17.08.070 (Appeals).

- H. Time Limits. All approved Conditional Use Permits are subject to the provisions set forth in Section 17.08.120 (Time Limits and Extensions).

17.10.140 Planned Development

- A. Purpose. The purpose of the Planned Development is to provide a process 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. This land use entitlement is intended to demonstrate that the development plan with any proposed deviations is consistent with the General Plan and will result in a quality project that is compatible with surroundings, preserves site resources, minimizes hazards, and provides a public benefit.
- B. Applicability. A Planned Development is required in conjunction with any rezone request for a Planned Development Overlay Zone designation. To qualify for rezoning, projects must include developed or undeveloped property with one or more contiguous parcels totaling a minimum of 2 acres in size. Projects of less than 2 acres may be considered when determined that the development area is underutilized or problematic (e.g., infill, reuse, redevelopment) and that the surrounding area will be better served by the project.
- C. Approving Authority. The designated Approving Authority for a Planned Development is the City Council.
- D. Procedures. This process will be conducted by the Community Development Director in accordance with Chapter 17.08 (General Application Processing Procedures). A public hearing is required for a Planned Development.
- E. Deviations from Development Standards. The Approving Authority may grant requests to deviate from the development standards (e.g., minimum lot area, yard requirements, building heights), but shall not grant exceptions to the allowed land use or density of the base Zoning District. Physical development standards may be modified if the plan includes examples of superior design, environmental preservation and public benefit amenities, and the Approving Authority makes all of the required findings herein.
- F. Approval Findings. The Approving Authority shall make the following findings to approve a Planned Development application.
1. The proposed project does not exceed the total density allowed under the base Zoning District or the General Plan land use designation.
 2. 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:
 - i. Greater open space and common areas than required;
 - ii. 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;

- iii. 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;
 - iv. Superior subdivision design. Utilization of the applicable residential design standards to achieve a superior subdivision design;
 - v. Greater connectivity to surrounding public streets, bike paths, pedestrian walkways, and public open spaces than required by zoning or subdivision regulations;
 - vi. Enhanced environmental preservation by clustering development to preserve sensitive plant or wildlife habitat, biological resources, or contiguous open space;
 - vii. 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.
3. The proposed project incorporates best site planning practices for quality design and compatibility with surroundings.
 4. The proposed project incorporates high quality architectural design and durable materials.
 5. 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.
- G. Conditions. The Approving Authority may impose conditions for the Planned Development to ensure compliance with this Section and other applicable provisions of this Title and to prevent adverse or detrimental impact to the surrounding neighborhood.
- H. Appeals. Appeal of the Approving Authority's action on the request for Planned Development shall be made in accordance with the procedures specified in Section 17.08.070 (Appeals).
- I. Time Limits. All approved Planned Developments are subject to the provisions set forth in Section 17.08.120 (Time Limits and Extensions).

17.10.150 Development Agreement

- A. Purpose. This Section establishes procedures and requirements for the review and approval of Development Agreements when applied for as part of a land use entitlement in compliance with the provisions of California Government Code Sections 65864 through 65869.5. The City Council finds and declares the use of Development Agreements is beneficial to the public, in that:
1. Development Agreements increase the certainty in the approval of development projects, thereby preventing the waste of resources, reducing the cost of development to the consumer, and encouraging investment in

- and commitment to comprehensive planning, all leading to the maximum efficient utilization of resources at the least economic cost to the public.
2. Development Agreements provide assurance to the applicant for a development project that upon approval of the project, the applicant may proceed with the project in accordance with existing policies, rules, and regulations, and subject to conditions of approval, thereby strengthening the public planning process, encouraging private participation in comprehensive planning, and reducing the economic costs of development.
 3. Development Agreements enable the City to plan for and finance public facilities, including, but not limited to, streets, sewerage, transportation, drinking water, school, and utility facilities, thereby removing a serious impediment to the development of new housing.
- B. **Qualified Applicant.** Only a qualified applicant, a person who has legal or equitable interest in the real property which is the subject of the Development Agreement (or his or her authorized agent), may submit an application for a Development Agreement.
- C. **Submittal Requirement.** Section 17.08.020 (Application and Fee) identifies the requirement for submittal of any application to the City for permit or entitlement.
- D. **Approving Authority.** The designated Approving Authority for Development Agreements is the City Council. The Planning Commission shall hold a public hearing on the proposed Development Agreement and make a recommendation to the City Council.
- E. **Approval Findings.** A Development Agreement may only be granted when the City Council makes all of the following findings specifying that the Development Agreement:
1. Is consistent with the objectives, policies, and general land uses specified in the General Plan and any applicable Specific Plans.
 2. Is compatible and in conformity with public convenience, general welfare, and good land use and zoning practice.
 3. Will not be detrimental to health, safety, and general welfare of the city.
 4. Will not adversely affect the orderly development of property or the preservation of property values.
- F. **Amendment and Cancellation of Agreement.** Either party may propose an amendment to or cancellation in whole or part of the Development Agreement, the procedure for which is the same as the procedure for entering into the agreement initially. Where, however, the City initiates the proposed amendment or cancellation, the City must first notice the property owner of its intent at least 15 days in advance. Additional amendment provisions may be incorporated into individual Development Agreements.
- G. **Recordation.** Within 10 days after the City enters into the Development Agreement or any amendment thereof, the City Clerk shall cause the agreement or amendment to

be recorded with the County Recorder. Additionally, the City Clerk shall be the official custodian of the Development Agreement file. Said file shall include an executed copy of the agreement and the originals of all exhibits, reports of periodic review, amendments, and/or cancellations to the Development Agreement.

- H. **Periodic Review.** The City Manager shall review the Development Agreement every 12 months from the date the Development Agreement is entered into and provide a written report to the City Council. The burden of proof is on the applicant to provide necessary information verifying compliance with the terms of the Development Agreement. The applicant shall also bear the cost of such review in accordance with the fee established by City Council resolution. If the City Manager finds that any aspect of the development project is not in strict compliance with the terms of the Development Agreement or may warrant consideration by the Approving Authority, the City Manager may schedule the matter before the appropriate Approving Authority for review.

17.10.160 Specific Plan

- A. **Purpose.** The purpose of a Specific Plan is to provide a vehicle for implementing the City's General Plan on an area-specific basis. The Specific Plan is intended to serve as a regulatory document, consistent with the General Plan. In the event there is an inconsistency or conflict between an adopted Specific Plan and comparable provisions of this Title, the Specific Plan shall prevail. This Section is consistent with California Government Code Section 65450 et seq. This Section describes the process for adopting, amending, and subsequent development under a Specific Plan. Chapter 17.28 (Special Purpose Zoning Districts) describes the individual Specific Plan Districts and adopts them by reference.

- B. **Applicability.** The City's General Plan encourages preparation of Specific Plans. A Specific Plan may be initiated in the following manner:

1. By the City through resolution of intention adopted by the City Council with recommendation from the Planning Commission; or
2. By a property owner through an application filed requesting to be included in a Specific Plan.

If initiated by a property owner, a pre-submittal application and conference with the director are required prior to the filing of a formal Specific Plan application.

- C. **Approving Authority.** The designated Approving Authority for Specific Plans is the City Council.

- D. **Contents.** In addition to the minimum content requirements of California Government Code Section 65451, the following items outline the City's content requirements for an application.

1. Statement of the relationship of the Specific Plan to the General Plan.
2. Policies for development and standards for regulating development within the plan area.
3. The proposed land uses for all areas covered by the Specific Plan.

4. The types and configurations of buildings to be included in all developments within the plan area.
 5. The location of and types of streets.
 6. Public facilities and infrastructure required to serve developments within the Specific Plan area.
 7. A parking and circulation plan for off-street parking areas showing the location of parking lots, the approximate number of spaces, and the approximate location of entrances and exits.
 8. Proposed conservation, open space, and/or recreation areas, if any.
 9. Any other programs, guidelines, or standards appropriate for the area covered by the plan.
- E. **Environmental Review.** It is anticipated, under the California Environmental Quality Act Section 15812 and Guidelines, that most Specific Plans will require preparation of an environmental impact report (EIR). Once certified, the EIR for a Specific Plan may be relied upon for further entitlements sought subsequent to adoption of the Specific Plan. Unless otherwise exempt, an initial study shall be prepared for all subsequent applications to determine whether a supplement to the EIR must be prepared. If a supplement to the EIR is determined not to be necessary, a negative declaration or mitigated negative declaration shall be prepared.
- F. **Approval Findings.** Specific Plans and any amendment thereto shall be approved/adopted only when the City Council makes the following findings:
1. The proposed Specific Plan is consistent with the General Plan goals, policies, and implementation programs.
 2. The land use and development regulations within the Specific Plan are comparable in breadth and depth to similar zoning regulations contained in this Title.
 3. The administration and permit processes within the Specific Plan are consistent with the administration and permit processes of the Zoning Ordinance.
- G. **Adoption.** Adoption of the Specific Plan by ordinance of the City Council shall constitute final action and approval of the Specific Plan. Authorization for construction in accordance with the Specific Plan may only be granted after the effective date of the adoption.
- H. **Delineation of Specific Plan Areas.** On the Zoning Map, a Specific Plan Zoning District shall be delineated in a manner similar to that of any other Zoning District, except that each SP-zoned area shall also bear a number, text, or other symbol which distinguishes it from other Specific Plan areas. See Chapter 17.28 (Special Purpose Zoning Districts).
- I. **Application of Specific Plan Development Requirements.** Where specific conditions of the Specific Plan are more restrictive than the Zoning Ordinance development

standards, the conditions of the Specific Plan shall apply. Where a standard is not addressed in the Specific Plan, the Zoning Ordinance shall apply.

17.10.170 Master Plan

- A. **Purpose.** The purpose of a Master Plan is to provide a procedure for the consideration and regulation of areas suitable for proposed comprehensive development with detailed development plans. The Master Plan is intended to serve as a regulatory document, consistent with the General Plan. In the event there is an inconsistency or conflict between an adopted Master Plan and comparable provisions of this Title, the Master Plan shall prevail. Chapter 17.28 (Special Purpose Zoning Districts) describes the individual Master Plan Districts and adopts them by reference.
- B. **Applicability.** A Master Plan may be initiated in the following manner:
1. By the City through resolution of intention adopted by the City Council with recommendation from the Planning Commission; or
 2. By a property owner through an application filed requesting to be included in a Master Plan. If initiated by a property owner, a pre-submittal application and conference with the director are required prior to the filing of a formal Master Plan application.
- C. **Approving Authority.** The designated Approving Authority for Master Plans is the City Council. The Community Development Director and the Planning Commission provide recommendations to the City Council. The City Council may approve, conditionally approve, or deny the Master Plan in accordance with the requirements of this Section.
- D. **Contents.** In addition to the minimum general requirement, the City shall require, at a minimum, the following:
1. A completed City application form indicating, among other things, the applicant's name, address, and telephone number.
 2. The address of the property for which the request is being made.
 3. Detailed project description indicating the request for the zone change to Master Plan.
 4. The following data is required:
 - i. Topographic map showing natural features of the site and adjacent property and location of proposed facilities and roads;
 - ii. Description of existing site, including vegetation, wildlife, natural features, and present services, access, and land use;
 - iii. Description of proposed uses and structures, landscaping, fencing, services, streets, utilities, and other facilities;
 - iv. Other information as required by the Community Development Director or Planning Commission, including, but not limited to, detailed

- construction, improvement, utility, and drainage plans and other data as is deemed necessary to adequately consider the proposed development; and
- v. Such other relevant information as may be requested by the Community Development Director in order to provide the Approving Authority with adequate information on which to base a decision.
- E. **Environmental Review.** It is anticipated, under the California Environmental Quality Act and Guidelines, that most Master Plans will require preparation of an environmental impact report (EIR). Once certified, the EIR for a Master Plan may be relied upon for further entitlements sought subsequent to adoption of the Master Plan. Unless otherwise exempt, an initial study shall be prepared for all subsequent applications to determine whether a supplement to the EIR must be prepared. If a supplement to the EIR is determined not to be necessary, a negative declaration or mitigated negative declaration shall be prepared.
- F. **Required Contents of a Master Plan.** When a Master Plan is being established, it shall set forth in text, maps, and diagrams the following items, at the level of detail appropriate for the Master Plan submittal:
1. A list of permitted, conditionally permitted, and prohibited uses.
 2. Performance and development requirements related to yards, lot area, and intensity of development on each lot, parking, landscaping, and signs.
 3. Other design standards appropriate for the specific site and development.
 4. Legal description of property covered by the Master Plan.
 5. Reasons for establishment of a Master Plan on the particular property.
- G. **Additional Contents of a Master Plan.** Additional contents may be required as determined by the Community Development Director including, but not limited to, the following:
1. Regulations relating to nonconforming lots, uses, structures, and signs.
 2. Time, phasing, and sequence of development projects.
 3. Infrastructure plan.
 4. Circulation plan.
- H. **Approval Findings.** Master Plans and any amendment thereto shall be approved/adopted only when the City Council makes the following findings:
1. The proposed Master Plan is consistent with the General Plan goals, policies, and implementation programs.
 2. The land use and development regulations within the Master Plan are comparable in breadth and depth to similar zoning regulations contained in this Title.

3. The administration and permit processes within the Master Plan are consistent with the administration and permit processes of the Zoning Ordinance.
 4. Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads, and utilities.
- I. Adoption. Adoption of the Master Plan by ordinance of the City Council shall constitute final action and approval of the Master Plan. Authorization for construction in accordance with the Master Plan may only be granted after the effective date of the adoption.
 - J. Delineation of Master Plan Areas. On the Zoning Map, a Master Plan Zoning District shall be delineated in a manner similar to that of any other Zoning District, except that each MP-zoned area shall also bear a number, text, or other symbol which distinguishes it from other Master Plan areas. See Chapter 17.28 (Special Purpose Zoning Districts).
 - K. Application of Master Plan Development Requirements. Where specific conditions of the Master Plan are more restrictive than the Zoning Ordinance development standards, the conditions of the Master Plan shall apply. Where a standard is not addressed in the Master Plan, the Zoning Ordinance shall apply.

17.10.180 Prezoning

- A. Purpose. The purpose of prezoning is to establish the designation of land use by Zoning District for unincorporated property adjoining the city, within the Sphere of Influence. This Section is consistent with California Government Code Section 65859.
- B. Procedure. The procedure, review, and action for prezoning are the same as that established for a Zoning Amendment pursuant to Section 17.10.190 (Zoning Amendment).

17.10.190 Zoning Amendment (Text and Map)

- A. Purpose. The purpose of a Zoning Amendment is to allow modification to any provisions of this Title (including the adoption of new regulations or deletion of existing regulations) or to rezone or change the zoning designation on the Zoning Map for any parcel(s). This Section is consistent with California Government Code Section 65853.
- B. Approving Authority. The designated Approving Authority for Zoning Amendments is the City Council. The Community Development Director and Planning Commission provide recommendations, and the City Council may approve, conditionally approve, deny, or deny without prejudice the Zoning Amendment in accordance with the requirements of this Title.
- C. Initiation of Amendment. A Zoning Amendment to this Title may be initiated by motion of the Planning Commission or City Council, by application by property owner(s) of parcel(s) to be affected by the Zoning Amendment, or by recommendation of the Community Development Director to clarify text, address changes mandated by state law, maintain General Plan consistency, address

boundary adjustments affecting land use designation(s), or for any other reason beneficial to the city.

- D. Findings for Zoning Amendment (Text or Map). Zoning Amendments shall be granted only when the City Council makes the following findings:
1. The proposed Zoning Amendment (text or map) is consistent with the General Plan and any applicable Specific Plan goals, policies, and implementation programs;
 2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;
 3. The amendment has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA);
 4. If a map amendment, the site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provisions of utilities) for the requested zoning designations and anticipated land uses/development; and
 5. If a text amendment, the amendment is internally consistent with other applicable provisions of this Zoning Code.
- E. Conditions/Restrictions. When considering an application for a Zoning Amendment to rezone property, the City Council has the authority to impose restrictions on property including use restriction. Conditions imposed by the City Council shall run with the land and shall not be automatically removed by subsequent rezonings of the property. Conditions may only be modified or removed by the City Council in accordance with Section 17.14.070 (Permit Revocation or Modification).
- F. Action/Adoption. Adoption of the Zoning Amendment by ordinance of the City Council shall constitute final action and approval of the amendment. Authorization for construction or occupancy in accordance with the amendment may only be granted upon or after the effective date of the action.

17.10.200 General Plan Amendment (Text and Map)

- A. Purpose. The purpose of a General Plan Amendment is to allow for modifications to the General Plan text (e.g., goals, policies, or implementation programs) or to change the General Plan land use designation on any parcel(s).
- B. Approving Authority. The designated Approving Authority for General Plan Amendments is the City Council. The Community Development Director and Planning Commission provide recommendations, and the City Council may approve, conditionally approve, deny, or deny without prejudice the General Plan Amendment in accordance with the requirements of this Title.
- C. Frequency of Amendment. Pursuant to Government Code Section 65358, no mandatory element of the General Plan may be amended more frequently than four times during any calendar year. Subject to that limitation, an amendment may be made at any time and may include more than one change to the General Plan.

- D. Initiation of Amendment. A General Plan Amendment may be initiated by motion of the Planning Commission or City Council, by application of property owner(s) of parcel(s) to be affected by the General Plan Amendment, or by recommendation of the Community Development Director to clarify text, address changes mandated by state law, maintain internal General Plan consistency, address boundary adjustments affecting land use designation(s), or for any other reason beneficial to the city.
- E. Findings for General Plan Amendment (Text or Map). In the event that a General Plan Amendment is requested by a property owner, the applicant shall demonstrate to the City Council that there is a substantial benefit to be derived from such amendment. Additionally, the City Council must find that the proposed amendment meets the letter and intent of the General Plan goals and policies.
- F. Adoption. Adoption of the General Plan Amendment by the City Council shall constitute final action and approval of the amendment. Authorization for construction or occupancy in accordance with the amendment may only be granted upon the effective date of the action.

Chapter 17.12 Nonconforming Uses and Structures

Sections:

17.12.010	Purpose.....	17.12-1
17.12.020	Applicability and General Regulations.....	17.12-1
17.12.030	Continuation	17.12-2
17.12.040	Maintenance	17.12-3
17.12.050	Modification, Expansion, and Reconstruction.....	17.12-3
17.12.060	Structural Alterations.....	17.12-3
17.12.070	Repair and Replacement of Destroyed Buildings.....	17.12-3
17.12.080	Loss of Nonconforming Status.....	17.12-4

17.12.010 Purpose

This Chapter establishes special regulations for nonconforming land uses and structures that were lawful before the adoption or amendment of this Zoning Code, but which would be prohibited, regulated, or restricted differently under the current terms of this Zoning Code or future amendments. It is the intent of these regulations to allow the continuation of nonconformities under the limited conditions outlined herein and reconstruction in the event of natural disaster.

17.12.020 Applicability and General Regulations

- A. Legal Nonconforming Uses. The provisions of this Chapter apply to legal nonconforming uses in districts hereafter changed or established, and any time limit for the suspension of a nonconforming use of land shall date from (effective date) or any amendment of district boundaries which first creates a nonconforming use or uses.
- B. Subdivision of a Nonconforming Parcel. No subdivision shall be approved that would increase the nonconformity of an existing parcel or any nonconforming use on the parcel; existence of a legal nonconforming use or parcel shall not be interpreted to allow the increase of the nonconformity of such parcel or any nonconforming use on the parcel.
- C. Exemption for Legal Building Site. A nonconforming parcel that does not comply with the applicable area or width requirements of this Zoning Code shall be considered a legal building site if it meets at least one of the following criteria, as documented to the satisfaction of the Community Development Director through evidence furnished by the applicant.
 - 1. Approved subdivision. The parcel was created by a recorded subdivision.
 - 2. Individual parcel legally created by deed. The parcel is under single ownership of record and was legally created by a recorded deed before the effective date of the Zoning Amendment that made the parcel nonconforming.
 - 3. Variance or lot line adjustment. The parcel was approved through the Variance procedure or resulted from a lot line adjustment.

4. Partial government acquisition. The parcel was created in compliance with the provisions of this Zoning Code, but was made nonconforming when a portion was acquired by a governmental entity so that the parcel size is decreased not more than 20 percent and the yard facing a public right-of-way was decreased not more than 50 percent.
- D. Exemption for Nonconforming Lot. 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.
- E. Exemption for Public Utilities. The provisions of this Chapter shall not apply so as to prevent the modernization or replacement of public utility buildings, structures, equipment, and facilities where there is no change of use or increase in area of property so used.
- F. Exemption for Parking and Loading. 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 17.52 (Parking), provided that the 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 17.52 (Parking) or reduced in area to less than the minimum standards required by Chapter 17.52 (Parking).
- G. Exemption for Commercial Districts. 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:
 1. 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.
 2. 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.

17.12.030 Continuation

- A. Continuation. Except as established below, a nonconforming use may continue to operate in perpetuity, be transferred, or be sold, provided that the use shall not be enlarged or intensified nor be expanded to occupy a greater area than it lawfully occupied before becoming nonconforming.
- B. Building Permits. 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.
- C. Approved Plans and Effective Date. Plans for any use, building, or structure approved as of the effective date of this Chapter may be carried out as approved.

- D. Prohibited Use. Any person asserting the nonconforming use must present evidence that the use existing before the enactment of the Zoning Ordinance provision prohibited the use.
- E. Converted to a Conforming Use. Any nonconforming use may be changed to a conforming use, provided that all applicable permit requirements and standards of this Title are satisfied.

17.12.040 Maintenance

Normal maintenance of a nonconforming structure shall be permitted subject to Building Code requirements in effect at the time of such maintenance work and as provided below.

- A. Repair. Maintenance may include repair work necessary to keep the structure in sound condition, but maintenance shall not include the replacement of a structure.
- B. Seismic Retrofitting and Building Code Compliance. Repairs, alterations, or reconstruction to reinforce unreinforced masonry structures or to comply with Building Code requirements, or where the building official determines modifications are immediately necessary to protect the health and safety of the public or occupants, shall be allowed, provided that the work is exclusively to comply with applicable earthquake safety standards and the Building Code.
- C. Structural Alteration. Maintenance and repair may include structural alteration of a nonconforming structure to improve safety or to reduce fire hazard.

17.12.050 Modification, Expansion, and Reconstruction

A nonconforming use or structure may be modified or expanded as listed below, subject to approval of a Conditional Use Permit as listed in Section 17.10.130 (Conditional Use Permit).

- A. Structural Modification. Addition, enlargement, extension, or relocation of a nonconforming structure may be allowed if the changes to the structure conform to all applicable provisions of this Zoning Ordinance. Such modifications may not expand the extent of the nonconforming aspect of the structure or result in any new nonconforming conditions for the subject property.
- B. Expansion of Use. A lot or portion thereof occupied by a nonconforming use may be further developed by the addition of conforming uses and structures. Said expansion may not increase the extent of the nonconforming use.

17.12.060 Structural Alterations

If no structural alterations are made, a nonconforming use of a building shall not be changed to another nonconforming use without the approval of the Planning Commission and then only to a use which in the opinion of the Planning Commission is of the same or more restricted classification.

17.12.070 Repair and Replacement of Destroyed Buildings

- A. Ministerial Building Permit Required. If a nonconforming structure in existence or use maintained on the effective date of this Ordinance, which does not conform to the regulations for the district in which it is located, is involuntarily damaged or destroyed

by fire, collapse, flood, wind, earthquake, explosion, act of God, or act of the enemy, subsequent to the effective date of this Title and the expense of such reconstruction is less than or equal to 50 percent of the assessed value of the structure at such time just prior to the damage occurring, then without further action by the City Council, such structure and use of land may be repaired, restored, replaced, or reconstructed and reoccupied in the same manner in which it originally existed upon issuance of a ministerial building permit and subject to the following terms:

1. All such reconstruction shall be performed under one building permit.
 2. All such reconstruction shall be initiated within a period of one year from date of damage.
 3. All such reconstruction shall be diligently pursued to completion.
- B. Conditional Use Permit Required. If the repair, restoration, replacement, or reconstruction expands from the original state of the nonconforming structure, at such time just prior to the damage occurring, issuance of a Conditional Use Permit, pursuant to the provisions set forth in Section 17.10.130 (Conditional Use Permit) is required. The Approving Authority may consider up to a maximum 10 percent expansion of the square footage from the original state of the nonconforming structure at such time just prior to the damage occurring.

17.12.080 Loss of Nonconforming Status

- A. If any nonconforming use is abandoned or discontinued for any reason for a continuous period of six months or more, rights to nonconforming status shall terminate. Without further action by the City, any subsequent use of such land or structure shall be in conformity with all of the regulations of the applicable Zoning District and all other applicable provisions of this Title.

A determination that a use has been abandoned requires both (1) evidence of an intention to abandon, and (2) an act or failure to act which shows or implies that the owner does not continue to claim or retain an interest in the nonconforming use. Evidence may include, but is not limited to, removal of equipment, furniture, machinery, structures, or other components of the nonconforming use, disconnected or discontinued utilities, or no business records to document continued operation. Maintenance of a valid business license shall in itself not be considered a continuation of the use. The discontinuance of a nonconforming use for a period of six months or more is in itself prima facie evidence of abandonment.

- B. Nonconforming signs shall be abated in accordance with the provisions of Chapter 17.54 (Signs on Private Property) of this Title.

Chapter 17.14 Enforcement, Legal Procedure, and Penalties

Sections:

17.14.010 Enforcement Authority and Procedures..... 17.4-1

17.14.010 Enforcement Authority and Procedures

Authority and procedures for enforcement of the Zoning Code shall be the same as the enforcement provisions for the entire Municipal Code as established in Municipal Code Chapter 1.10 (Administrative Enforcement Provisions). Enforcement provisions therein include purpose, definitions, authority, fees, and procedures for violations, public nuisance, citations, abatement, penalties, and hearings.



Title 17 – Zoning

Article II

Zoning Districts, Allowed Uses, and Development Standards

Chapter 17.20	Establishment of Zoning Districts and Land Use Classification System.....	17.20-1
Chapter 17.22	Allowed Land Uses and Requirements	17.22-1
Chapter 17.24	Allowed Use Definitions	17.24-1
Chapter 17.26	Development Standards by Zoning District	17.26-1
Chapter 17.28	Special Purpose Zoning Districts	17.28-1
Chapter 17.30	Overlay and Combining Zoning District Land Use and Development Standards.....	17.30-1

Revisions:

The following revisions have been made to Article II of Title 17:

(Next page)

Date of Adoption	Ordinance Number	Subject	Section	Page Number
1/24/2012	1535	Appendix Austin Road Business Park and Residential Community	17.28.030	
3/1/2016	1580	Appendix Family Entertainment Zone Master Plan	17.28.030	
4/3/2012	1506	Appendix Yosemite Square Master Plan	17.28.030	
9/16/2014	1546	Tobacco Related Uses	17.22.020 & 17.24.020	
5/19/2015	1558	Changes to Emergency Shelters, Supportive Housing, and Transitional Housing allowable use and definitions.	17.22.020 & 17.24.020	
9/1/2015	1571	Allowable Use Changes to Animal Sales and Grooming, Family Day Care, and Manufacturing Minor and Small Scale	17.22.020 & 17.24.020	
7/5/2016	1594	Add Section 17.30.040 "200-Year Floodplain (F-200) Overlay Zone	17.30.040	
1/3/2017	O2017-1 & O2017-2	Add CBD-2 Overlay Zone with allowed uses on Table 17.30.020-1. Amend definitions for bar, brew pub, nightclub, and tasting room	17.30.020 & 17.24.020	

Chapter 17.20 Establishment of Zoning Districts and Land Use Classification System

Sections:

17.20.010	Purpose	17.20-1
17.20.020	Zoning Districts	17.20-1
17.20.030	Conformance with Zoning District Regulations	17.20-4
17.20.040	Zoning Map	17.20-4
17.20.050	Classification of Land Uses	17.20-6
17.20.060	Allowed Land Uses	17.20-6
17.20.070	Similar Use Determination	17.20-7

17.20.010 Purpose

This Chapter establishes the framework of Zoning Districts within the City of Manteca and their relationships to the City's General Plan land use categories. This Chapter also establishes the Zoning Map as the official designation of Zoning District boundaries.

17.20.020 Zoning Districts

Zoning Districts are established in order to classify, regulate, restrict, and segregate the uses of land and buildings, to regulate and restrict the height and bulk of buildings, to regulate the area of yards and other open spaces around buildings, and to regulate the density of population.

The City of Manteca is divided into Zoning Districts that are generally grouped into two categories: (A) Base Zoning Districts, and (B) Special Purpose Zoning Districts. These districts conform to and implement the City's General Plan land use categories as described in Table 17.20.020-1 (Zoning Districts). Subsequent Chapters in this Article identify allowed uses and requirements for planning entitlements, as well as development standards unique to each zoning district.

- A. **Base Zoning Districts.** The Base Zoning District is the primary Zoning District that applies to a property. Every parcel located outside of a Specific Plan area throughout the City has a Base Zoning District that establishes the primary type and intensity of land use for the parcel, along with development regulations for that particular type and intensity of land use for the parcel. Base Zoning Districts are grouped into six categories as follows:
 - 1. Agricultural and Residential Zoning Districts;
 - 2. Commercial, Office, Industrial, and Mixed-Use Zoning Districts;
 - 3. Public/Quasi-Public Zoning Districts; and
 - 4. Special Purpose Zoning Districts.

- B. **Overlay Zoning Districts.** An Overlay Zoning District supplements the Base Zoning District for one or more of the following purposes:
 - 1. When special provisions are needed to protect unique site features or implement location-specific provisions; and/or

2. To specify a particular standard or guideline for an area.

When an Overlay Zoning District is silent on allowed use provisions, the allowed use provisions of the Base Zoning District shall prevail. In the event of a conflict between the regulations of the Base Zoning District and the Overlay Zoning District, the provisions of the Overlay Zoning District shall apply.

**TABLE 17.20.020-1
ZONING DISTRICTS**

Zoning District Symbol	Zoning District Name/Description	General Plan Land Use Designation Implemented by Zoning District
Agricultural and Residential Zoning Districts		
A	Agricultural Zoning District. This designation provides for agricultural uses (such as vineyards, orchards, and row crops), single-family homes directly related to the agricultural use of the property, limited industrial uses directly related to agriculture, and similar and compatible uses.	Agricultural
R-E	Residential Estate Zoning District. This designation allows for large lots and flexible placement of single-family detached housing. Uses include quasi-agricultural activities, including raising and boarding livestock. The agricultural use areas that remain on the residential parcel shall be subject to an easement dedicated to the City that allow continued agricultural use, but prohibits any further nonagricultural-related development.	Very Low Density Residential
R-1	One-Family Dwelling Zoning District. This designation allows for substantial flexibility in selecting dwelling unit types and parcel configurations to suit site conditions and housing needs. The types of dwelling units include small lots and clustered lots as well as conventional large-lot detached residences.	Low Density Residential
R-2	Limited Multiple-Family Dwelling Zoning District. The medium-density residential use includes single-family homes and smaller-scale multi-family developments, including garden apartments, townhouses, and cluster housing.	Medium Density Residential
R-3	Multiple-Family Dwelling Zoning District. The high-density residential use includes multi-family apartment-style housing. The multi-family dwelling sites are typically located with direct access to arterial streets, bicycle paths, and other transit options.	High Density Residential

Zoning District Symbol	Zoning District Name/Description	General Plan Land Use Designation Implemented by Zoning District
Commercial, Office, Industrial, and Mixed-Use Zoning Districts		
CMU	Mixed Use Commercial Zoning District. This designation will accommodate a variety of uses including high-density residential, employment centers, retail commercial, and professional offices.	Commercial Mixed Use
BIP	Business Industrial Park Zoning District. This designation creates large sites for office park environment that includes multi-tenant buildings. It will be well suited for research and development facilities and light industrial uses, as well as professional and medical offices. Warehouses will be permitted but limited in size.	Business Industrial Park
CN	Neighborhood Commercial Zoning District. Serving neighborhood needs, this district is locally oriented, providing retail and service uses, offices, restaurants, grocery stores, and service stations.	Neighborhood Commercial
CG	General Commercial Zoning District. This category provides for wholesale, warehousing, and heavy commercial uses, highway-oriented commercial retail, public and quasi-public uses, and similar and compatible uses. The designation is also intended to accommodate visitor lodging, commercial recreation and public gathering facilities, such as amphitheaters, or public gardens. It also allows most neighborhood and mixed commercial uses.	General Commercial
M1	Light Industrial Zoning District. This designation provides for industrial parks, warehouses, distribution centers, light manufacturing, public and quasi-public uses, and similar and compatible uses.	Light Industrial
M2	Heavy Industrial Zoning District. This designation provides for manufacturing, processing, assembling, research, wholesale, and storage uses, trucking terminals, railroad and freight stations, and similar activities that require separation from residential uses. It also allows many light industrial uses.	Heavy Industrial
Public/Quasi-Public Zoning Districts		
OS	Open Space Zoning District. This designation is set aside for habitat, open space, natural areas, lands of special-status species, wetlands, and riparian areas. These areas are set aside as permanent open space preserves to protect environmentally sensitive areas.	Open Space, Recreational
P	Park Zoning District. This designation provides for neighborhood, community, and regional parks, golf courses, and other outdoor recreational facilities within urban development.	Park
PQP	Public/Quasi-Public Zoning District. This designation provides for government-owned facilities, public and private schools, institutions, civic uses and public utilities, and quasi-public uses such as hospitals and religious institutions.	Public/Quasi-Public

Zoning District Symbol	Zoning District Name/Description	General Plan Land Use Designation Implemented by Zoning District
Special Purpose Zoning Districts		
SP	Specific Plan Zoning District. This designation identifies properties that require subsequent master planning in the form of approval of a Specific Plan consistent with Government Code Section 65450.	All
MP	Master Planned Zoning District. This designation provides a process for the consideration and regulation of areas suitable for proposed comprehensive development with detailed development plans and those areas that require special planning to provide appropriate planned development.	All
Overlay Zoning Districts		
CBD	Central Business Overlay Zoning District. This designation provides special development standards and regulations for development within the central business district of the city.	Business and Professional Neighborhood Commercial
PD	Planned Development Overlay Zoning District. This designation identifies properties that require subsequent site planning in the form of approval of a Planned Development.	All

17.20.030 Conformance with Zoning District Regulations

Except as otherwise provided in this Title:

- A. No building shall be erected, and no existing building shall be moved, altered, added to, or enlarged, nor shall any land, building, or premises be used, designed, or intended to be used for any purpose or in any manner other than listed in this title, or amendments thereto, as permitted in the Zoning District in which such land, building, or premises is located.
- B. No building shall be erected nor any existing building be moved, reconstructed, or structurally altered to exceed in height the limit established by this title, or amendments thereto, for the Zoning District in which such building is located.
- C. No building shall be erected nor shall any existing building be moved, altered, or enlarged nor shall any open spaces surrounding any building be encroached upon or reduced in any manner except in conformity with the building-site requirements and the area and yard regulations established by this Title, or amendments thereto, for the Zoning District in which such building is located.

17.20.040 Zoning Map

The City Council hereby adopts the City of Manteca Zoning Map (hereafter referred to as the “Zoning Map”) as the official designation of Zoning District boundaries on real property within the city. The Zoning Map shall be regulated as set forth:

- A. **Incorporated by Reference.** The Zoning Map is hereby incorporated into this Zoning Code by reference.
- B. **Relationship to the General Plan.** The Zoning Map shall implement and shall be consistent with the City's adopted General Plan. Specifically, the Zoning Map shall be consistent with the General Plan Land Use Plan.
- C. **Relationship to Specific Plans.** The Specific Plans adopted in the City of Manteca establish special zoning regulations and other design and development provisions in designated portions of the city. As such, the Specific Plans essentially replace the citywide zoning regulations in those areas and are shown on the Zoning Map with the adopted Specific Plan name and/or number, referring the reader to the adopted Specific Plan document to govern subsequent land development within the plan area. The Zoning Code shall be relied upon for development topics not included within the Specific Plan. In the event of a conflict between the Specific Plan and the Zoning Code, the Specific Plan shall prevail.
- D. **Planned Developments.** In addition to the Zoning District symbol for the PD district, a reference to the PD-Planned Development approval for the site shall be included on the Zoning Map whenever possible.
- E. **Zoning District Symbol.** Zoning Districts shall be illustrated on the Zoning Map as follows:
1. Each Base Zoning District shall be described on the Zoning Map by use of its identified Zoning District Symbol, as listed in Table 17.20.020-1 (Zoning Districts).
 2. Special Purpose Zoning Districts shall be delineated with a name, number, symbol, or other delineation, as determined by the Community Development Director, which distinguishes it from other Special Purpose Zoning Districts or Base Zoning Districts. The assignment of the Special Purpose designation serves to provide a reference to the corresponding Special Purpose zoning document (e.g., Specific Plan, Planned Development) adopted by ordinance of the City Council.
- F. **Zoning Map Interpretation.** If there is uncertainty about the location of any Zoning District boundary shown on the Zoning Map, the precise location of the boundary shall be determined by the Community Development Director as follows:
1. Where such boundaries are indicated as approximately following street and alley lines or lot lines, such lines shall be construed to be such boundaries.
 2. In unsubdivided property or where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the map.
 3. Where any public street or alley is officially vacated or abandoned, the regulations applicable to abutting property shall apply to such vacated or abandoned street or alley.
 4. Where any private right-of-way or easement of any railroad, railway, canal, or transportation or public utility company is vacated or abandoned, the

regulations applicable to abutting property shall apply to such vacated or abandoned property.

17.20.050 Classification of Land Uses

In order to simplify land use regulations, land uses listed in this Article and throughout this Title have been grouped into general categories on the basis of common function, product, or compatibility characteristics. These allowed use categories are called “use classifications.” Use classifications describe one or more uses having similar characteristics but do not list every use or activity that may appropriately be within the classification. Each land use is described in Chapter 17.24 (Allowed Use Definitions). For example, “personal service use” includes a wide range of individual personal service uses (beauty parlor, dry cleaning, tanning salons, tailors). Rather than listing all such uses individually throughout this Title, personal service use is listed once and is further defined in Chapter 17.24 (Allowed Use Definitions).

The following rules apply to use classifications:

- A. **Special Use Regulations.** Additional use regulations for special land uses are listed in Article IV (Standards for Specific Land Uses).
- B. **Uses Not Listed.** Land uses that are not listed in the Zoning District tables are not allowed, except as otherwise provided for in this Title.
- C. **Illegal Uses.** No use that is illegal under local, state, or federal law shall be allowed in any Zoning District within the city.
- D. **Special Purpose Zoning District.** When a property is located within a Special Purpose Zoning District, the allowed use provisions of that Special Purpose Zoning District shall prevail. When a Special Purpose Zoning District is silent on allowed use provisions, it defers the allowed use provisions to the Base Zoning District. Only where there is a conflict do the Special Purpose Zoning District provisions prevail.
- E. **Similar Uses.** When a use is not specifically listed in this Code, it shall be understood that the use may be permitted if the Community Development Director determines that the use is substantially similar to other uses listed based on established criteria and required findings outlined in Section 17.20.070 (Similar Use Determination). It is further recognized that every conceivable use cannot be identified in this Title and, anticipating that new uses will evolve over time, the Community Development Director may make a Similar Use Determination to compare a proposed use and measure it against those uses listed.

17.20.060 Allowed Land Uses

Zoning District allowed uses and corresponding requirements for entitlements are listed in Table 17.22.020-1 (Allowed Uses and Required Entitlements for Manteca’s Base Zoning Districts) for all of the City’s Base Zoning Districts. Generally, a use is either allowed by right, allowed through issuance of a conditional use permit, or not permitted. In addition to the requirements for planning entitlements of this Title, other permits may be required prior to establishment of the use (e.g., Building Permit or permits required by other agencies). The requirements for planning entitlements identified in Table 17.20.020-1 include:

- A. **Allowed (A).** A land use shown with an “A” indicates that the land use is permitted by right in the designated Zoning District, subject to compliance with all applicable provisions of this Zoning Code (e.g., development standards) as well state and federal law.
- B. **Conditional (C).** A land use shown with a “C” indicates that the land use is permitted in the designated Zoning District upon issuance of a Conditional Use Permit from the designated Approving Authority, subject to compliance with all applicable provisions of this Zoning Code (e.g., development standards) as well state and federal law.
- C. **Minor Use Permit (M).** A land use shown with an “M” indicates that the land use is permitted in the designated Zoning District upon issuance of a Minor Use Permit from the designated Approving Authority, subject to compliance with all applicable provisions of this Zoning Code (e.g., development standards) as well state and federal law.
- D. **Not Permitted (N).** A land use shown with an “N” in the table is not allowed in the applicable Zoning District. Additionally, uses not shown in the table are not permitted, except as otherwise provided for in this Title.

17.20.070 Similar Use Determination

When a use is not specifically listed in this Title, it shall be understood that the use may be permitted if the Community Development Director determines that the use is substantially similar to other uses listed. It is further recognized that every use cannot be identified in this Title and, anticipating that new uses will evolve over time, this Section establishes the Community Development Director’s authority to compare a proposed use and measure it against those uses listed in this Title for determining similarity. In determining similarity, the Community Development Director shall make all of the following findings:

- A. The characteristics of, and activities associated with, the proposed use are equivalent to one or more of the listed uses, and will not involve a higher level of activity or population density than the uses listed in the Zoning District;
- B. The proposed use will be consistent with the purposes of the applicable Zoning District; and
- C. The proposed use will be consistent with the General Plan.

Determinations shall be made in writing and shall contain the facts that support the determination. The Community Development Department shall maintain all such determinations on record at the public counter for review by the general public. All recorded determinations shall be provided to the Planning Commission, City Council, City Manager, City Attorney, and City Clerk. The Community Development Director’s decision may be appealed as provided in Section 17.08.070 (Appeals). Interpretations shall be made consistent with the provisions outlined in Chapter 17.04 (Interpretation).

Chapter 17.22 Allowed Land Uses and Requirements

Sections:

17.22.010 Purpose 17.22-1
 17.22.020 Allowed Uses and Required Entitlements 17.22-1

17.22.010 Purpose

The purpose of this Chapter is to establish allowed land uses and requirements for planning entitlements for each of the City’s Base Zoning Districts. Allowed uses herein are consistent with and implement the City’s General Plan corresponding land use designations as shown in Table 17.22.020-1 (Allowed Uses and Required Entitlements for Manteca’s Base Zoning Districts). Chapter 17.28 (Special Purpose Zoning Districts) includes regulations for the City’s Special Purpose Zoning Districts, and Chapter 17.30 (Overlay and Combining Zoning Districts Land Use and Development Standards) includes regulations for the City’s Overlay and Combining Zoning Districts.

17.22.020 Allowed Uses and Required Entitlements

Table 17.22.020-1 (Allowed Uses and Required Entitlements for Manteca’s Base Zoning Districts) below identifies allowed uses and corresponding requirements for planning entitlements for all Base Zoning Districts within the City of Manteca other than Special Purpose Zoning Districts [see Chapter 17.28 (Special Purpose Zoning Districts)]. Definitions for the land uses listed herein (use classifications) are provided in Chapter 17.24 (Allowed Use Definitions). See additional use requirements in Article IV (Standards for Specific Land Uses). In the table below, an “A” indicates that the land use is permitted by right, a “C” indicates that the land use is permitted in the designated zoning district upon issuance of a Conditional Use Permit [pursuant to Section 17.10.130 (Conditional Use Permit)], an “M” indicates that the land use is permitted in the designated Zoning District upon issuance of a Minor Use Permit, and an “N” indicates that the use is not allowed. Except as otherwise provided for in this Title, uses not shown in the table are not permitted.

Zoning district names for the zoning district symbols used in the table are as follows:

- | | |
|--|--|
| A = Agricultural Zoning District | CN = Neighborhood Commercial Zoning District |
| R-E = Residential Estate Zoning District | CG = General Commercial Zoning District |
| R-1 = One-Family Dwelling Zoning District | M1 = Light Industrial Zoning District |
| R-2 = Limited Multiple-Family Dwelling Zoning District | M2 = Heavy Industrial Zoning District |
| R-3 = Multiple-Family Dwelling Zoning District | OS = Open Space Zoning District |
| CMU = Mixed Use Commercial Zoning District | P = Park Zoning District |
| BIP = Business Industrial Park Zoning District | PQP = Public/Quasi-Public Zoning District |

**TABLE 17.22.010-1
ALLOWED USES AND REQUIRED ENTITLEMENTS FOR MANTECA'S BASE ZONING DISTRICTS**

Land Use/ Zoning District	A	R-E	R-1	R-2	R-3	CMU	BIP	CN	CG	M1	M2	OS	P	POP
Residential Uses														
Adult Day Care Home	N	A	A	A	A	M	N	C	C	C	N	N	N	N
Caretaker Housing	A	A	A	A	A	C	N	N	N	C	C	N	N	C
Dwelling, Multi-Family	N	N	N	A	A	A	N	N	N	N	N	N	N	N
Dwelling, Second Unit ¹	A	A	A	A	A	N	N	N	N	N	N	N	N	N
Dwelling, Single-Family	A	A	A	M	M	N	N	N	N	N	N	N	N	N
Dwelling, Two-Family	N	N	N	A	A	N	N	N	N	N	N	N	N	N
Dwelling, Three- and Four- Family	N	N	N	A	A	A	N	N	N	N	N	N	N	N
Emergency Shelter ²	N	N	N	N	N	N	N	C	A	C	N	N	N	N
Employee Housing, Large	A	N	N	N	N	N	N	N	N	N	N	N	N	N
Employee Housing, Small	A	A	A	A	A	A	N	N	N	N	N	N	N	N
Family Day Care Home, Large ¹⁹	A	A	A	A	A	N	N	N	N	N	N	N	N	N
Family Day Care Home, Small	A	A	A	A	A	N	N	N	N	N	N	N	N	N
Group Residential	N	N	N	A	A	A	N	N	N	N	N	N	N	N
Home Occupations ³	A	A	A	A	A	A	N	N	N	N	N	N	N	N
Live-Work Facility	N	N	N	N	N	M	N	N	N	N	N	N	N	N
Mobile Home Park	N	N	N	C	C	N	N	N	N	N	N	N	N	N
Residential Care Facility	N	N	N	C	C	C	N	N	N	N	N	N	N	N
Residential Care Home	A	A	A	A	A	A	N	N	N	N	N	N	N	N
Single-Room Occupancy (SRO) Facility	N	N	N	N	C	N	N	N	N	N	N	N	N	N
Supportive Housing	A	A	A	A	A	A	N	N	A	N	N	N	N	N
Transitional Housing	A	A	A	A	A	A	N	N	A	C	N	N	N	N
Agricultural and Animal-Related Uses														
Agricultural Tourism	A	N	N	N	N	N	N	N	N	N	N	N	N	N
Animal Husbandry	A	N	N	N	N	N	N	N	N	N	N	N	N	N
Animal Keeping, Domestic Pet	A	A	A	A	A	A	N	N	N	N	N	N	N	N

Land Use/ Zoning District	A	R-E	R-1	R-2	R-3	CMU	BIP	CN	CG	M1	M2	OS	P	POP
Animal Keeping, Exotic Animals	A	A	A	A	A	A	N	N	N	N	N	N	N	N
Animal Keeping, Livestock Animals ⁴	A	N	N	N	N	N	N	N	N	N	N	N	N	N
Animal Keeping, Insects	A	A	A	A	A	N	N	N	N	N	N	N	N	N
Animal Keeping, Poultry/Rabbits ⁵	A	A	N	N	N	N	N	N	N	N	N	N	N	N
Animal Sales and Grooming	N	N	N	N	N	A	N	A	A	M	N	N	N	N
Crop Production	A	N	N	N	N	N	N	N	N	N	N	N	N	N
Equestrian Facility, Commercial	A	N	N	N	N	N	N	N	N	N	N	N	N	N
Kennel, Commercial ⁶	C	N	N	N	N	N	N	N	C	C	C	N	N	N
Veterinary Facility ⁷	N	N	N	N	N	A	N	C	A	C	N	N	N	N
Recreation, Resource Preservation, Open Space, Education, and Public Assembly Uses														
Assembly Uses	C	C	C	C	C	C	N	N	C	N	N	N	C	C
Cemetery/Mausoleum	C	C	C	C	C	N	N	N	N	N	N	N	N	C
Community Garden	A	A	A	A	A	M	N	N	N	N	N	A	A	A
Golf Course/Clubhouse ⁸	N	N	N	N	N	N	N	N	N	N	N	N	A	A
Indoor Amusement/Entertainment Facility	N	N	N	N	N	C	C	C	C	C	N	N	N	N
Indoor Fitness and Sports Facility	N	N	N	N	N	A	C	N	A	C	C	N	C	C
Library and Museum	C	C	C	C	C	C	N	N	M	N	N	N	M	A
Outdoor Commercial Recreation	N	N	N	N	N	C	N	N	N	N	N	N	A	A
Outdoor Community Recreation	A	A	A	A	A	A	A	A	A	N	N	A	A	A
Park and Public Plaza	A	A	A	A	A	C	C	C	C	N	N	A	A	A
Recreational Vehicle Park	N	N	N	N	N	N	N	N	N	N	N	N	C	P
Resource Protection and Restoration	C	C	C	C	C	N	N	N	N	N	N	A	A	A
Resource-Related Recreation	C	N	N	N	N	N	N	N	N	N	N	A	A	A
School, Equipment/Machinery/Vehicle Training	N	N	N	N	N	N	C	N	C	A	C	N	N	N
School, Specialized Education and Training/Studio	N	N	N	N	N	A	C	A	A	C	N	N	N	C

Land Use/ Zoning District	A	R-E	R-1	R-2	R-3	CMU	BIP	CN	CG	M1	M2	OS	P	POP
Theater/Auditorium	N	N	N	N	N	A	N	N	A	N	N	N	N	N
Utility, Transportation, Public Facility, and Communication Uses														
Airport	N	N	N	N	N	N	N	N	N	N	C	N	N	C
Ambulance Service	N	N	N	N	N	C	N	C	C	A	C	N	N	N
Broadcasting and Recording Studio	N	N	N	N	N	C	A	C	C	A	N	N	N	N
Fuel Storage and Distribution	N	N	N	N	N	N	N	N	N	C	A	N	N	N
Heliport	N	N	N	N	N	C	C	C	C	C	C	N	N	C
Park and Ride Facility	N	N	N	N	C	A	A	C	A	A	A	N	N	A
Parking Facility	N	N	N	C	C	A	C	C	A	C	C	N	N	A
Public Safety Facility	C	C	C	C	C	A	A	A	A	A	A	A	A	A
Transit Facility	N	N	N	N	N	N	C	C	A	C	A	N	N	A
Transit Station/Terminal	N	N	N	N	N	C	C	C	C	C	C	N	N	A
Utility Facility and Infrastructure	A	A	A	A	A	A	A	A	A	A	A	N	N	A
Wireless Telecommunication Facility – Major ⁹	C	C	C	C	C	C	C	C	C	C	C	N	C	C
Wireless Telecommunication Facility – Minor ⁹	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Retail, Service, and Office Uses														
Adult Day Health Care Center	N	N	N	N	N	C	N	N	C	N	N	N	N	N
Adult-Oriented Business ¹⁰	N	N	N	N	N	N	N	N	C	N	N	N	N	N
Alcoholic Beverage Sales	N	N	N	N	N	A	N	C	A	C	N	N	N	N
Bar/Nightclub	N	N	N	N	N	C	N	N	C	N	N	N	N	N
Bed and Breakfast Inn	N	N	N	N	C	A	N	N	N	N	N	N	N	N
Building Materials Store/ Yard	N	N	N	N	N	N	N	N	A	A	A	N	N	N
Business Support Services ¹¹	N	N	N	N	N	A	A	M	A	M	N	N	N	N
Child Day Care Center ¹²	C	C	C	C	C	A	C	A	A	N	N	N	N	N
Convenience Store	N	N	N	N	N	A	N	A	A	N	N	N	N	N
Drive-In and Drive-Through Use ¹³	N	N	N	N	N	M	N	M	M	N	N	N	N	N

Land Use/ Zoning District	A	R-E	R-1	R-2	R-3	CMU	BIP	CN	CG	M1	M2	OS	P	POP
Equipment Sales and Rental	N	N	N	N	N	N	N	N	M	A	A	N	N	N
Grocery Store/ Supermarket	N	N	N	N	N	A	N	A	A	N	N	N	N	N
Home Improvement Supplies	N	N	N	N	N	A	N	A	A	M	N	N	N	N
Hotel and Motel ¹⁴	N	N	N	N	N	A	N	N	A	N	N	N	N	N
Maintenance and Repair of Small Equipment	N	N	N	N	N	A	N	N	A	A	M	N	N	N
Massage Therapy ¹⁵	N	N	N	N	N	A	N	A	A	N	N	N	N	N
Medical Services, Extended Care	N	N	N	C	C	C	N	N	C	N	N	N	N	N
Medical Services, General	N	N	N	N	N	A	N	A	A	N	N	N	N	N
Medical Services, Hospital	C	C	C	C	C	C	N	C	C	N	N	N	N	N
Mortuary/Funeral Home	N	N	N	N	N	A	N	C	A	N	N	N	N	N
Neighborhood Market	N	N	N	N	N	A	N	A	A	N	N	N	N	N
Office, Business and Professional	N	N	N	N	N	A	A	A	A	N	N	N	N	N
Personal Services	N	N	N	N	N	A	N	A	A	N	N	N	N	N
Restaurant	N	N	N	N	N	A	M	A	A	N	N	N	N	N
Retail, General	N	N	N	N	N	A	N	A	A	N	N	N	N	N
Tobacco Related Uses ¹⁸	N	N	N	N	N	C	N	N	C	N	N	N	N	N
Automobile and Vehicle Uses														
Auto and Vehicle Rental	N	N	N	N	N	M	N	N	M	M	N	N	N	N
Auto and Vehicle Sales	N	N	N	N	N	C	N	C	M	M	N	N	N	N
Auto and Vehicle Storage	N	N	N	N	N	N	N	N	N	M	A	N	N	N
Auto Parts Sales	N	N	N	N	N	A	N	A	A	M	N	N	N	N
Auto Vehicle Dismantling	N	N	N	N	N	N	N	N	N	C	C	N	N	N
Car Washing and Detailing	N	N	N	N	N	A	N	M	A	C	N	N	N	N
Fueling Station	N	N	N	N	N	M	N	M	M	N	N	N	N	N
Vehicle Services – Major	N	N	N	N	N	N	M	N	M	A	N	N	N	N

Land Use/ Zoning District	A	R-E	R-1	R-2	R-3	CMU	BIP	CN	CG	M1	M2	OS	P	POP
Vehicle Services – Minor	N	N	N	N	N	M	M	M	M	A	N	N	N	N
Industrial, Manufacturing, and Processing Uses														
Agricultural Products Processing	A	N	N	N	N	N	N	N	N	M	A	N	N	N
Freight Yard/Truck Terminal	N	N	N	N	N	N	N	N	N	A	A	N	N	N
Manufacturing, Major ¹⁶	N	N	N	N	N	N	N	N	N	C	A	N	N	N
Manufacturing, Minor	N	N	N	N	N	N	M	N	N	A	A	N	N	N
Manufacturing, Small Scale	N	N	N	N	N	M	A	M	A	A	M	N	N	N
Recycling Facility – Collection ¹⁷	N	N	N	N	N	A	M	M	A	A	A	N	N	N
Recycling Facility – Processing	N	N	N	N	N	N	N	N	N	C	A	N	N	N
Recycling Facility – Scrap and Dismantling	N	N	N	N	N	N	N	N	N	C	A	N	N	N
Research and Development	N	N	N	N	N	N	A	N	M	A	M	N	N	N
Storage, Personal Storage Facility	N	N	N	N	N	N	C	N	C	A	A	N	N	N
Storage, Warehouse	N	N	N	N	N	N	C	N	N	A	A	N	N	N
Storage, Yard	N	N	N	N	N	N	N	N	N	A	A	N	N	N
Wholesaling and Distribution	N	N	N	N	N	N	C	N	N	A	A	N	N	N

Notes:

1. See additional regulations for Second Dwelling Units in Chapter 17.82.
2. See additional regulations for Emergency Shelters in Chapter 17.76.
3. See additional regulations for Home Occupations in Chapter 17.78.
4. Minimum 2 acres for the first horse, then 1 additional acre for each additional horse. Stables and paddocks shall be located on the rear half of the lot a minimum of 20 feet to any lot line and a minimum of 40 feet from any dwelling on the same or adjoining property.
5. Minimum of 1,000 square feet per animal.
6. 200-foot minimum setback from all property lines.
7. Where veterinary facilities include any outdoor uses, such facilities shall maintain a minimum 50-foot setback from any residential district, restaurant, or hotel or motel. However, this minimum separation standard may be reduced where an applicant produces a noise analysis by a qualified acoustical professional to demonstrate that the proposed noise source will meet all of the City's adopted noise standards for nearby residences.
8. Minimum 20-foot setback; 25-foot setback when adjacent to a residential zoning district.
9. See additional regulations for Wireless Telecommunication Facilities in Chapter 17.88.
10. See additional regulations for Adult-Oriented Businesses in Chapter 17.70.
11. Business occupying more than 25,000 square feet shall require approval of a Minor Use Permit to ensure that potential impacts associated with the larger business (e.g., noise, odor) are mitigated to a less than significant level.
12. Minimum 10,000 square feet of lot area.
13. See additional regulations for Drive-In and Drive-Through Facilities in Chapter 17.74.
14. Minimum lot size of 20,000 square feet.
15. See additional regulations for Massage Therapy in Chapter 17.86.
16. 1,000-foot minimum setback from any residential zoning district.

17. *Facilities located within 150 feet of a property zoned or used residential shall operate only during the hours of 9:00 a.m. and 5:00 p.m.*
18. *100-foot minimum distance from any school.*
19. *See additional regulations for Family Day Care Home, Large under Section 17.10.030 Zoning Conformance Approval.*

Chapter 17.24 Allowed Use Definitions

Sections:

17.24.010	Purpose	17.24-1
17.24.020	Allowed Use Definitions.....	17.24-1

17.24.010 Purpose

The purpose of this Chapter is to define use classifications listed in Chapter 17.22 (Allowed Land Uses and Requirements) and throughout this Title. Use classifications are land uses that have been grouped into general categories on the basis of common function, product, or compatibility characteristics. This chapter should be used as a reference. Additional definitions for specialized terms used in the Zoning Code can be found in Article VI (Glossary).

17.24.020 Allowed Use Definitions

The following list represents the complete list of allowed uses and corresponding definitions as used in Table 17.22.020-1 (Allowed Uses and Required Entitlements for Manteca’s Base Zoning Districts) and throughout this Title. Individual use classifications describe one or more uses having similar characteristics, but do not list every use or activity that may appropriately be within the classification. Additional definitions are found in Article VI (Glossary). Allowed uses are organized into the following seven use categories as follows:

- Residential Uses
- Agriculture and Animal-Related Uses
- Recreation, Resource Preservation, Open Space, Education, and Public Assembly Uses
- Utility, Transportation, Public Facility, and Communication Uses
- Retail, Service, and Office Uses
- Automobile and Vehicle Uses
- Industrial, Manufacturing, and Processing Uses

A. Residential Uses

1. **Adult Day Care Home.** A facility, as defined under Health and Safety Code Section 1507.7, that provides nonmedical care and supervision for adult health care for six or fewer adults, including organized day program of therapeutic, social, and skilled nursing health activities and services to elderly persons or adults with disabilities with functional impairments, either physical or mental, for the purpose of restoring or maintaining optimal capacity for self-care. Programs offered are on a less than 24-hour basis.
2. **Caretaker Housing.** A residence that is accessory to a site with a nonresidential primary use and that is needed for security, 24-hour care or

supervision, or monitoring of facilities, equipment, or other conditions on the site.

3. **Dwelling, Multi-Family.** A building designed and intended for occupancy by three or more households living independently of each other, each in a separate dwelling unit, which may be owned individually or by a single landlord (e.g., apartment, apartment house, townhouse, condominium).
4. **Dwelling, Second Unit.** An attached or detached dwelling unit which provides complete independent living facilities for one or more persons, with permanent provisions for living, sleeping, eating, cooking, and sanitation sited on the same parcel as the primary dwelling unit. This definition includes granny flats.
5. **Dwelling, Single-Family.** A building designed exclusively for occupancy by one household on a single lot. This classification includes factory-built, modular housing units constructed in compliance with the City-adopted Building Code and mobile homes/manufactured housing on permanent foundations (defined in California Health and Safety Code Section 18007) and model homes for the first sale of homes within the subdivision.
6. **Dwelling, Two-Family.** An attached building (e.g., duplex) designed for occupancy by two households living independently of each other, where both dwellings are located on a single lot. For the purposes of this Title, this definition also includes halfplexes (two attached units, each with a separate lot). Does not include second dwelling units (see Dwelling, Second Unit).
7. **Dwelling, Three- and Four-Family.** An attached building (e.g., triplex) designed for occupancy by three or four households living independently of each other, where each dwelling is located on a single lot. Does not include second dwelling units (see Dwelling, Second Unit).
8. **Emergency Shelter.** Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay (Health and Safety Code 50801).
9. **Employee Housing.** Property used temporarily or seasonally for the residential use of unrelated persons/families employed to perform agricultural or industrial labor either on- or off-site of agricultural activities. The accommodations may consist of any living quarters, dwelling, boardinghouse, tent, bunkhouse, mobile home, manufactured home, recreational vehicle, travel trailer, or other housing accommodations maintained in one or more buildings, or on one or more sites, and the premises upon which they are situated, including areas set aside for parking of mobile homes or camping of employees by the employer. Employee housing may also involve permanent residency if the housing accommodation is a mobile home, manufactured home, travel trailer, or recreational vehicle. Specifically, there are two types of employee housing as follows:
 - a. **Employee Housing, Large.** Employee housing that serves more than six employees and consists of no more than 36 beds in group quarters or 12 units or spaces designed for use by a single family or household.

- b. Employee Housing, Small. Employee housing that serves six or fewer employees.
10. **Family Day Care Home.** Facility that provides nonmedical care and supervision of minor children for periods of less than 24 hours for an individual child. These facilities include the following, all of which are required to be licensed by the state:
- a. Family Day Care Home, Large. A single-family residence that provides day care for 7 to 14 children, inclusive, including children under the age of 10 years who reside at the home.
 - b. Family Day Care Home, Small. A single-family residence that provides day care for eight or fewer children, including children under the age of 10 years who reside at the home.
11. **Group Residential.** Shared living quarters without separate kitchen and/or bathroom facilities for each room or unit. This classification includes residential hotels, dormitories, fraternities, sororities, convents, rectories, and private residential clubs but does not include living quarters shared exclusively by a family. This category includes boardinghouses, which are defined as a building other than a hotel or restaurant where meals or lodging or both meals and lodging are provided for compensation for four or more persons.
12. **Home Occupation.** The conduct of a business within a dwelling unit or residential site, employing occupants of the dwelling, with the business activity being subordinate to the residential use of the property. Examples include, but are not limited to, accountants and financial advisors, architects, artists, attorneys, offices for construction businesses (no equipment or material storage), and real estate sales.
13. **Live-Work Facility.** A structure or portion of a structure:
- a. That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household;
 - b. Where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed; and
 - c. Where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.
14. **Mobile Home Park.** Consistent with definitions of state law (Welfare and Institution Code Section 18214), a mobile home park is any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.

15. **Residential Care Facilities.** Consistent with the definitions of state law, residential care facilities provide 24-hour nonmedical care for more than six persons 18 years of age or older, or emancipated minors, with chronic, life-threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living or for the protection of the individual. This classification includes, but is not limited to, rest homes, residential care facilities for the elderly, adult residential facilities, wards of the juvenile court, and other facilities licensed by the State of California. Convalescent homes, nursing homes, and similar facilities providing medical care are included under the definition of Medical Services, Extended Care.
16. **Residential Care Home.** Consistent with the definitions of state law (Health and Safety Code Section 1502), a residential care home is a home that provides 24 hour nonmedical care for six or fewer persons 18 years of age or older, or emancipated minors, with chronic, life-threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living, or for the protection of the individual. This classification includes rest homes, residential care facilities for the elderly, adult residential facilities, wards of the juvenile court, and other facilities licensed by the State of California. Convalescent homes, nursing homes, and similar facilities providing medical care are included under the definition of Medical Services, Extended Care.
17. **Single-Room Occupancy (SRO) Facilities.** Multi-unit housing for very low-income persons that typically consists of a single room and shared bath and also may include a shared common kitchen and common activity area. SROs may be restricted to seniors or be available to persons of all ages. Subsidized versions may be supervised by a government housing agency.
18. **Supportive Housing.** Housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community (Government Code 65582(f)). Supportive housing units must be considered residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.
19. **Transitional Housing.** Buildings configured as rental housing developments, but operating under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at some predetermined future point in time that shall be no less than six months from the beginning of the assistance (Government Code 65582(h)). Transitional housing units must be considered residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

B. **Agriculture and Animal-Related Uses**

1. **Animal Keeping.** Care and maintenance of animals on private property. The listing below provides a distinction between various types of animals related

to allowed use provisions in this Article. This classification is distinct from Animal Sales and Grooming and Equestrian Facility, Commercial. Also see Kennel, Commercial, which provides for the boarding of animals (e.g., doggy day-care).

- i. Domestic Pets. Small animals (no larger than the largest breed of dogs) customarily kept as pets within a dwelling unit. This classification includes dogs, cats, fish, and birds (excluding large tropical birds and poultry). Includes a kennel where the animals are owned or kept by the owner or occupant for personal, noncommercial purposes, including hunting, tracking, exhibiting at shows, exhibitions, field trials or other competitions, or for enhancing or perpetuating a given breed, other than dogs or cats used in conjunction with an agricultural operation on the lot or premises.
 - ii. Exotic Animals. Wild animals not customarily confined or cultivated by man for domestic or commercial purposes, but kept as a pet or for display, including potbelly pigs, snakes, reptiles, and large tropical birds (including peacocks).
 - iii. Insects. Small arthropod animals confined or cultivated by man for domestic or commercial purposes including but not limited to flies, crickets, mosquitoes, beetles, butterflies, and bees.
 - iv. Livestock Animals. Domesticated animals that may be kept or raised in pens, barns, houses, and pastures whether for commercial or private use. Livestock includes, but is not limited to, cattle, sheep, swine, goats, equine, and fowl. This definition includes horses and equestrian facilities for individual homeowners.
 - v. Poultry. Domesticated birds (fowl) customarily kept for eggs or meat. This classification includes chickens, roosters, ducks, geese, turkeys, guinea fowl, and Cornish game hens.
2. **Animal Sales and Grooming.** Retail sales of domestic and exotic animals, and bathing and trimming services, excludes kenneling of animals. See Kennel, Commercial.
 3. **Crop Production.** Raising and harvesting of plants, tree crops, row crops, or field crops on an agricultural or commercial basis, including packing and processing. Includes horticulture establishments engaged in the cultivation of flowers, fruits, vegetables, or ornamental trees and shrubs for wholesale and incidental retail sales. This classification includes agricultural buildings accessory to such uses and roadside stands for display/sale of agricultural products grown on the premises. Excludes uses for which other garden, nursery, or landscape merchandise are stored and sold on the site.
 4. **Equestrian Facility, Commercial.** Commercial horse, donkey, and mule facilities including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), pack stations, and barns, stables, corrals, and paddocks accessory and incidental to these uses.

5. **kennel, Commercial.** Facilities that provide boarding of animals as the primary use of the facility. May also include daytime boarding and activity for animals (e.g., doggy day care) and ancillary grooming facilities. Also see Animal Sales and Grooming.
 6. **Veterinary Facility.** Veterinary facility that is primarily enclosed, containing only enough cage arrangements as necessary to provide services for domestic and exotic animals requiring acute medical or surgical care with accessory outdoor use that provides long-term medical care. Grooming and boarding of animals is allowed only if accessory to the facility use.
- C. **Recreation, Resource Preservation, Open Space, Education, and Public Assembly Uses**
1. **Assembly Uses.** Include any of the following uses:
 - a. Meeting facilities for organizations including facilities for business associations, civic, social, and fraternal organizations, labor unions and similar organizations, political organizations, professional membership organizations, and other membership organizations;
 - b. Churches and other religious institutions, including living quarters for ministers and staff, but excluding other establishments maintained by religious organizations such as educational institutions and day care, which are separately regulated; and
 - c. Community centers and other multipurpose meeting and recreational facilities that include one or more meeting or multipurpose facilities, kitchens, and outdoor barbecue facilities available for use by various groups for meetings, parties, receptions, dances, etc.
 2. **Cemetery/Mausoleum.** Land used for the burial of the dead and dedicated for cemetery purposes, including crematories, columbariums, and mausoleums. Also see Mortuaries and Funeral Homes.
 3. **Community Garden.** A site used for growing plants for food, fiber, herbs, or flowers, which is shared and maintained by city residents.
 4. **Golf Course/Clubhouse.** Golf courses and accessory facilities and uses including clubhouses with bar and restaurant, locker and shower facilities, driving ranges, “pro shops” for on-site sales of golfing equipment, and golf cart storage and sales facilities.
 5. **Indoor Amusement/Entertainment Facility.** Establishment providing indoor amusement and entertainment services for a fee or admission charge, including dance halls and ballrooms and electronic game arcades, as primary uses. Four or more electronic games or coin-operated amusements in any establishment, or premises where 50 percent or more of the floor area is occupied by amusement devices, are considered an amusement device arcade as described above; three or less machines are not considered a land use separate from the primary use of the site.

6. **Indoor Fitness and Sports Facilities.** Predominantly participant sports and health activities conducted entirely within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice/roller skating rinks, indoor racquetball courts, indoor climbing facilities, soccer areas, athletic clubs, and health clubs. This use does not include special studios not a part of an athletic or health club (e.g., karate studio, dance studio, etc.).
7. **Libraries and Museums.** Public or quasi-public facilities including aquariums, arboretums, art exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, and planetariums, which are generally noncommercial in nature.
8. **Outdoor Commercial Recreation.** Facility for various outdoor participant sports and types of recreation where a fee is charged for use (e.g., amphitheaters, amusement and theme parks, golf driving ranges, health and athletic club with outdoor facilities, miniature golf courses, skateboard parks, stadiums and coliseums, swim and tennis clubs, water slides, zoos).
9. **Outdoor Community Recreation.** Facility for various outdoor participant sports and types of recreation provided by the community and typically located in public parks and open space areas.
10. **Park and Public Plaza.** Public parks include playgrounds and athletic fields/courts and public plazas and outdoor gathering places for community use. If privately owned and restricted to the public (e.g., require payment of fee), the same facilities are included under the definition of Outdoor Commercial Recreation.
11. **Recreational Vehicle Park.** A site where one or more lots are used, or are intended to be used, by campers with recreational vehicles or tents. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each lot and are intended as a higher-density, more intensively developed use than campgrounds. May include accessory retail uses where they are clearly incidental and intended to serve RV park patrons only.
12. **Resource Protection and Restoration.** Activities and management of an area to preserve, re-create, and enhance natural resource values such as fish and wildlife habitat, rare and endangered plants, vernal pools, erosion control, and floodwater conveyance.
13. **Resource-Related Recreation.** Facility related to passive recreation in open space areas including bicycle and pedestrian trails, picnic areas, parking areas, and interpretive centers.
14. **School.** A facility that provides for the education and/or training of individuals or groups as further defined as follows:
 - a. **Equipment/Machinery/Vehicle Training.** Facilities and programs for training students in the repair and maintenance of various equipment, machinery, and vehicles which tend to have a more industrial nature to them. Examples include, but are not limited to, maintenance of business equipment and consumer products (e.g., computers and other

electronic equipment, appliance repair, re-upholstery and furniture repair), trade schools (e.g., metal work/welding), and vehicle repair and maintenance (e.g., repair, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, motorcycles, trucks, recreational vehicles, boats, and other vehicles).

- b. Specialized Education and Training/Studios. Specialty schools for instructing and training students in a variety of specialized programs, including, but not limited to, the following:
 - i. Computers and electronics training schools,
 - ii. Drama schools;
 - iii. Driver educational schools;
 - iv. Language schools;
 - v. Music schools;
 - vi. Professional, vocational, and trade schools of a non-industrial nature (e.g., culinary, cosmetology, arts and media, accounting and finance, health and dental including nursing, legal, psychology, and technology); and
 - vii. Studio-style facilities including, but not limited to, dance/ballet, art, photography, yoga, martial arts (e.g., karate, kung fu, judo, tae kwon do, jujitsu), and fitness studios other than Indoor Fitness and Sports Facilities.

15. **Theater/Auditorium.** Indoor facility for public assembly and group entertainment, other than sporting events (e.g., civic theaters, facilities for “live” theater and concerts, exhibition and convention halls, motion picture theaters, auditoriums). Does not include outdoor theaters, concert and similar entertainment facilities, and indoor and outdoor facilities for sporting events; see Outdoor Commercial Recreation.

D. **Utility, Transportation, Public Facility, and Communication Uses**

1. **Airport.** A facility where aircraft such as airplanes can take off and land. An airport minimally consists of one runway but other common components are hangars and terminal buildings.
2. **Ambulance Service.** Emergency medical care and transportation, including incidental storage and maintenance of vehicles.
3. **Broadcasting and Recording Studio.** Commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings. Does not include transmission and receiving apparatus such as antennas and towers, which are under the definition of Wireless Telecommunication Facility.

4. **Fuel Storage and Distribution.** A large-scale facility where fuel (such as propane and gasoline) is stored and distributed without retail sales.
5. **Heliport.** A designated, marked area on the ground or the top of a structure where helicopters may land at any time.
6. **Park-and-Ride Facility.** A designated area where a vehicle may be left in order for the driver to carpool with other commuters or to ride public transit.
7. **Parking Facility.** A parking lot or parking structure used for parking motor vehicles where the facility is the primary use of the site. Parking structures and lots that are developed in conjunction with another primary use of the site to satisfy the on-site parking requirements for the development are not included in this definition.
8. **Public Safety Facility.** Facility operated by public agencies including fire stations, other fire prevention and firefighting facilities, and police and sheriff substations and headquarters, including interim incarceration facilities.
9. **Transit Facility.** Maintenance and service centers for the vehicles operated in a mass transportation system. Includes buses, taxis, railways, monorail, etc.
10. **Utility Facility and Infrastructure.** Includes the following:
 - a. Fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities that are not exempted from land use entitlements by Government Code Section 53091: electrical substations and switching stations, natural gas regulating and distribution facilities, public water system wells, treatment plants and storage, telephone switching facilities, wastewater treatment plants, settling ponds and disposal fields. These uses do not include office or customer service centers (classified in Offices) or equipment and material storage yards.
 - b. Pipelines for potable water, reclaimed water, natural gas, and sewage collection and disposal, and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television, and other communications transmission facilities utilizing direct physical conduits.
11. **Wireless Telecommunication Facility.** Facility designed and/or used for the purpose of transmitting, receiving, or relaying voice and/or data signals from various wireless communication devices, including transmission tower, antenna, and/or other facility designed or used for that purpose. Telecommunication facilities are divided into two types as follows:
 - a. Wireless Telecommunication Facility – Major. A communication facility that is a freestanding ground-mounted facility, is a structure or roof-mounted facility that is more than 10 feet above the structure roof line, and is not specifically identified as a minor facility below. Examples include, but are not limited to, the following:

- i. Telecommunication towers (cellular towers);
 - ii. Satellite earth station (SES) antennas that are more than 2 meters in diameter; and
 - iii. Parabolic antennas, direct broadcast satellite (DBS) antennas, and multi-point distribution service (MDS) antennas that are more than 1 meter in diameter.
- b. Wireless Telecommunication Facility – Minor. Any wireless communication facility that is either (1) operated exclusively as part of a public safety network, or (2) specifically exempt from local regulation by state or federal law or rule [e.g., by permit of the California Public Utilities Commission (CPUC) or the rules and regulations of the Federal Communication Commission (FCC)]. Examples include, but are not limited to, the following:
- i. Amateur radio transmission facilities which comply with the standards of Chapter 17.88 (Wireless Telecommunication Facilities);
 - ii. Satellite earth station (SES) antennas that are 2 meters in diameter or less;
 - iii. Parabolic antennas, direct broadcast satellite (DBS) antennas, and multi-point distribution service (MDS) antennas that are 1 meter in diameter or less;
 - iv. Television broadcast service (TVBS) antennas; and
 - v. Collocation on an existing major telecommunication structure, so long as the collocation facility satisfies all requirements set forth in Section 65850.6 of the California Government Code.

E. **Retail, Service, and Office Uses**

1. **Adult Day Health Care Center.** A facility, as defined under Health and Safety Code Section 1507.7, that provides nonmedical care and supervision for adult health care for more than six adults, including organized day program of therapeutic, social, and skilled nursing health activities and services to elderly persons or adults with disabilities with functional impairments, either physical or mental, for the purpose of restoring or maintaining optimal capacity for self-care. Programs offered are on a less than 24-hour basis.
2. **Adult-Oriented Business.** Those businesses defined as follows:
 - a. **Adult Bookstore or Adult Video Store.** A commercial establishment which has as a significant or substantial portion of its stock-in-trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale, rental for any form of consideration, of any one or more of the following:
 - i. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, videocassette tapes, slides,

- tapes, records, or other forms of visual or audio representations which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas;
- ii. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.
- b. Adult Cabaret. A nightclub, theater, concert hall, auditorium, bar, or other similar establishment which regularly features live or media presentations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
 - c. Adult Motel. A motel, hotel or similar commercial establishment which:
 - i. Offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets or leaflets, radio, or television;
 - ii. Offers a sleeping room for rent for a period of time less than 10 hours; or
 - iii. Allows a tenant or occupant to subrent the sleeping room for a time period of less than 10 hours.
 - d. Adult Newsrack. Any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.
 - e. Adult Theater. An enclosed or unenclosed building, to which the public is permitted or invited, used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
 - f. Adult Viewing Area. An area in any adult book and/or novelty store, cabaret, theater, motion picture arcade or other adult entertainment business, where a patron or customer would ordinarily be positioned for the purpose of viewing or watching a performance, picture show or film.
 - g. Bathhouse. An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy

during which specified anatomical areas are displayed or specified sexual activity occurs.

3. **Alcoholic Beverage Sales.** The retail sale of beverages containing alcohol for off-site consumption subject to regulation by the California Department of Alcoholic Beverage Control (ABC) as an off-sale establishment.
4. **Bar.** Any establishment devoted to the sale or serving of alcoholic beverages for consumption on the premises in which the serving of food, if any, is incidental to the consumption of alcoholic beverages. A restaurant or bona fide public eating place as defined in Business and Professions Codes section 23038 that serves alcoholic beverages is not a bar. Nightclub is defined separately in this title.
5. **Bed and Breakfast Inn.** A residential structure with one family in permanent residence with up to five bedrooms rented for overnight lodging, where meals may be provided subject to applicable Health Department regulations. A bed and breakfast inn with more than five guest rooms is considered a hotel or motel and is included under the definition of Hotel and Motel.
6. **Brew Pub.** Any establishment that produces ales, beers, meads, hard ciders, and/or similar beverages to service onsite as part of a restaurant. May include off-site sales of beverages brewed by the brew pub facility.
7. **Building Materials Store/Yard.** A retail establishment selling lumber and other large building materials, where most display and sales occur indoors. Includes stores selling to the general public, even if contractor sales account for a major proportion of total sales. Includes incidental retail ready-mix concrete operations, except where excluded by a specific Zoning District. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in Wholesaling and Distribution. Hardware stores are listed in the definition of Retail, General, even if they sell some building materials. Also see Home Improvement Supplies for smaller specialty stores.
8. **Business Support Services.** Establishments, primarily within buildings, providing other businesses with services such as maintenance, repair and service, testing, rental, etc. Support services include, but are not limited to:
 - a. Equipment repair services (except vehicle repair, see Vehicle Services);
 - b. Commercial art and design (production);
 - c. Computer-related services (rental, repair);
 - d. Copying, printing, publishing, and blueprinting services;
 - e. Equipment rental businesses within buildings (rental yards are Storage, Yards);
 - f. Film processing laboratories;
 - g. Heavy equipment repair services where repair occurs on the client site;

- h. Janitorial services;
 - i. Mail advertising services (reproduction and shipping);
 - j. Mailbox services and other “heavy service” business services;
 - k. Outdoor advertising services; and
 - l. Photocopying and photofinishing.
9. **Child Day Care Center.** A commercial or nonprofit facility that provides nonmedical care and supervision of minor children for periods of less than 24 hours for an individual child. The facility is operated outside of a home and is typically able to accommodate 15 or more children. Such facilities include, but are not limited to, infant centers, preschools, sick child centers, day care centers, and school-age child-care centers. These may be operated in conjunction with a school or church facility, or as an independent land use. Also includes employer-sponsored child-care centers.
10. **Convenience Store.** An easy access retail store of 5,000 square feet or less in gross floor area, which carries a range of merchandise oriented to convenience and travelers’ shopping needs. These stores may be part of a service station or an independent facility. Also see Neighborhood Market and Grocery Store/Supermarket for larger stores or stores oriented toward the daily shopping needs of residents.
11. **Drive-In/Drive-Through Use.** A use where a customer is permitted or encouraged, either by the design of physical facilities or by the service and/or packaging procedures offered, to be served while remaining seated within an automobile including, but not limited to, drive-through food, financial services, and automatic car washes.
12. **Equipment Sales and Rental.** Service establishments with outdoor storage/rental yards, which may offer a wide variety of materials and equipment for rental (e.g., construction equipment).
13. **Grocery Store/Supermarket.** A retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the site of the store. These full-service businesses do not typically have limited hours of operation. See separate but related listing for Convenience Store.
14. **Home Improvement Supplies.** Establishments (retail or wholesale) that sell kitchen, bath, furnishings, carpeting, and other home-oriented supplies. Other retail uses are permitted if accessory to the primary use. These uses may include an expansive showroom. This category does not include the sale of lumber and does not permit the outdoor display of merchandise. This use classification is a subcategory of the larger building materials stores and yards use classification and may be combined with or separate from such uses.
15. **Hotel and Motel.** Facility with guest rooms or suites, provided without kitchen facilities, rented to the general public for transient lodging (less than 30 days). Hotels provide access to most guest rooms from an interior walkway and

typically include a variety of services in addition to lodging, for example, restaurants, meeting facilities, personal services, etc. Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail use, etc.

16. **Maintenance and Repair of Small Equipment.** Establishments providing on-site repair and accessory sales of supplies for appliances, office machines, home electronic/mechanical equipment, bicycles, tools, or garden equipment, conducted entirely within an enclosed building. Does not include maintenance and repair of vehicles.
17. **Massage Therapy.** Establishment where customers can receive a massage.
18. **Medical Services.** Facilities that provide medical services as further defined as follows:
 - a. **Extended Care.** Residential facilities providing nursing and health related care as a primary use with inpatient beds, such as board and care homes, convalescent and rest homes, extended care facilities, and skilled nursing facilities. Long-term personal care facilities that do not include medical treatment are included under residential care home and residential care facilities.
 - b. **General.** Facility primarily engaged in providing outpatient medical, mental health, surgical, and other personal health services, but which are separate from hospitals, including medical and dental laboratories, medical, dental and psychiatric offices, outpatient care facilities, and other allied health services. Counseling services by other than medical doctors or psychiatrists are included under Offices, Business and Professional.
 - c. **Hospital.** Hospitals and similar facilities engaged primarily in providing diagnostic services and extensive medical treatment (with overnight stay capabilities), including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories.
19. **Mortuaries and Funeral Homes.** Funeral homes and parlors, where the deceased are prepared for burial or cremation and funeral services may be conducted.
20. **Neighborhood Market.** A pedestrian-oriented grocery/specialty market store offering food products packaged for preparation and consumption away from the site of the store and oriented to the daily shopping needs of surrounding residential areas. Neighborhood markets are less than 15,000 square feet in size and operate less than 18 hours per day. Neighborhood markets may include deli or beverage tasting facilities that are ancillary to the market/grocery portion of the use. For larger stores, see Grocery Store/Supermarket.

21. **Nightclub.** Any establishment devoted to the sale or serving of alcoholic beverages for consumption on the premises in which the serving of food, if any, is incidental to the consumption of alcoholic beverages, and where floor space could be used for dancing and/or live entertainment. Bar is defined separately in this title.
22. **Offices, Business and Professional.** This use listing includes offices of administrative businesses providing direct services to consumers (e.g., insurance companies, utility companies, management consulting), banks and financial institutions, government agency and service facilities (e.g., post office, civic center), professional offices (e.g., accounting, attorneys, employment, public relations), and offices engaged in the production of intellectual property (e.g., advertising, architectural, computer programming, photography studios). This use does not include medical offices (see Medical Services, General), temporary offices, or offices that are incidental and accessory to another business or sales activity that is the primary use.
23. **Personal Services.** Establishments providing nonmedical services as a primary use, including, but not limited to, barber and beauty shops, clothing rental, dry cleaning pickup stores with limited equipment, home electronics and small appliance repair, laundromats (self-service laundries), shoe repair shops, and tailors. These uses may also include accessory retail sales of products related to the services provided, spas and hot tubs for rent, and tanning salons.
24. **Restaurant.** A retail business selling food and beverages prepared and/or served on the site, for on- or off-premise consumption. Includes eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption and establishments where most customers are served food at tables for on-premise consumption, but may include providing food for take-out. Also includes coffee houses and accessory cafeterias as part of office and industrial uses.
25. **Retail, General.** Stores and shops selling multiple lines of merchandise. These stores and lines of merchandise include, but are not limited to, art galleries, bakeries (all production in support of on-site sales), clothing and accessories, collectibles, department stores, drug and discount stores, dry goods, fabrics and sewing supplies, florists and houseplant stores, furniture, general stores, gift shops, hardware, hobby materials, musical instruments, parts and accessories, newsstands, pet supplies, specialty shops, sporting goods and equipment, stationery, and variety stores.
26. **Tasting Room.** Facility allowing beer/wine tasting with on-site and off-site retail sales directly to the public. The tasting room facility must be directly affiliated with a minimum of one brewery/winery (as defined by the Alcoholic Beverage Control (ABC)). The Tasting Room may be operated within a Brew Pub as an accessory to a separate on-site use, such as a restaurant, or as a stand-alone retail use.
27. **Tobacco Related Uses.** A commercial establishment whose primary activity consists of a lounge or seating area where patrons smoke tobacco or non-

tobacco related products including but not limited to Hookah, Cigar, Cigarette, Pipe, E-Cigarette, or other smoking device.

F. **Automobile and Vehicle Uses**

1. **Auto and Vehicle Rental.** Retail establishments renting automobiles, trucks, vans, and large farm equipment (e.g., combines, tractors). This use listing includes the rental of recreation vehicles, motorcycles, and boats. May also include repair shops (for rental vehicles only) and the sales of parts and accessories, incidental to vehicle rental activities.
2. **Auto and Vehicle Sales.** Retail establishments selling automobiles, trucks, vans, and large farm equipment (e.g., combines, tractors). This use listing includes the sales of recreation vehicles, motorcycles, and boats. May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. It does not include the sale of auto parts/accessories separate from a vehicle dealership (see Auto Parts Sales), bicycle and moped sales (see Retail, General), tire recapping establishments (see Vehicle Services – Major), businesses dealing exclusively in used parts (see Recycling Facility – Scrap and Dismantling), or fueling station, all of which are separately defined.
3. **Auto and Vehicle Storage.** Facilities for the storage of operative and inoperative vehicles for limited periods of time. Includes, but is not limited to, storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses, and recreation vehicles. Does not include retail sales (see Auto and Vehicle Sales).
4. **Auto Parts Sales.** Stores that sell new automobile parts, tires, and accessories. May also include minor parts installation (see Vehicle Services). Does not include tire recapping establishments, which are found under Vehicle Services – Major, or businesses dealing exclusively in used parts, which are included under Auto and Vehicle Sales.
5. **Auto Vehicle Dismantling.** Establishment for the dismantling of automobile vehicles, including the dismantling or wrecking of automobiles or other motor vehicles, and/or the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking. Retail sales are included under the definition of Auto and Vehicle Sales.
6. **Car Washing and Detailing.** Permanent, drive-through, self-service, and/or attended car washing establishments, including fully mechanized facilities. May include detailing services. Temporary car washes (e.g., fundraising activities generally conducted at a service station or other automotive-related business, where volunteers wash vehicles by hand, and the duration of the event is limited to one day) are not part of this use classification.
7. **Fueling Station.** A retail business selling gasoline, diesel, or other motor vehicle fuels. Vehicle services which are incidental to fuel services are included under Vehicle Services – Minor.
8. **Vehicle Services – Major.** The repair, alteration, restoration, towing, painting, cleaning (e.g., self-service and attended car washes), or finishing of automobiles, trucks, recreational vehicles, boats, and other vehicles as a

primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes major repair and body work-repair facilities dealing with entire vehicles; such establishments typically provide towing, collision repair, other bodywork, and painting services and may also include tire recapping establishments.

9. **Vehicle Services – Minor.** Minor facilities specialize in limited aspects of repair and maintenance (e.g., muffler and radiator shops, quick-lube, smog check). Does not include repair shops that are part of a vehicle dealership on the same site (see Auto and Vehicle Sales) or automobile dismantling yards, which are included under Recycling Facility – Scrap and Dismantling.
- G. **Industrial, Manufacturing, and Processing Uses**
1. **Agricultural Products Processing.** The act of changing an agricultural crop after harvest from its natural state to the initial stage of processing in order to prepare it for market and for further processing at an off-site location. Examples of this processing include nut hulling and shelling, bean cleaning, corn shelling and sorting, grape sorting and crushing, primary processing of fruits to juice and initial storage of the juice, without fermentation, cleaning and packing of fruits. More comprehensive processing facilities (e.g., raw milk processed to cheese) are considered food and beverage manufacturing and, as such, are included under the definition of Manufacturing, Minor.
 2. **Freight Yard/Truck Terminal.** Transportation establishments furnishing services incidental to air, motor freight, and rail transportation including freight forwarding services, freight terminal facilities, joint terminal and service facilities, packing, crating, inspection, and weighing services, postal service bulk mailing distribution centers, transportation arrangement services, truck repair, truck terminals, and trucking facilities including transfer and storage.
 3. **Manufacturing, Major.** Manufacturing, fabrication, processing, and assembly of materials in a raw form. Uses in this category typically create greater than usual amounts of smoke, gas, odor, dust, sound, or other objectionable influences that might be obnoxious to persons conducting business on-site or on an adjacent site. Uses include, but are not limited to, batch plants, rendering plants, aggregate processing facilities, and plastics and rubber products manufacturing. Also see Manufacturing, Minor and Manufacturing, Small-Scale.
 4. **Manufacturing, Minor.** Manufacturing, fabrication, processing, and assembly of materials from parts that are already in processed form and that, in their maintenance, assembly, manufacture, or plant operation, do not create excessive amounts of smoke, gas, odor, dust, sound, or other objectionable influences that might be obnoxious to persons conducting business on-site or on an adjacent site. Uses include, but are not limited to, furniture manufacturing and cabinet shops, laundry and dry cleaning plants, metal products fabrication, and food and beverage manufacturing. Also see Manufacturing, Major and Manufacturing, Small-Scale.
 5. **Manufacturing, Small-Scale.** Establishments manufacturing and/or assembling small products primarily by hand, including, but not limited to, jewelry, pottery

and other ceramics, as well as small glass and metal art and craft products. Also see Manufacturing, Major and Manufacturing, Minor.

6. **Recycling Facility – Collection.** A recycling facility used for the acceptance by donation, redemption, or purchase of recyclable materials from the public that does not occupy more than 500 square feet. This classification may include mobile units, kiosk-type units that may include permanent structures, and unattended containers placed for the donation of recyclable materials. Also includes so-called “reverse vending machines,” an automated mechanical device that accepts one or more types of empty beverage containers including, but not limited to, aluminum cans, glass bottles, and plastic bottles, and issues a cash refund or a redeemable credit slip with value of not less than the container’s redemption value as determined by the state.
7. **Recycling Facility – Processing.** A recycling facility located in a building or enclosed space and used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment or to an end-user’s specifications by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Collection of recycling materials as the sole activity is included in the definition of Recycling Facility – Collection.
8. **Recycling Facility – Scrap and Dismantling.** Uses engaged in the assembling, breaking up, sorting, temporary storage, and distribution of recyclable or reusable scrap and waste materials. This use does not include landfills or other terminal waste disposal sites. Also see Auto Vehicle Dismantling for related use for automobiles. Collection of recycling materials as the sole activity is included in the definition of Recycling Facility – Collection.
9. **Recycling Redemption Center.** A facility, use, or structure for the collection of recyclable goods, including, but not limited to, beverage containers and newspapers.
10. **Research and Development.** Indoor facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, and mechanical components in advance of product manufacturing, that are not associated with a manufacturing facility on the same site. Includes, but is not limited to, chemical and biotechnology research and development. Does not include computer software companies (see Offices, Business and Professional), soils and other materials testing laboratories (see Business Support Services), or medical laboratories (see Medical Services, General).
11. **Storage, Personal Storage Facility.** A structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.
12. **Storage, Warehouse.** Facility for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include warehouse, storage, or mini-storage facilities offered for rent or lease to the general public (see Storage, Personal Storage Facility) or warehouse

facilities in which the primary purpose of storage is for wholesaling and distribution (see Wholesaling and Distribution).

13. **Storage, Yards.** The storage of various materials outside of a structure other than fencing, either as an accessory or principal use.
14. **Wholesaling and Distribution.** Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as agents, merchandise or commodity brokers, and commission merchants, assemblers, buyers and associations engaged in the cooperative marketing of farm products, merchant wholesalers, and stores primarily selling electrical, plumbing, heating, and air conditioning supplies and equipment.

Chapter 17.26 Development Standards by Zoning District

Sections:

17.26.010	Purpose	17.26-1
17.26.020	Development Standards	17.26-1
17.26.030	Additional Standards for Multi-Family Zoning Districts.....	17.26-2
17.26.040	Standards for Small-Lot Single-Family Development.....	17.26-3

17.26.010 Purpose

The purpose of this Chapter is to establish development standards for lot area, allowed density, building setbacks, height, and lot coverage as appropriate for each of the City’s Base Zoning Districts as listed in Table 17.26.020-1 (Development Standards for Manteca’s Base Zoning Districts). These standards, along with other development standards (e.g., fences and walls, parking, sign standards) listed in Article III (Site Planning Standards) are intended to assist property owners and project designers in understanding the City’s minimum requirements and expectations for high-quality development.

17.26.020 Development Standards

Table 17.26.020-1 (Development Standards for City of Manteca Base Zoning Districts) includes lot area, allowed density, building setbacks, height, and lot coverage requirements for each of the City’s Base Zoning Districts. Section 17.26.030 (Additional Standards for Multi-Family Zoning Districts) establishes additional development standards for multi-family zoning districts, and Section 17.26.040 (Standards for Small-Lot Single-Family Development) establishes additional standards for small-lot single-family residential development. Additional site planning requirements (e.g., landscaping, lighting) are listed in Article III (Site Planning Standards). Development within the City of Manteca is also subject to compliance with all adopted Uniform Building and Fire codes. Zoning District names for the Zoning District symbols used in the table are as follows:

- | | |
|--|--|
| A = Agricultural Zoning District | CN = Neighborhood Commercial Zoning District |
| R-E = Residential Estate Zoning District | CG = General Commercial Zoning District |
| R-1 = One-Family Dwelling Zoning District | M1 = Light Industrial Zoning District |
| R-2 = Limited Multiple-Family Dwelling Zoning District | M2 = Heavy Industrial Zoning District |
| R-3 = Multiple-Family Dwelling Zoning District | OS = Open Space Zoning District |
| CMU = Mixed Use Commercial Zoning District | A = Park Zoning District |
| BIP = Business Industrial Park Zoning District | PQP = Public/Quasi-Public Zoning District |

**TABLE 17.26.020-1
DEVELOPMENT STANDARDS FOR MANTECA’S BASE ZONING DISTRICTS**

Development Standard/ Zoning District	AG	RE	R-1 ¹	R-2	R-3	CMU	BIP	CN	CG	M-1	M-2	OS	A	POP
Allowed Density														
• Minimum Density (du/ac)	0	0.5	2.1	8.1	15.1	15.1	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
• Maximum Density (du/ac)	2.0	2.0	8.0	15.0	25.0	25.0	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Setback (minimum distance between structure and property line in feet)²														
• Front Yard	50 ft	20 ft	15 ft	0 ft ³	25 ft ³	0 ft ³	25 ft ³	0 ft ³	25 ft ³	0 sf				
• Front Yard to Porch	n/a	10 ft	10 ft	n/a ³	n/a ³	n/a ³	n/a ³	n/a ³	n/a ³	n/a				
• Side Yard	15 ft	5 ft	5 ft	0 ft ³	No min. ₃	0 ft ³	10 ft ³	0 sf						
• Street Side Yard	15 ft	10 ft	10 ft	0 ft ³	25 ft ³	0 ft ³	10 ft ³	0 sf						
• Rear Yard	20 ft ⁴	15 ft ⁴	10 ft ⁵	0 ft ³	No min. ₃	0 ft ³	25 ft ³	0 sf						
Building Height (maximum)														
• Building Height	30 ft		35 ft	45 ft	35 ft	30 ft	35 ft	No max.	No max.					
Floor Area Ratio (maximum ratio of building to lot square footage) and Open Space (minimum per dwelling unit)														
• Floor Area Ratio	No max				1.0	0.6	0.5	No max.						
• Open Space	35% of lot	40% of lot	30% of lot	30% of lot	No min.	35% of lot	No min.							

Notes:

1. See additional standards for small-lot single-family development in Section 17.26.040.
2. Setbacks shall be the minimum required under the City’s adopted Building Code.
3. When adjacent to a residential district, all structures shall match the setbacks of the adjacent residential district.
4. Garages attached to a main building may encroach into the required rear yard by not more than 10 feet if (a) it is less than 600 square feet in area; and (b) it shares a common wall of 5 feet or more in length, or is located less than 6 feet from the main building and is connected to the main building by a roofed area (e.g., breezeway) a minimum of 5 feet in width.
5. Minimum 30 percent of multi-family projects shall be designed for community open space and each unit shall include 400 square feet of private open space as described in Section 17.26.030.

17.26.030 Additional Standards for Multi-Family Zoning Districts

In addition to the development standards listed in Table 17.26.020-1 (Development Standards for Manteca’s Base Zoning Districts), the following development standards apply to multi-family residential development.

- A. **Minimum Project Open Space.** A minimum of 30 percent of the total project lot area shall be provided as improved and/or landscaped open space for general use.
- B. **Private Open Space.** Additionally, there shall be a minimum of 400 square feet of private open space per dwelling unit (e.g., porch, balcony, courtyard).

17.26.040 Standards for Small-Lot Single-Family Development

In residential Zoning Districts, new lots smaller than 6,000 square feet may be created and single-family homes constructed on those lots when the development complies with the following development standards listed in Table 17.26.020-2 (Small-Lot Single-Family Development Standards). Additionally, small-lot single-family residential development shall comply with any currently adopted small-lot single-family design standards and guidelines.

**TABLE 17.26.020-2
SMALL-LOT SINGLE-FAMILY DEVELOPMENT STANDARDS**

Development Standard	Measurement
Lot Dimensions (minimum dimensions of lot)	
• Lot Width (min)	35 ft
• Lot Depth	70 ft
Setback (minimum distance between structure and property line in feet)	
• Front Yard	15 ft
• Front Yard, to Garage	20 ft
• Front Yard to Porch	10 ft
• Side Yards	5 ft/0 ft
• Street Side Yard	10 ft
• Rear Yard	10 ft
Building Height (maximum)	
• Building Height	30 ft

Chapter 17.28 Special Purpose Zoning Districts

Sections:

17.28.010	Purpose	17.28-1
17.28.020	Specific Plan (SP) Zoning District	17.28-1
17.28.030	Master Plan (MP) Zoning District	17.28-2

17.28.010 Purpose

The purpose of this Chapter is to identify all Special Purpose Districts within the city. Special Purpose Districts require special project entitlement, which allows for flexibility from traditional development standards. These districts are consistent with and implement the City’s General Plan Special Planning land use designation as shown in Table 17.20.020-1 (Zoning Districts).

17.28.020 Specific Plan (SP) Zoning District

- A. **Purpose of the Specific Plan Zoning District.** The purpose of the Specific Plan Zoning District is to designate unique planning areas within the city for which the City Council has adopted or requires adoption of a separate planning document (a Specific Plan) consistent with the General Plan and state law. The contents, requirements, and adoption and amendment procedures for Specific Plans are listed in Section 17.10.160 (Specific Plan).

- B. **Designation.** Specific Plan Zoning Districts shall be delineated on the Zoning Map in a manner similar to that of any other Zoning District, except that each Specific Plan-zoned area shall also bear a name, number, symbol, or other delineation, as determined by the Community Development Director, which distinguishes it from other Specific Plan Zoning Districts, Base Zoning Districts, or Overlay Zoning Districts. The assignment of the Specific Plan Zoning District serves to provide a reference to the corresponding Specific Plan document adopted by ordinance of the City Council. Applicable zoning regulations and standards applicable to the land area shall be provided in the Specific Plan document and shall be adopted by reference in this Title.

- C. **Specific Plan Overlay Zones Adopted by Reference.** The following Specific Plan Zoning Districts have been adopted as part of this Title by reference and are so designed on the City Zoning Map:
 - 1. Union Ranch Specific Plan

- D. **Allowed Uses.** Allowed uses within the Specific Plan area are those listed uses in the adopted Specific Plan document as permitted, conditionally permitted, or not permitted.

- E. **Development Standards.** Development standards within the Specific Plan area are those standards listed in the adopted Specific Plan.

17.28.030 Master Plan (MP) Zoning District

- A. **Purpose of the Master Plan Zoning District.** The purpose of the Master Plan Zoning District is to establish a process for the consideration and regulation of areas suitable for proposed comprehensive development with detailed development plans and of those areas that require special planning.
- B. **Designation.** Master Plan Zoning Districts shall be delineated on the Zoning Map in a manner similar to that of any other Zoning District, except that each Master Plan-zoned area shall also bear a name, number, symbol, or other delineation, as determined by the Community Development Director, which distinguishes it from other Master Plan Zoning Districts, Base Zoning Districts, or Overlay Zoning Districts. The assignment of the Master Plan Zoning District serves to provide a reference to the corresponding Master Plan document adopted by ordinance of the City Council. Applicable zoning regulations and standards applicable to the land area shall be provided in the Master Plan document and shall be adopted by reference in this Title.
- C. **Master Plan Overlay Zones Adopted by Reference.** The following Master Plan Zoning Districts have been adopted as part of this Title by reference and are so designed on the City Zoning Map:
1. Northwest Airport Way Master Plan
 2. Austin Road Business Park and Residential Community
 3. Yosemite Square Master Plan
 4. Family Entertainment Zone Master Plan
- D. **Allowed Uses.** Allowed uses within the Master Plan area are those listed uses in the adopted Master Plan document as permitted, conditionally permitted, or not permitted.
- E. **Development Standards.** Development standards within the Master Plan area are those standards listed in the adopted Master Plan.

Chapter 17.30 Overlay and Combining Zoning District Land Use and Development Standards

Sections:

17.30.010	Purpose	17.30-1
17.30.020	Central Business District (CBD) Overlay Zone.....	17.30-1
17.30.030	Planned Development (PD) Overlay Zone	17.30-5
17.30.040	200-Year Floodplain (F-200) Overlay Zone.....	17.30-7

17.30.010 Purpose

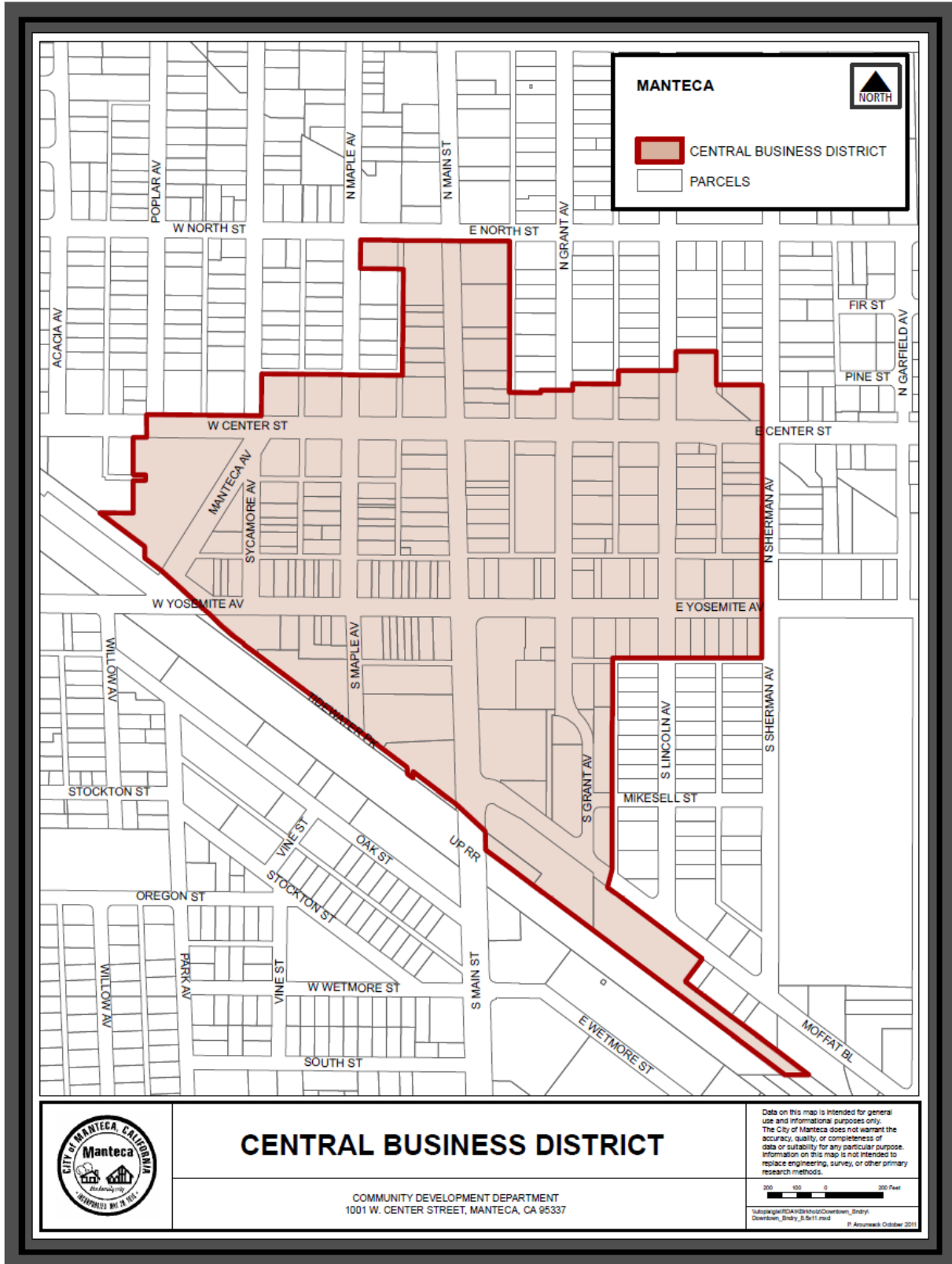
The Overlay and Combining Zoning Districts established in this Chapter are designed to supplement the use regulations and/or development standards of the applicable underlying Base Zoning District by recognizing distinctive areas of the city that have special and unique social, architectural, or environmental characteristics which require special considerations not otherwise adequately provided by the underlying base zone applicable to the property. The application of these Overlay and Combining Zoning Districts emphasizes the need for special attention in planning projects in the area governed by the overlay.

The provisions of this Chapter shall apply to all parcels of land located within the designed boundaries of an Overlay Zoning District as illustrated on maps contained in this Chapter and on the City Zoning Map. On the Zoning Map, Overlay Zoning Districts shall be designated by their representative symbol along with the Base Zoning District in a format determined by the Community Development Director. In the event of a conflict with the regulations of the underlying Base Zoning District and the Overlay Zoning District, the provisions of the Overlay or Combining Zoning District shall apply.

17.30.020 Central Business District (CBD) Overlay Zone

- A. **Purpose of the Central Business District Overlay Zone.** The purpose of the Central Business District Overlay Zones is to provide unique development and allowed use standards for buildings in uses located within the central business district of the city.
- B. **Designation and Applicability.** The Central Business District Overlay Zones shall be that area illustrated in Figure 17.30.020-1 (Central Business District). The Central Business District Overlay Zones shall be delineated on the Zoning Map with the symbol CBD-1 and CBD-2 following the designation of the Base Zoning District for the respective property. Those properties within the Central Business District Overlay Zone shall be subject to the development and allowed use standards in this Section.

FIGURE 17.30.020-1
CENTRAL BUSINESS DISTRICT



C. **Allowed Uses.** Specific to the Central Business District Overlay Zones, Table 17.30.020-1 (Allowed Uses and Permit Requirements in the Central Business District Overlay Zone) identifies the allowed use provisions within the district. The allowed use provisions of Table 17.30.020-1 supersede and replace the allowed use provisions of the underlying Base Zoning District of applicable property. Similar uses may be determined as identified in this Title. Definitions for the land uses listed herein (use classifications) are provided in Chapter 17.24 (Allowed Use Definitions).

In Table 17.30.020-1, an “A” indicates that the land use is permitted by right, a “C” indicates that the land use is permitted in the designated Zoning District upon issuance of a Conditional Use Permit (pursuant to Section 17.10.130 (Conditional Use Permit)), and “M” indicates that the land use is permitted in the designated Zoning District upon issuance of a Minor Use Permit, and an “N” indicates that the use is not allowed.

**TABLE 17.30.020-1
ALLOWED USES AND PERMIT REQUIREMENTS IN THE CENTRAL BUSINESS DISTRICT OVERLAY ZONES**

Land Use Category	CBD-Zone 1	CBD-Zone 2
Residential Uses		
Dwelling, Multi-Family	N	A
Group Residential	N	C
Live-Work Facility	N	A
Residential Care Home	N	A
Supportive Housing ¹	N	A
Transitional Housing ¹	N	A
Agricultural and Animal-Related Uses		
Agricultural Tourism	C	N
Animal Keeping, Domestic Pet	A	A
Animal Sales and Grooming	A	A
Recreation, Resource Preservation, Open Space, Education, and Public Assembly Uses		
Assembly Uses	A	A
Community Garden	C	N
Indoor Amusement/Entertainment Facility	C	A
Indoor Fitness and Sports Facility	C	A
Library and Museum	C	A
School, Specialized Education and Training/Studio	C	A
Theater/Auditorium	A	A
Utility, Transportation, Public Facility, and Communication Uses		
Broadcasting and Recording Studio	N	C
Park and Ride Facility	A	A
Parking Facility	A	A
Public Safety Facility	A	A

Land Use Category	CBD-Zone 1	CBD-Zone 2
Transit Station/Terminal	C	C
Utility Facility and Infrastructure	A	A
Wireless Telecommunication Facility – Minor ²	A	A
Retail, Service, and Office Uses		
Adult-Oriented Business ⁴	N	N
Alcoholic Beverage Sales	N	A
Bar	C ⁵	C
Brew Pub	M	M
Business Support Services	A	A
Child Day Care Center	C	C
Convenience Store	A	N
Drive-In and Drive-Through Use	C	N
Equipment Sales and Rental	C	C
Grocery Store/Supermarket	C	N
Hotel and Motel	N	A
Maintenance and Repair of Small Equipment	C	C
Massage Therapy ³	C	A
Medical Services, General	A	A
Mortuary/Funeral Home	N	A
Nightclub	N	N
Office, Business and Professional	A	A
Personal Services	A ⁶	A
Restaurant	A	A
Retail, General	A	A
Tasting Room	M	M
Automobile and Vehicle Uses		
Auto Parts Sales	A	A
Car Washing and Detailing	N	A
Industrial, Manufacturing, and Processing Uses		
Recycling Facility – Collection ⁷	N	C

Notes:

1. See additional regulations for Emergency Shelters and Transitional Housing Facilities in Chapter 17.76.
2. See additional regulations for Wireless Telecommunication Facilities in Chapter 17.88.
3. See additional regulations for Massage Therapy in Chapter 17.86.
4. See additional regulations for Adult-Oriented Businesses in Chapter 17.70.
5. At least 300 feet from similar use.
6. Laundromat is not included with the definition of Personal Services within CBD Zone 1.
7. Facilities located within 150 feet of a property zoned or used residential shall operate only during the hours of 9 a.m. and 5 p.m.

- D. **Development Standards.** The standards listed in Table 17.30.020-2 (Development Standards in the Central Business District Overlay Zones) are the development standards applicable to the Central Business District Overlay Zones. These standards are in addition to other standards and requirements found in this Title (e.g., signs). Where site development standards listed herein are in conflict with the site development standards in other parts of this Title or the underlying Base Zoning District, these standards shall apply.

**TABLE 17.30.020-2
DEVELOPMENT STANDARDS IN THE CENTRAL BUSINESS DISTRICT OVERLAY ZONES**

Development Standard	Measurement
Setback (minimum distance between structure and property line in feet)*	
• Front Yard	0 ft
• Side Yards	0 ft
• Street Side Yard	0 ft
• Rear Yard	0 ft
Building Height (maximum)	
• Building Height	3 stories and 45 feet
Floor Area Ratio (maximum ratio of building to lot square footage)	
• Floor Area Ratio	1.0

Notes:

*Setbacks shall be the minimum required under the City's adopted Building Code.

- E. **Parking Standards.** Parking requirements for uses in the Central Business District Overlay Zone shall be as provided in Chapter 17.52 (Parking), except that existing and new uses occupying existing buildings within the Central Business District are exempt from parking requirements. New construction within the Central Business District shall not locate required parking between the new structure and the street (Ord. 1501 § 1, 2011).

17.30.030 Planned Development (PD) Overlay Zone

- A. **Purpose of the Planned Development Overlay Zone.** The purpose of the Planned Development Overlay Zone is to establish a process for the consideration and regulation of areas suitable for proposed comprehensive development with detailed development plans and of those areas that require special planning to provide for appropriate planned development in harmony with their natural features and other environmental consideration.
- B. **Designation.** Planned Development Overlay Zoning Districts shall be delineated on the Zoning Map in a manner similar to that of any other Overlay or Combining Zoning District. The assignment of the Planned Development Overlay Zone designation serves to provide a reference to the corresponding Planned Development Zoning document adopted by ordinance of the City Council. Applicable zoning regulations and standards applicable to the land area shall be provided in the Planned Development document and shall be adopted by reference in this Title.

- C. **Planned Development Overlay Zones Adopted by Reference.** Planned Development Overlay Zoning Districts have been adopted as part of this Title by reference and are so designated on the Zoning Map of the City.
- D. **Allowed Uses.** Allowed uses within a Planned Development Zoning District are those listed uses in the adopted Planned Development document. A Planned Development may reference the allowed use provisions of a concurrent Base Zoning District contained in this Title; however, in the event that there are conflicts between the provisions of the Planned Development and this Title, the Planned Development shall prevail. Where a Planned Development does not provide a listing of allowed uses, the regulations of the Base Zoning District shall prevail.
- E. **Development Standards.** Development standards within the Planned Development Overlay Zoning District are those standards listed in the adopted Planned Development. A Planned Development Overlay Zone may reference the development standards of this Title, in which case the standards of this Title shall apply. Where a Planned Development is silent regarding a citywide standard (e.g., sign regulations), the City standard shall apply. Where a Planned Development establishes unique standards that are in conflict with the standards of this Title, the Planned Development standards shall prevail. When a Planned Development does not establish development standards, the standards for the equivalent Base Zoning District shall apply as determined and formally interpreted by the Community Development Director.

17.30.040 200-Year Floodplain (F-200) Overlay Zone

- A. **Purpose of 200-Year Floodplain Overlay Zone.** The purpose of the 200-Year Floodplain (F-200) Overlay Zone is to comply with provisions of state law that require the City to make specific findings prior to approving certain projects located within a 200-year flood hazard area. The F-200 Zone establishes a process for the consideration and regulation of areas subject to 200-year flooding that require special planning to provide for appropriate development.
- B. **Designation.** 200-Year Floodplain Overlay Zone Map delineates the extents of the F-200 Overlay Zone. The F-200 Overlay Zone, as shown on the zoning map is intended to comprise all known land subject to 200-year flooding within the City. All lands within the F-200-overlay zone shall be required to comply with all provisions of Section 17.30.040(C).
- C. **200-Year Floodplain Overlay Zone Findings.** The review authority shall not approve the execution of a development agreement, a tentative map, or a parcel map for which a tentative map is not required, or a discretionary permit or other discretionary entitlement that would result in the construction of a new building, or construction that would result in an increase in allowed occupancy for an existing building, or issuance of a ministerial permit that would result in the construction of a new residence for property that is located within the F-200 Zone unless the review authority finds, based on substantial evidence in the record, one of the following:
1. The facilities of the State Plan of Flood Control or other flood management facilities protect the property to the urban level of flood protection in urban and urbanizing areas;
 2. The City has imposed conditions on a development agreement, map, permit, or entitlement that will protect the property to the urban level of flood protection in urban and urbanizing areas;
 3. The local flood management agency has made adequate progress (as defined in California Government Code Section 65007) on the construction of a flood protection system that will result in flood protection equal to or greater than the urban level of flood protection in urban or urbanizing areas; or
 4. The property is located in an area of potential flooding of three feet or less from a storm event that has a 1-in-200 chance of occurring in any given year, from sources other than local drainage, in urban and urbanizing areas.
- D. **Exceptions/Exemptions.** In certain circumstances, a Project(s) or Parcel(s) may contain a portion of land that is both inside and outside of the F-200 overlay zone. It is not the intent of the City to encumber or prevent the portion of the Project(s) or Parcel(s) that is outside the F-200 overlay zone from development. Under this circumstance, the review authority shall, after all other discretionary considerations, be authorized to execute a development agreement, a tentative map, or a parcel map for which a tentative map is not required, or a discretionary permit or other discretionary entitlement that would result in the construction of a new building, or construction that would result in an increase in allowed occupancy for an existing building, or issuance of a ministerial permit that would result in the construction of a new residence for property that is located within the portion of the Project(s) or

Parcel(s) that is not within the F-200 Zone. The portion of the Project(s) or Parcel(s) within the F-200 overlay zone will not receive the full entitlements and rights under the discretionary action unless or until the review authority makes the appropriate findings under 17.30.040 (C). This may require discretionary actions, including a development agreement, a tentative map, or a parcel map, to be phased or separated.

E. **Definitions.**

Two Hundred (200) Year Floodplain. Areas that have a 1-in-200 chance of flooding in any given year using criteria consistent with, or developed by, the Department of Water Resources. The term shall be ascribed to all areas delineated by the 200-Year Floodplain Overlay Zone.

The following terms shall have the same meanings as defined in California Government Code Section 65007.

- Adequate Progress
- Developed Area
- Flood Hazard Zone
- Non-Urbanized Area
- State Plan of Flood Control
- Urban Area
- Urbanizing Area
- Urban Level of Flood Protection



Title 17 – Zoning

Article III

Site Planning Standards

Chapter 17.40 Accessory Structures	17.40-1
Chapter 17.42 Building Height Measurement and Projections.....	17.42-1
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Chapter 17.46 Fences and Walls	17.46-1
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Chapter 17.50 Lighting.....	17.50-1
Chapter 17.52 Parking	17.52-1
Chapter 17.54 Signs on Private Property	17.54-1
Chapter 17.56 Signs on City Property.....	17.56-1
Chapter 17.58 Performance Standards	17.58-1

Revisions:

The following revisions have been made to Article III of Title 17:

Date of Adoption	Ordinance Number	Subject	Section	Page Number
12/4/2012	1511	Signs on Private/ City Property	17.54 - 56	
5/5/2015	1557	Signs on Private Property	17.54	
6/16/2015	1565	Design Requirements for Specific Types of Landscaping for Residential lots	17.48.050	
4/5/2016	1586	Maximum Height of Fences and Walls in Required Yard Area.	17.46.040	
10/18/2016	1597	Amend Noise Standards: Exempt, #5	17.58.050	

Chapter 17.40 Accessory Structures

Sections:

17.40.010	Purpose	17.40-3
17.40.020	Definitions	17.40-3
17.40.030	Permit Requirements and Exceptions	17.40-3
17.40.040	Development Standards	17.40-3

17.40.010 Purpose

The purpose of this Chapter is to identify and regulate detached accessory structures to ensure that such structures do not create a public safety issue or public nuisance, create an adverse aesthetic from street rights-of-way, or create a negative impact (light, air, drainage, or aesthetic) on surrounding properties.

17.40.020 Definitions

Terms unique to this Chapter are listed in Chapter 17.100.060 (Universal Definitions).

17.40.030 Permit Requirements and Exceptions

Generally, no special planning permit or entitlement shall be required for accessory structures that are consistent with the standards herein, except that Zoning Conformance Approval shall be conducted in the event that a building permit is required. Even if a building permit is not required, a planning permit or entitlement may be. Certain structures may require Site Plan and Design Review, Variance, or other permits or entitlements as specified in Chapter 17.10 (Entitlements).

17.40.040 Development Standards

- A. **Development Standards for All Accessory Structures.** The development standards in this Section shall apply to accessory structures. Primary structures, and any other feature attached to the primary structure (e.g., patio cover) are subject to the setback, height, and other requirements for the Zoning District in which they are located.
 1. Setback measurement. Minimum setback distances for accessory structures from property lines and between all structures shall be measured to any portion of the structure(s) (overhangs, projections, and railings).
 2. Construction phasing. Accessory structures may be constructed only in conjunction with or after construction of the primary building(s) on the site. However, in agricultural Zoning Districts, accessory structures may be constructed prior to the primary residential dwelling.
 3. Maximum rear yard coverage. The total size of accessory structure(s) on any lot may not exceed 30 percent of the actual rear yard area.
 4. Separation between structures. All accessory structures shall maintain the minimum separation between other buildings as required under the City-adopted Building Code.

- B. **Development Standards by Type of Accessory Structure.** Table 17.40.040-1 (Development Standards for Accessory Structures) establishes development standards based on the type of accessory structure as defined in Section 17.100.060 (Universal Definitions).

**TABLE 17.40.040-1
DEVELOPMENT STANDARDS FOR ACCESSORY STRUCTURES**

Accessory Structure	Minimum Setback Distance from Property Line			Maximum Height
	Front	Street Side	Interior (including rear)	
Building, ≤120 sf	Not allowed in required front or street side yard setback			8 ft
Building, >120 sf	Not allowed in required front yard setback	10 ft	5 ft	15 ft/ 1 story
<ul style="list-style-type: none"> • Fully Enclosed • Solid Roof Limited/No Enclosure 		10 ft	3 ft	15 ft/ 1 story
Landscape Features	No minimum	10 ft	3 ft	16 ft
Pools/Spas	Not allowed in required front yard setback	5 ft ¹	5 ft ¹	15 ft/ 1 story
Deck/Patio	No minimum	No minimum	No minimum	No minimum
Play Equipment	Not allowed in required front yard setback	10 ft	3 ft	16 ft

Notes:

1. Measurement from water's edge.

- C. **Special Development Standards for Accessory Structures in the R-3 and R-4 Zones.** Accessory structures in multi-family dwelling complexes (e.g., garages, bicycle storage, laundry rooms, car washing areas, recreation facilities) shall incorporate a design similar to the project's dwelling units, in terms of materials and colors.

Chapter 17.42 Building Height Measurement and Projections

Sections:

17.42.010	Purpose	17.42-1
17.42.020	Applicability and Regulations	17.42-1
17.42.030	Height Measurement	17.42-1
17.42.040	Height Exceptions	17.42-1

17.42.010 Purpose

The purpose of this Chapter is to provide the rules for determining and calculating height of structures within the city. Additionally, the Chapter includes exceptions to the height requirements of the underlying Zoning District based on use type and features. The intent of these regulations is to provide for compatibility of building height when adjacent lots have different maximum height limits or there are different grade levels between a development site and its adjacent roadway.

17.42.020 Applicability and Regulations

Except as otherwise provided by this Chapter or any other provisions of this Title, all structures shall be limited to the maximum height identified in the underlying (or applicable overlay) Zoning District as identified in Article II (Zoning Districts, Allowed Uses, and Development Standards), to the maximum height allowed for accessory structures as identified in Chapter 17.40 (Accessory Structures), or to the maximum height allowed for wireless communication facilities as identified in Chapter 17.88 (Wireless Communication Facilities).

17.42.030 Height Measurement

The height of a structure shall be measured as the vertical distance from the natural grade of the site to an imaginary plane located at the allowed number of feet above and parallel to the grade.

17.42.040 Height Exceptions

The following features and structures are exempt from the height regulations established by this Title:

- A. Church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, lines and poles, chimneys, smokestacks, flag poles, and masts and aerials.
- B. Elevator and stair penthouses, water tanks, monitors and scenery lofts, provided no linear dimension of any such structure exceeds 50 percent of the corresponding street lot line frontage.
- C. Windmills in the agricultural Zoning District.
- D. 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 underlying Zoning District shall occupy no more than 25 percent of the area of the lot and shall be located not less than 25 feet to every lot line, except the front lot line.

Chapter 17.44 Yard Measurements and Projections

Sections:

17.44.010	Purpose	17.44-1
17.44.020	Definitions	17.44-1
17.44.030	Lot Types	17.44-1
17.44.040	Yard Area	17.44-2
17.44.050	Setback Measurements.....	17.44-3
17.44.060	Allowed Encroachments.....	17.44-5

17.44.010 Purpose

The purpose of this Chapter is to establish rules and regulations for setback measurement, yard areas, and encroachments. These provisions, in conjunction with other applicable provisions of this Title, are intended to ensure open areas around primary structures, maintain clear visibility for traffic safety and pedestrian access, buffer between property and land uses, and establish natural and visual light and air space privacy, landscaping, and recreation.

17.44.020 Definitions

Terms unique to this Chapter are listed in Chapter 17.100.060 (Universal Definitions).

17.44.030 Lot Types

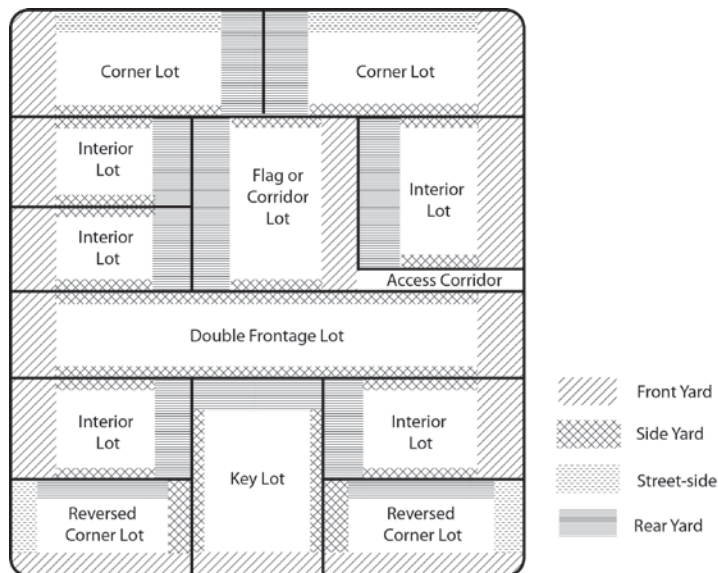
The following are the types of lots found within the City of Manteca. A lot is a legally established parcel of land under single ownership having frontage upon a street. See Figure 17.44.030-1 (Lot and Yard Areas) for illustration of lot types.

- A. "Corner lot" means a lot bounded by two or more abutting and intersecting street lines.
- B. "Double frontage lot" means an interior lot bounded by two or more abutting street lines that do not intersect.
- C. "Flag lot" means a lot connected to a street by an access corridor such as an alley, narrow private drive, or access easement.
- D. "Interior lot" means a lot which is not a corner lot and has only one street frontage.
- E. "Key lot" means the first interior lot to the rear of a reversed corner lot.
- F. "Reverse corner lot" means a corner lot in which the rear property line abuts the front yard area of an adjoining interior lot (as opposed to the rear yard of another corner lot).

17.44.040 Yard Area

- A. A yard is an area between a property line and a building or structure, unobstructed and unoccupied from the ground upward. There are three general types of yards as follows:
 - 1. Front yard. An area extending across the full width of the lot between the front lot line and the required setback.
 - 2. Rear yard. An area extending the full width of the lot between a rear lot line and the required setback.
 - 3. Side yard. An area extending from the front yard to the rear yard between the nearest side lot line and the required setback.
- B. A required yard area is the yard space between the property line and the minimum setback as required by this Title.
- C. An actual yard is the yard space between the property line and the nearest structure located outside of the required setback area.

FIGURE 17.44.030-1 LOT TYPES AND YARD AREAS



17.44.050 Setback Measurements

- A. Setback distances shall be measured at right angles from the designated property line (e.g., front, interior side, street-side, rear) and the setback line shall be drawn parallel to the designated property line at the required setback distance. Designated property lines are determined as follows:
1. Front property line. The front property line shall be the narrowest property line which abuts a public street (see Figure 17.44.050-1). For corner lots, the front property line shall be the shortest street frontage, regardless of where the front door is located. In the case of a flag lot, it shall be the property line that abuts the access corridor (see Figure 17.44.050-2).
 2. Rear property line. The rear property shall be the property line which is opposite and most distant from the front property line and most parallel to the front property line. See Figures 17.44.050-1 and -2 for examples of a common rear property line.
 3. Side property line. The side property line shall be those property lines that are not the front or rear property lines.
 4. Street side property line. The street side property line shall be that which abuts a public street.

FIGURE 17.44.040-1: REQUIRED VS. ACTUAL YARD AREA

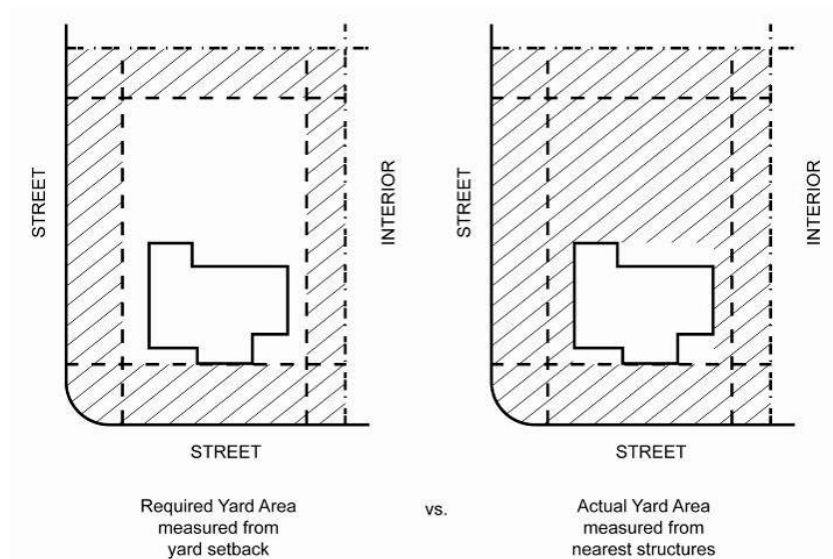


FIGURE 17.44.050-1: PROPERTY LINES – INTERIOR AND CORNER LOTS

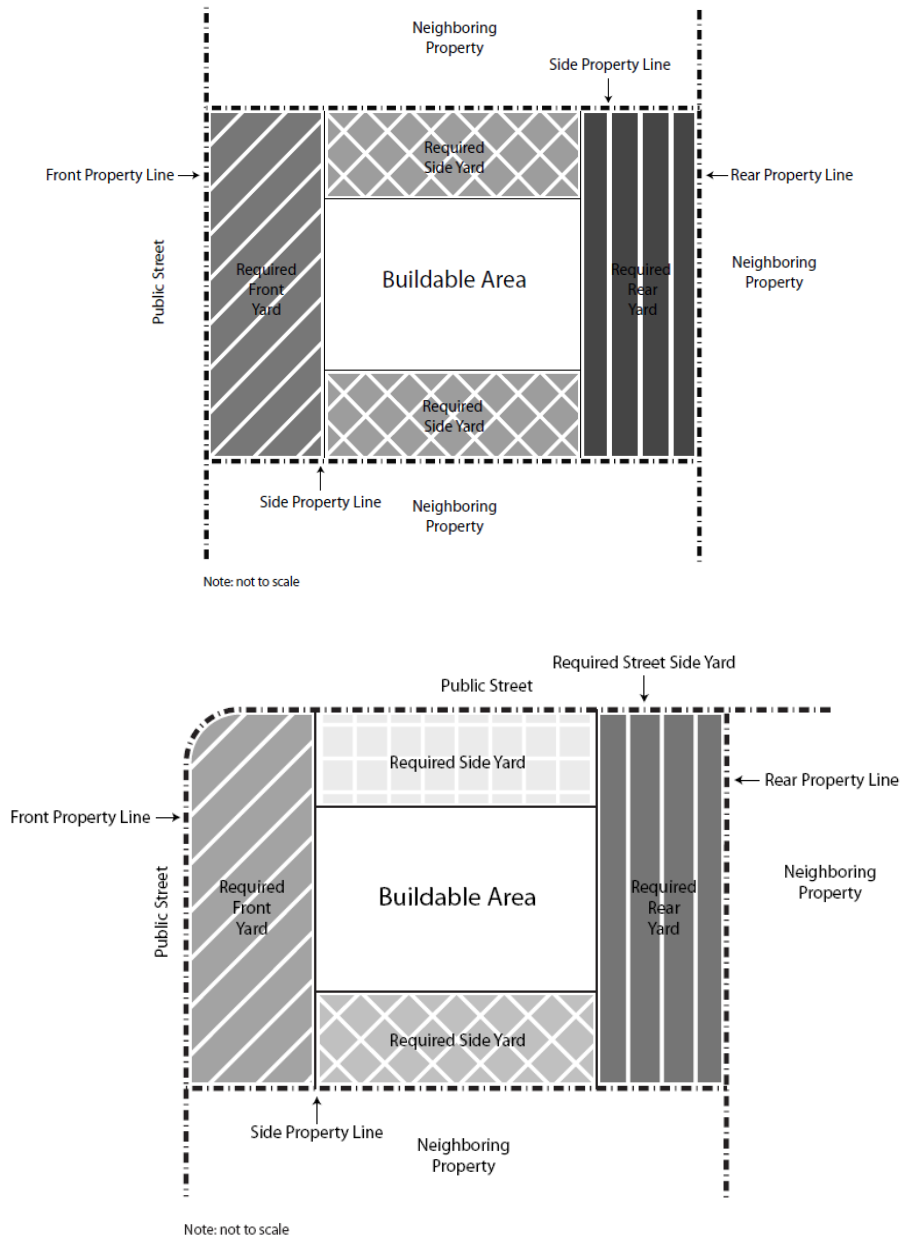
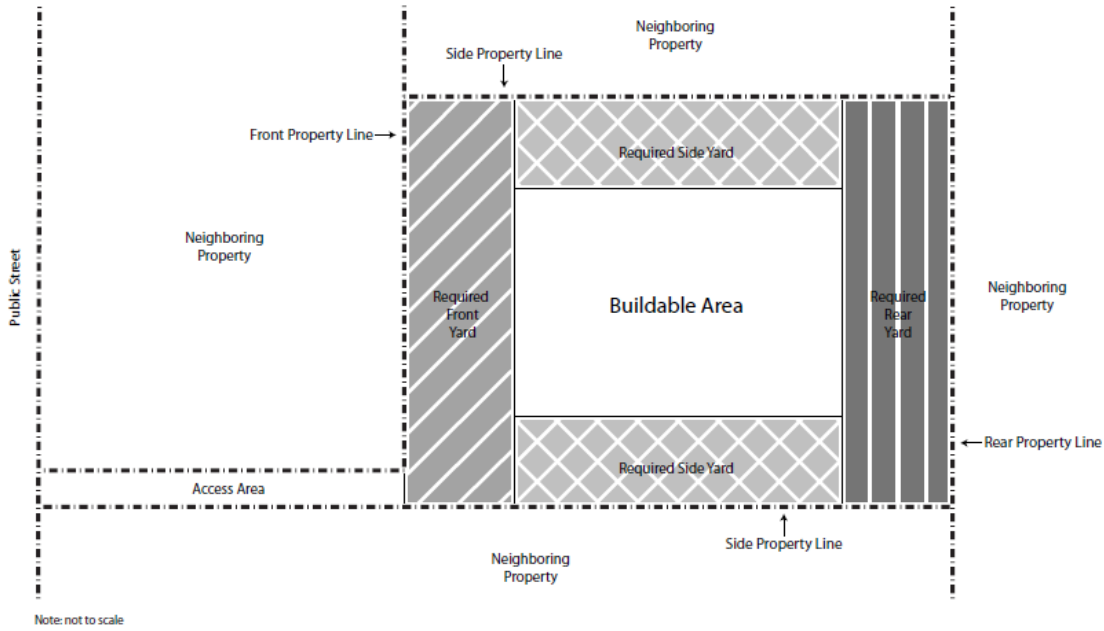


FIGURE 17.42.050-2: PROPERTY LINES – FLAG LOTS



17.44.060 Allowed Encroachments

The following encroachments shall be permitted in required yard areas, provided that all such features and structures do not extend into any public utility easement.

- A. **Attached Structures.** Accessory structures and architectural features attached to the main building(s) may project into the required yards as listed in Table 17.44.060-1 (Allowed Encroachment for Attached Structures Into Required Yard Areas).

**TABLE 17.44.060-1
ALLOWED ENCROACHMENT FOR ATTACHED STRUCTURES INTO REQUIRED YARD AREAS**

Attached Structures and Architectural Feature	Encroachment Distance into Required Yard		
	Front Yard	Side Yard	Rear Yard
Fireplaces, bay windows, porches, pergolas, awnings, trellis and decks and patios higher than 30 inches above grade	2 ft ^{1,2}		
Canopies, cornices, eaves, canopies, and roof overhangs	2 ft ¹		
Stairways, fire escapes or landing places higher than 30 inches above grade	6 ft ¹	4 ft ¹	6 ft ¹

Notes:

1. All encroachments shall maintain a minimum 3-foot setback from all property lines and a minimum distance of 6 feet from any other structure.
2. The combined length of bay windows shall not account for more than one-third of the length of the wall surface on which the features are located.

- B. **Detached Structures.** Detached accessory structures as regulated in Chapter 17.40 (Accessory Structures).
- C. **Air Conditioning Unit.** No air conditioning unit shall be located within the required side yard setback

Chapter 17.46 Fences and Walls

Sections:

17.46.010	Purpose	17.46-1
17.46.020	Applicability and Exemptions	17.46-1
17.46.030	Permit Requirements	17.46-1
17.46.040	Measurement of Fence and Wall Height	17.46-1
17.46.050	Height Limits	17.46-2
17.46.060	Fence and Wall Design and Maintenance Standards.....	17.46-3
17.46.070	Special Fence and Wall Requirements	17.46-3

17.46.010 Purpose

The purpose of this Chapter to regulate the height and location of fences to provide light, air, and privacy without obstructing views, to establish buffers between different land uses, and to safeguard against visual obstructions at the intersections of streets and/or driveways. For the purposes of this Title, the term “fence” includes fences or walls.

17.46.020 Applicability and Exemptions

The requirements of this Chapter apply to all fences and walls, except as otherwise exempt below.

- A. Fences that are required by federal or state law or regulation, or which are required by the City for public safety (e.g., temporary construction site fencing), are exempt from this Chapter.
- B. Walls that are required by a mitigation measure and designed and approved through a tentative subdivision map, tentative parcel map, or major design review for noise attenuation are exempt from this Chapter.

17.46.030 Permit Requirements

Except as provided below, no special planning permit or entitlement shall be required for fences or walls except that Zoning Conformance Approval (pursuant to Section 17.10.030) shall be conducted in the event that a building permit is required.

- A. **Site Plan and Design Review Required.** Site Plan and Design Review is required for all fences that exceed the standards of this Chapter.
- B. **Retaining Walls.** Retaining walls, as defined in this Title, may only be constructed as part of an approved grading permit or as part of a roadway improvement project.

17.46.040 Measurement of Fence and Wall Height

Fence and wall height shall be measured as the vertical distance between the lowest finished grade at the base of the fence and the top edge of the fence material. The finished grade shall be that as shown on the approved master grading plan for the site at the time of initial development of the residential subdivision, multi-family development, or nonresidential development.

- A. **Landscape Walls.** When a fence or wall is placed atop a landscape wall, the height of the landscape wall shall be considered as part of the fence or wall for purposes of determining the height of the fence or wall.
- B. **Retaining Walls.** When a fence or wall is placed atop a retaining wall, the height of the fence shall be determined exclusive of the height of the retaining wall such that the top of the retaining wall is considered the finished grade.

17.46.050 Height Limits

- A. **Maximum Allowed Heights and Locations.** Each fence and wall on residential and nonresidential property shall comply with height limits and locations shown in Table 17.46.040-1 (Maximum Height of Fences and Walls in Required Yard Area).

**TABLE 17.46.040-1
MAXIMUM HEIGHT OF FENCES AND WALLS IN REQUIRED YARD AREA**

Location of Fence or Wall	Maximum Height ¹
Within required front setback ²	3½ feet ³
Within required street side setback ² ≤5 feet from back of sidewalk ² >5 feet from back of sidewalk	3½ feet ³ 6 feet
Within required interior side and rear setback	6 feet
At the intersections of streets, alleys, and driveways ⁴	30 inches
Outside of required setback	16 feet

Notes:

1. *As part of a discretionary entitlement, the designated Approving Authority may grant additional height or location requirements to enclose or screen specific areas or uses or for fences and walls designed for noise attenuation.*
2. *Setback area for street side yard is measured from back of sidewalk to the fence. If no sidewalk exists, then street side yard is measured from the property line to the fence.*
3. *Height of front yard fence may be increased to 4 feet if the fence remains substantially (minimum 80%) open and transparent (e.g., picket fences, open wood slats, open wrought iron).*
4. *See definition of clear visibility triangle in Chapter 17.100 (Glossary of Terms).*

- B. **Landscape Walls.** Landscape walls within required yard areas shall be constructed to a maximum height of 36 inches. Outside of required yard areas, the maximum height for landscape walls shall be 6 feet. Landscape walls shall not be used to alter the finish grade of the lot.
- C. **Retaining Walls.** There shall be no height limits for retaining walls when constructed along the exterior property lines of the project or the final interior property lines in the case of a residential subdivision. Otherwise, a retaining wall over 4 feet in height shall be benched so that no individual wall exceeds a height of 6 feet, with the depth of each bench a minimum of 3 feet.

17.46.060 Fence and Wall Design and Maintenance Standards

- A. **Fencing Materials.** Fences and walls shall be constructed of attractive, long-lasting materials (e.g., masonry, wood, tubular steel, or stone).
- B. **Prohibited Fencing Materials.** Unless approved as a condition of approval or in conjunction with another entitlement, walls or fences of sheet or corrugated iron, sheet steel, concertina wire, or sheer aluminum are prohibited. Barbed wire fencing shall not be constructed or placed on top of a fence except where properly used for agricultural, open space, or industrial uses.
- C. **Maintenance.** Fences and walls shall be continuously maintained in an orderly and good condition, at no more than their maximum allowed height.

17.46.070 Special Fence and Wall Requirements

- A. **Public Frontage Fencing of Nonresidential and Multi-Family Projects.** Where fencing is proposed along public frontages of nonresidential and multi-family projects, such fencing shall be open view unless otherwise required to be solid for noise attenuation. Open view fencing shall also be required when located adjacent to open space areas.
- B. **Screening of Outdoor Storage.** Outdoor storage shall be fenced or screened from view. Such screening shall utilize enclosures including, but not limited to, fences, walls, landscaping, or earthen berms. Screening shall be visually compatible with the primary buildings and landscape on the property. See Section 17.80.040(C) (Outdoor Storage Requirements).
- C. **Special Fencing for Large Vehicle Storage.** Vehicles greater than one ton that are not permitted to travel on public highways as defined in the California Vehicle Code that are stored on property when not part of an active construction project shall be screened from public view.
- D. **Fencing for Pools, Spas, and Similar Features.** Swimming pools, spas, and other similar water features shall be fenced in compliance with City-adopted Building Code requirements.
- E. **Screening for Commercial or Industrial Uses Adjacent to Residential Zones.** Commercial and industrial uses shall be screened from adjacent residential and agricultural zones by a masonry wall with a minimum height of 7 feet to screen the commercial or industrial use. This requirement is not intended to preclude the development of pedestrian/bicycle access points between commercial and residential or agricultural zones.
- F. **Screening of Loading Docks and Refuse Areas.** Loading docks and refuse storage areas shall be screened from public view, adjoining public streets and rights-of-way, and residentially zoned areas. The method of screening shall be architecturally compatible with other on-site development in terms of colors and materials.
- G. **Temporary Fences.** Nothing in this Chapter shall be deemed to prohibit the erection of a temporary fence around construction projects in compliance with the Building Code and other applicable provisions of the City Municipal Code.

Chapter 17.48 Landscaping

Sections:

17.48.010	Purpose and Intent	17.48-1
17.48.020	Applicability to Standards.....	17.48-2
17.48.030	Permit Requirements for Landscaping.....	17.48-2
17.48.040	Landscape Improvement Requirements	17.48-3
17.48.050	Design Requirements for Specific Types of Landscaping	17.48-7
17.48.060	Landscape Care, Maintenance, and Replacement.....	17.48-10
17.48.070	Special Report and Design Plan Requirements	17.48-13

17.48.010 Purpose and Intent

The purpose of this Chapter is to establish minimum landscape standards to enhance the appearance of developments, control on-site erosion, minimize heat and glare, and require landscaping for qualifying expansions to existing developments, structures, and changes in uses. Additionally, this Chapter provides for ongoing maintenance of landscape areas and the promotion of water conservation, while supporting retention of healthy existing mature trees to contribute to individuals’ enjoyment of property, property value, health, and overall aesthetics and quality of life in the city. Regulations herein are consistent with Government Code Section 65591 et seq. (the Water Conservation in Landscaping Act) and Chapter 2.7, Division 2, Title 23 of the California Code of Regulations (Model Water Efficient Landscape Ordinance).

Regulations in this Chapter are intended to promote the values and benefits of landscapes while recognizing the need to use water and other resources as efficiently as possible by establishing the following requirements:

- A. Establish provisions for water management practices and water waste prevention;
- B. Establish a structure for planning, designing, installing, maintaining, and managing water-efficient landscapes in new and rehabilitated projects;
- C. Reduce the water demands from landscapes without a decline in landscape quality or quantity;
- D. Retain flexibility and encourage creativity through appropriate design;
- E. Assure the attainment of water-efficient landscape goals by requiring that landscapes not exceed a maximum water demand of 70 percent of the reference evapotranspiration or any lower percentage as may be required by state legislation, whichever is stricter;
- F. Eliminate water waste from overspray and/or runoff;
- G. Achieve water conservation by raising the public awareness of the need to conserve water through education and motivation to embrace an effective water demand management program; and
- H. Implement the requirements of the California Water Conservation in Landscaping Act 2006 and the California Code of Regulations Title 23, Division 2, Chapter 2.7.

17.48.020 Applicability to Standards

- A. This Chapter shall apply to the following types of projects:
1. All projects where the entire property is being developed or redeveloped with one or more new structures, other than accessory structures. For purposes of this chapter, new structures are defined as those which have completely new foundation, walls, and roof.
 2. All projects resulting in the increase of building square footage by 25 percent or more.
 3. All projects that include remodeling or renovation of at least 25 percent of the existing landscape area, or where more than 25 percent of the existing landscaping area is being added to.
 4. All landscaping projects, other than the construction of decks, patios, barbecues, play equipment, and swimming pools, which require a planning approval or building permit.
- B. The following projects and activities are exempt from the requirements of this Chapter:
1. Properties with a historical site designation;
 2. Ecological restoration, mined lands, and reclamation projects that do not require a permanent irrigation system;
 3. Agricultural and farming operations;
 4. Retention and/or detention basins not used as parks and where required for storm drainage; and/or
 5. Any project with a total landscaped area and/or existing landscaped area loss due to damage or neglect less than 250 square feet in area.

17.48.030 Permit Requirements for Landscaping

- A. **Preliminary Landscape and Irrigation Plan.** A preliminary landscape plan, grading plan, and irrigation plan shall be submitted for each application for new development or existing development as identified in Section 17.48.020 (Applicability to Standards). This plan would conceptually show locations for trees, shrubs, ground cover, etc. Additionally, the plan would include a list of tree species and size.
- B. **Final Landscape and Irrigation Plan.** Prior to construction, the applicant shall submit a Landscape Documentation Package as described in Section 17.48.070 (Special Report and Design Plan Requirements).
- C. **Landscape Certificate of Completion.** Prior to issuance of certificate of occupancy, a signed Landscape Certificate of Completion shall be submitted to the Planning Department for review. Following receipt and review, the City shall either approve or deny the Landscape Certificate of Completion. If the Landscape Certificate of

Completion is denied, the City shall not be obligated to issue an occupancy permit and will provide information to the project applicant regarding necessary corrections, appeal, or other assistance.

17.48.040 Landscape Improvement Requirements

Landscaping, grading, and irrigation plans shall comply with the following requirements and standards:

- A. **General Locations for Landscape Improvements.** Landscaping shall be provided in the following locations for all types of development as listed below, unless the designated Approving Authority determines that the required landscape is not necessary to fulfill the purposes of this Chapter. Nothing in this Chapter is intended to discourage landscape areas outside and beyond the minimum requirements listed herein.
1. **Setbacks.** All setback areas required by this Code shall be landscaped in compliance with this Chapter except where a required setback is occupied by a sidewalk or driveway, or is enclosed and screened from abutting public rights-of-way.
 2. **Unused areas.** All areas of a project site not intended for a specific use or purpose in conjunction with a current application, including pad sites being held for future development, shall be landscaped in compliance with this Chapter.
 3. **Parking areas.** Within parking lots, landscaping shall be used for shade and climate control, to enhance project design, and to screen the visual impact of vehicles and large expanses of pavement consistent with the provisions of this Chapter.
- B. **Landscape Design.** Landscaping shall be designed as an integral part of the overall site plan with the purpose of enhancing building design and public views and spaces, and providing buffers, transitions, and screening. At a minimum, the following landscape design provisions shall apply:
1. Planting design shall have focal points at project entries, plaza areas, and other areas of interest using distinct planting and/or landscape features.
 2. As appropriate, building and site design shall include the use of pots, vases, wall planters, and/or raised planters, as well as flowering vines both on walls and on arbors.
 3. Landscaping shall be designed with pedestrian paths throughout the landscape areas connecting designated on-site pedestrian circulation.
 4. Amenities such as seating areas shall be incorporated. Entry plazas, bicycle parking, trash receptacles, and transit shelters are allowed within landscape areas.

- C. **Plant Type.** Landscape planting shall emphasize drought-tolerant species (especially along natural, open space areas), shall complement the architectural design of structures on the site, and shall be suitable for the soil and climatic conditions specific to the site.
1. Planting layout and plant diversity. Plant selection shall vary in type and planting pattern. Informal planting patterns are preferred over uniform and entirely symmetrical planting patterns. Use of flowering trees and colorful plantings is encouraged in conjunction with evergreen species. Groupings of shrubs shall contain multiple plant types, interspersed with varying heights and blooming seasons for year-round interest.
 2. Street and parking lot trees. Street and parking lot trees shall be selected from the City's adopted master list of street trees and parking lot trees. A minimum of 30 percent of the street trees and parking lot trees, respectively, shall be an evergreen species.
 3. Trees planted within 10 feet of any hardscape (e.g., street, sidewalk, paved trail, walkway) shall be a deep-rooted species or shall be separated from hardscapes by a root barrier to prevent physical damage to public improvements.
 4. No invasive plant species shall be introduced into the landscape.
- D. **Plant Grouping.** Plants with similar water and cultural requirements (such as sun and climate) shall be grouped together in distinct hydrozones.
- E. **Planting Size, Spacing, and Planter Widths.** In order to achieve an immediate effect of a landscape installation and to allow sustained growth of planting materials, minimum plant material sizes, plant spacing, and minimum planter widths (inside measurements) are as follows:
1. Trees. The minimum planting size for trees shall be 15 gallon, with 25 percent of all trees on a project site planted at a minimum 24-inch box size. For commercial, office, community/civic, and industrial development, tree spacing within perimeter planters along streets and abutting residential property shall be planted no farther apart on center than the mature diameter of the proposed species.
 2. Planter Size. Planter for trees shall be a minimum of five feet wide by five feet long, consistent with the City's adopted master list of street trees and parking lot trees.
 3. Shrubs. Shrub planting shall be a minimum 5-gallon size, with a 15-gallon minimum size required where an immediate landscape screen is required (e.g., screening of headlights from drive-through aisles). Vegetative shrubs and perennials shall be a minimum 1-gallon size. The minimum planter width for shrubs is 5 feet.
 4. Ground cover and turf. Rooted cuttings from flats shall be planted no farther apart than 12 inches on center, and containerized woody, shrub ground cover plantings shall be planted no farther apart than 3 feet on center in

order to achieve full coverage within one year. Sod requires a minimum planter width of 6 feet.

5. Additional spacing provisions. Tree or shrub spacing shall ensure unobstructed access for vehicles and pedestrians and provide a clear visibility triangle at intersections. Specifically, tree planting shall comply with the following spacing criteria:
 - a. Trees or shrubs with full-grown height equal to or greater than 30 inches shall not be planted in any clear visibility triangle.
 - b. The following minimum distances are required:
 - i. Thirty-five (35) feet from the beginning of curb returns;
 - ii. Twenty (20) feet from electroliers or traffic signal standards;
 - iii. Fifteen (15) feet from the edge of buildings;
 - iv. Ten (10) feet from driveway approaches;
 - v. Fifteen (15) feet from fire hydrants and water and sewer service lines;
 - vi. Twelve (12) feet from irrigation rotors;
 - vii. Twelve (12) feet from any drain lines;
 - viii. Three (3) feet from the back of walk; and
 - ix. Necessary clearances from applicable utilities and easements.
 6. Height of landscape screening. Unless otherwise specified, required screening shall not be more than 7 feet in height. Trimming and pruning shall be employed as necessary to maintain this height.
- F. **Soil Conditioning and Mulching.** Mulching shall be used to conserve and retain water and prevent erosion as follows:
1. A minimum of 6 cubic yards of nitrified soil conditioner per 1,000 square feet shall be incorporated into the top 6 inches of soil.
 2. A minimum of 2 inches of mulch shall be added in non-turf areas to the soil surface after planting. Nonporous materials shall not be placed under the mulch.
 3. Stabilizing mulch products shall be used on slopes.
 4. Grading shall be minimized to avoid disturbance. Top soil shall be stockpiled and shall be reapplied during final grading.

G. **Water Features.** Water features shall obtain their water from one or more of the following sources:

1. Recirculating water;
2. On-site or municipal recycled/harvested water for non-potable uses; and/or
3. The capture and reuse of water on-site through such features as rain gardens, rain barrels, or other creative landscaping techniques.

The surface area of a water feature shall be included in the high-water-use hydrozone of the water budget calculation.

H. **Irrigation.** Irrigation systems shall be designed consistent with the following standards:

1. Valves and circuits shall be separated based on water use and hydrozone requirements. Sprinkler heads must have matched precipitation rates within each control valve circuit.
2. Sprinkler head spacing shall be designed for head-to-head coverage. The system should be designed for minimum runoff and overspray onto nonirrigated areas.
3. All irrigation systems shall be equipped with rain shut-off devices.
4. Irrigation systems shall be designed to utilize recycled water.
5. All recycled water irrigation systems shall be designed and operated in accordance with all applicable local and state laws.
6. Landscapes using recycled water are considered special landscape areas. The ET adjustment factor for special landscape areas shall not exceed one (1.0).

I. **Stormwater Management**

1. Stormwater management practices minimize runoff and increase infiltration, which recharges groundwater and improves water quality. Implementing stormwater best management practices into landscape and grading design plans to minimize runoff and to increase on-site retention and infiltration is encouraged.
2. Rain gardens, cisterns, and other landscapes features and practices that increase rainwater capture and create opportunities for infiltration and/or on-site storage are recommended.

J. **Safety Considerations.** Plantings shall be designed to discourage potential safety issues (e.g., persons lying in wait). The design of the landscaping shall comply with Crime Prevention Through Environmental Design (CPTED) guidelines.

17.48.050 Design Requirements for Specific Types of Landscaping

In addition to the general requirements of Section 17.48.040 (Landscape Improvement Requirements), the following provisions apply to the special types of landscaping as established below.

- A. **Residential Landscape.** For single-family and two-family residential Zoning Districts.
 - i. For lots of land on which a building permit was issued on or before 07/15/2015, at least 35 percent of the actual front yard shall be landscaped.
 - ii. For lots of lands on which a building permit was issued on or after 07/16/2015, at least 35 percent of the actual front yard shall be landscaped and no more than 25 percent of the actual front yard or street-side yard shall be turf.
- B. **Project Entry Landscaping.** Entries to multi-tenant projects (both residential and nonresidential) shall be designed as a special statement reflective of the character and scale of the project to establish identity for tenants, visitors, and patrons. Flowering access plantings and specimen trees shall be used to reinforce the entry statement.
- C. **Screening of Drive-Through Aisles.** To screen vehicles and associated headlights in a drive-through lane from view of abutting street rights-of-way, a 5-foot-wide planter shall include a minimum 3-foot-tall (maximum 4-foot-tall) landscape barrier planted with trees and other landscaping consistent with those in the parking area. At no time shall this landscape barrier be pruned in a manner that allows the vehicle headlights from the drive-through lane to be visible from abutting street rights-of-way.
- D. **Service Stations.** For service stations, a minimum of 20 percent of the lot area shall be landscaped. A minimum of 70 percent of the landscaped area shall be covered with a combination of live landscaping, such as lawn, ground cover, trees, or shrubs, and not more than 30 percent of the landscape area shall be covered with hard surfaces, such as landscaping rock, concrete, artificial materials, or other impervious materials.
- E. **Wireless Telecommunication Facilities.** Where appropriate, facilities shall be installed so as to maintain and enhance existing landscaping on the site, including trees, foliage, and shrubs, whether or not utilized for screening. Additional landscaping shall be planted around the tower and related equipment to buffer abutting residential zoning districts or uses, and to buffer public trails. Landscaping around the perimeter of the facility (leased area) shall include dense tree and shrub plantings with the necessary irrigation. Wireless telecommunication facilities shall be developed with an immediate landscape screen. Trees shall be fast-growing evergreen species, a minimum of 24-inch box in size. Shrubs shall be a minimum 15-gallon size covering a minimum planter area depth of 5 feet around the facility. Trees and shrubs shall be planted no farther apart on center than the mature diameter of the proposed species.
- F. **On-Site Pedestrian Pathways.** Pedestrian pathway landscaping shall include shade trees placed so as to cover 60 percent of the total pathway area with tree canopies at maturity.

- G. **Public Spaces.** Pedestrian space landscaping shall include a combination of shade trees and pedestrian shading devices (e.g., canopies, awnings) placed so as to cover 60 percent of the total space with a shade canopy at maturity.
- H. **Signs.** Landscaping shall be provided at the base of the supporting structure of freestanding signs equal to twice the area of one face of the sign. For example, 50 square feet of sign area requires 100 square feet of landscaped area. See Chapter 17.54 (Signs on Private Property).
- I. **Buffering Between Uses.** A landscape buffer shall be provided by nonresidential and multi-family uses adjacent to single-family uses. Buffer areas shall include a minimum 10-foot-wide planter strip with shrubs and both deciduous and evergreen trees. Landscaping shall be used to separate buildings from parking and vehicle circulation areas where practical.
- J. **Sound Walls/Masonry Walls.** Where setback and open space areas are screened from public view by walls or similar approved structures, landscaping shall be provided to soften the look of the wall.
- K. **Parking Lot Landscape.** Parking lot landscape includes perimeter planters, abutting parking lots and drive aisles, tree planting for parking lot shade, and a combination of continuous planting strips, planting fingers, and parking islands throughout the parking lot.
1. Parking areas. All surface parking areas shall be screened from streets and adjoining properties, and the open space areas between the property line and public street right-of-way shall be landscaped. Parking areas shall be landscaped as follows:
 - a. Landscape materials. Landscape materials shall include a combination of trees, shrubs, and ground cover.
 - b. Curbing. Areas containing plant materials should be bordered by concrete curb at least 6 inches high and 6 inches wide. Alternative barrier design to protect landscaped areas from damage by vehicles and/or to filter/retain runoff on-site may be approved by the designated Approving Authority.
 - c. Location of landscaping. Landscaping shall be distributed throughout the parking lot. Parking lot landscaping shall be located so that pedestrians are not required to cross unpaved areas to reach building entrances from parked cars. This can be achieved through proper orientation of the landscape fingers and islands and by providing pedestrian access through the landscaped areas that would otherwise block direct pedestrian routes.
 - d. Perimeter landscaping. The perimeter of each parking lot shall provide at least 10 feet of landscaping where the lot adjoins a property line. The perimeter landscape area may include any landscaped yard or landscaped area otherwise required, and shall be continuous except for the required access to the parking lot or site. All other perimeter landscape planters shall be a minimum of five feet wide.

- e. Passageways for pedestrians shall be provided in landscape areas for access between parking areas and adjacent streets and access from parking lots to uses on-site. The use of permeable materials for paths is encouraged.
 - f. Landscape structures such as trellises, arbors, and benches shall occur within the landscaped areas of parking lots of commercial developments over 10 acres in size to emphasize the pedestrian scale of the project.
 - g. Varied tree and plant species shall be used throughout the parking lot. No one species shall comprise more than 75 percent of the plantings within each of the following categories: shade tree, screen tree, shrub.
2. Parking lot screening. Landscaping within the perimeter planter abutting any street right-of-way shall be designed and maintained for partial screening of vehicles to a minimum height of 30 inches measured from the finished grade of the parking lot. Screening materials may include a combination of plant materials, earthen berms, solid masonry walls, raised planters, or other screening devices authorized by the designated Approving Authority which meet the intent of this screening requirement. Planting materials shall be designed to ensure that planting within the clear visibility triangle at driveway and street intersections will not exceed 30 inches in height at full maturity.
 3. Planters, landscaping. Planters containing landscaping shall be provided adjacent to and within parking areas in accordance with the following regulations.
 - a. A planter at least 10 feet wide, excluding curbing, shall be provided adjacent to all street rights-of-way.
 - b. Transit shelters are allowed within the landscaping area.
 - c. Parking lots of 20 spaces or more shall provide a landscaped island measuring a minimum of 8 feet by 16 feet at a ratio of one island for every eight spaces. The island shall contain at least one tree.
 - d. No planter shall be smaller than five feet wide by five feet long, or 25 square feet, excluding curbing. Each planter shall include an irrigation system.
 - e. Existing mature trees on the site shall be preserved whenever possible.
 - f. All landscaped areas shall be designed so that plant materials are protected from vehicle damage or encroachment.
 - g. All plant materials shall be maintained free from physical damage or injury arising from lack of water, chemical damage, insects, and diseases. Plant materials showing such damage shall be replaced by the same or similar species. Planting areas shall be kept free from weeds, debris, and undesirable materials which may be detrimental to safety, drainage, or appearance. Planter areas shall have mulch replenished yearly.

- h. Not more than 25 percent of the planter or landscaped area may be covered with hard surfaces such as gravel, landscaping rock, concrete, or other impervious materials. Bus shelters are excluded from this limitation.

17.48.060 Landscape Care, Maintenance, and Replacement

- A. **Maintenance of Required Planting Areas.** Required planting areas shall be permanently maintained by water, clearing debris and litter, weeding, pruning, insect control, and replacement of plant materials and irrigation equipment as needed to preserve the health and appearance of plant materials. All landscaping shall be maintained in such a manner as to not restrict designated pedestrian access. All trees, shrubs, and plants which, due to accident, damage, disease, or other cause, fail to show a healthy growth shall be replaced, in kind, pursuant to the approved landscape plans within 30 days from the identified damage date.
- B. **Maintenance of Existing Trees.** Existing trees over six inches in trunk diameter, measured 4.5 feet above ground level (DBH), shall be retained in accord with the following:
 - 1. Notification. The City of Manteca Parks and Recreation Department and Planning Division 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 construction equipment, grade changes, excavation for utilities, paving, and footers for proposed structures.
 - 3. Protection from machinery. A protective fence barrier which encloses the entire area beneath the tree canopy shall be constructed. 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.
- C. **Tree Pruning.** Tree pruning shall be performed by a California landscape contractor. The licensed contractor shall also be certified by the International Society of Arboriculture as a certified tree trimmer or certified arborist or other qualified tree expert.

Tree pruning is limited to the following:

- 1. Remove dead wood and diseased, crowded, and weakly attached trunks and branches which create a hazard to private property and citizens;
- 2. Provide adequate clearance and visibility for safe use of parking stalls, travel ways, and walkways for the passage of persons and vehicles;
- 3. Remove visibility obstruction of traffic signs;
- 4. Provide adequate visibility for security patrols;

5. Repair split trees and limbs in order to save the tree and its appearance;
 6. Remove or sever roots of trees which are causing damage to public or private property such as curbs, gutters, sidewalk, drainage lines, and parking lot surfaces;
 7. Provide visibility for merchant signage and increase parking lot lighting only when the aesthetics of the tree and the parking lot shading requirements will not be reduced.
- D. **Tree Removal and Replacement.** For landscaping for multi-family and nonresidential development, removal of trees planted as part of an approved landscape plan shall be limited to trees that are in poor health, structurally distressed, or unsafe. The removal of a tree shall be the final recourse upon determining that it is infeasible to save the tree by any other method (e.g., pruning, treatment of diseases, fertilizing).
1. Removal process
 - a. Prior to the removal of any tree, the Community Development Director’s approval is required. Failure to obtain approval prior to removing a tree shall require the owner of the project to replace the removed tree as stated in this Section.
 - b. The application for request for removal shall include a statement of the health and condition of the trees to be removed by a certified arborist; an explanation of the reason(s) for removal; and a site plan indicating size, quantity, species, and location of the trees to be removed and replaced.
 2. Replacement. Replacement of trees shall be required for trees removed and for trees severely and improperly trimmed and shall be as specified below in Table 17.46.060-1 (Tree Replacement Schedule). Replacement may be satisfied by relocation.

**TABLE 17.48.060-1
TREE REPLACEMENT SCHEDULE**

Size of Damaged/Removed Tree	Replacement Tree Required
2-6 inches	24-inch box
6 inches or greater	36-inch box

- E. **Landscape Replacement.** All plant material removed from a multi-family or nonresidential project in which the Community Development Department has approved the landscape plan shall be replaced. Replacement shrubs shall be a minimum 5-gallon size. Ground cover shall be a minimum size of a full flat.
- F. **Irrigation Schedule.** For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria
1. Irrigation scheduling shall be regulated by automatic irrigation controllers.

2. Irrigation shall be scheduled as outlined below. Operation of the irrigation system outside the normal watering window is allowed for auditing, system maintenance, and a period of 21 days after installation of a new landscape.
 - a. Residences and business with odd-numbered addresses may water on Monday, Wednesday, and Friday but not between noon and 6:00 pm.
 - b. Residences and businesses with even-numbered addresses may water on Tuesday, Thursday, and Saturday but not between noon and 6:00 pm.
 - c. Every address may water on Sunday, but not between noon and 6:00 pm.
3. For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water meets the Estimated Total Water Use. Total annual applied water shall be less than or equal to Maximum Applied Water Allowance (MAWA). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.
4. Parameters used to set the automatic controller shall be developed and submitted for each of the following:
 - a. The plant establishment period;
 - b. The established landscape; and
 - c. Temporarily irrigated areas.
5. Each irrigation schedule shall consider for each station all of the following that apply:
 - a. Irrigation interval (days between irrigation);
 - b. Irrigation run times (hours or minutes per irrigation event to avoid runoff);
 - c. Number of cycle starts required for each irrigation event to avoid runoff;
 - d. Amount of applied water scheduled to be applied on a monthly basis;
 - e. Application rate setting;
 - f. Root depth setting;
 - g. Plant type setting;
 - h. Soil type;
 - i. Slope factor setting;

- j. Shade factor setting; and
- k. Irrigation uniformity or efficiency setting.

G. Landscape Irrigation Maintenance Schedule

1. Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the Landscape Certificate of Completion.
2. A regular maintenance schedule shall include, but not be limited to, routine inspection, adjustment and repair of the irrigation system and its components, aerating and dethatching turf areas, replenishing mulch, fertilizing, pruning, weeding in all landscape areas, and removing any obstruction to emission devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
3. Repair of all irrigation equipment shall be done with the originally installed components or their equivalents.
4. A project applicant is encouraged to implement sustainable or environmentally-friendly practices for overall landscape maintenance

17.48.070 Special Report and Design Plan Requirements

A. Landscape Documentation Package. The Landscape Documentation Package shall include the following six elements:

1. Project information containing:
 - a. Date;
 - b. Name of project applicant;
 - c. Project address (if available, parcel and/or lot number(s));
 - d. Total landscape area (square feet);
 - e. Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed);
 - f. Water supply type (e.g., potable, recycled, well) and identification of the local retail water purveyor if the applicant is not served by a private well;
 - g. Checklist of all documents in Landscape Documentation Package;
 - h. Project contacts to include contact information for the project applicant and property owner;
 - i. Applicant's signature and date with statement, "I agree to comply with the requirements of the City of Manteca's water efficient

landscape requirements and submit a complete Landscape Documentation Package.”

2. Water-Efficient Landscape Worksheet containing the following information, consistent with Subsection 17.48.070(C) (Water-Efficient Landscape Worksheet):
 - a. Hydrozone information table
 - b. Water budget calculations including:
 - i. Maximum Applied Water Allowance (MAWA)
 - ii. Estimated Total Water Use (ETWU)
 - c. Soil management report (see Subsection 17.48.070(D));
 - d. Landscape design plan (see Subsection 17.48.070(E));
 - e. Irrigation design plan (see Subsection 17.48.070(F)); and
 - f. Grading design plan (see Subsection 17.48.070(G)).
- B. **Certificate of Completion.** The Certificate of Completion shall include the following information and documents:
 1. Date, project name, project address, applicant name, telephone, and mailing address;
 2. Property owner name, telephone, and mailing address;
 3. Certification by either the signer of the Landscape Documentation Package, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved landscape package;
 4. Scheduling parameters used to set the irrigation controller (see Subsection 17.48.060(F));
 5. Landscape and irrigation maintenance schedule (see Subsection 17.48.060(G));
 6. Irrigation audit report (see Subsection 17.48.070(H)); and
 7. Soil analysis report, if not initially submitted with the Landscape Documentation Package and documentation verifying implementation of soil management report recommendations.

- C. **Water-Efficient Landscape Worksheet.** The water-efficient landscape worksheet shall contain the following information:
1. A project applicant shall complete the water-efficient landscape worksheet which contains two sections (sample worksheet shall be obtained from the City):
 - a. A hydrozone information table for the landscape project; and
 - b. A water budget calculation for the landscape project. For the calculation of the Maximum Applied Water Allowance and Estimated Total Water Use, a project applicant shall use the ETo values from the reference evapotranspiration table in Subsection 17.48.070(I).
 2. Water budget calculations shall adhere to the following requirements:
 - a. The plant factor used shall be from the Water Use Classification of Landscape Species (WUCOLS) published by the University of California Cooperative Extension, the Department of Water Resources, and the Bureau of Reclamation (2000). The plant factor ranges from zero (0.0) to three tenths (0.3) for low-water-use plants, from four tenths (0.4) to six tenths (0.6) for moderate-water-use plants, and from seven tenths (0.7) to one (1.0) for high-water-use plants.
 - b. All water features shall be included in the high-water-use hydrozone and temporarily irrigated areas shall be included in the low-water-use hydrozone.
 - c. All special landscape areas shall be identified and their water use calculated as described below.
 - d. ETAF for special landscape areas shall not exceed one (1.0).
 3. Maximum Applied Water Allowance. The Maximum Applied Water Allowance shall be calculated using the equation:

$$\text{MAWA} = (\text{ETo}) (0.62) [(0.7 \times \text{LA}) + (0.3 \times \text{SLA})]$$

Where:

MAWA = Maximum Applied Water Allowance (gallons per year)

ETo = Reference Evapotranspiration (inches per year) as listed in the Reference Evapotranspiration Table in Section 17.48.070.I.

0.62 = Conversion Factor (to gallons)

0.7 = ET Adjustment Factor (ETAF)

LA = Landscape Area including SLA (square feet)

0.3 = Additional Water Allowance for SLA

SLA = Special Landscape Area (square feet)

4. Estimated Total Water Use. The Estimated Total Water Use shall be calculated using the equation below. The sum of the Estimated Total Water Use calculated for all hydrozones shall not exceed MAWA.

$$ETWU = (ETo)(0.62) \left(\frac{PF \times HA}{IE} + SLA \right)$$

Where:

ETWU = Estimated Total Water Use per year (gallons)

ETo = Reference Evapotranspiration (inches)

PF = Plant Factor from WUCOLS

HA = Hydrozone Area [high-, medium-, and low-water-use areas] (square feet)

SLA = Special Landscape Area (square feet)

0.62 = Conversion Factor

IE = Irrigation Efficiency (minimum 0.71)

- D. **Soil Management Report.** In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed by the project applicant, or his/her designee, as follows:
1. Submit soil samples to the laboratory for analysis and recommendations.
 - a. Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.
 - b. Soil analysis may include:
 - i. Soil texture;
 - ii. Infiltration rate determined by laboratory test or soil infiltration rate table;
 - iii. pH;
 - iv. Total soluble salts;
 - v. Sodium;
 - vi. Percent organic matter; and
 - vii. Recommendations.
 2. The project applicant, or his/her designee, shall comply with one of the following:
 - a. If significant mass grading is not planned, the soil analysis report shall be submitted to the Planning Department as part of the Landscape Documentation Package; or

- b. If significant mass grading is planned, the soil analysis report shall be submitted to the City as part of the Landscape Certificate of Completion.
 3. The soil analysis report shall be made available, in a timely manner, to the professionals preparing the landscape design plans and irrigation design plans to make any necessary adjustments to the design plans.
 4. The project applicant, or his/her designee, shall submit documentation verifying implementation of soil analysis report recommendations to the City with the Landscape Certificate of Completion.
- E. **Landscape Design Plan.** The landscape design plan shall, at a minimum:
 1. Delineate and label each hydrozone by number, letter, or other method.
 2. Identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low-water-use hydrozone for the water budget calculation.
 3. Identify recreational areas.
 4. Identify areas permanently and solely dedicated to edible plants.
 5. Identify areas irrigated with recycled water.
 6. Identify type of mulch and application depth.
 7. Identify soil amendments, type, and quantity.
 8. Identify type and surface area of water features.
 9. Identify hardscapes (pervious and non-pervious).
 10. Identify location and installation details of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Stormwater best management practices are encouraged in the landscape design plan and examples include, but are not limited to:
 - a. Infiltration beds, swales, and basins that allow water to collect and soak into the ground;
 - b. Constructed wetlands and retention ponds that retain water, handle excess flow, and filter pollutants; and
 - c. Pervious or porous surfaces (e.g. permeable pavers or blocks, pervious or porous concrete) that minimize runoff.
 11. Identify any applicable rain harvesting or catchment technologies (e.g., rain gardens, cisterns).

12. Contain the following statement: "I have complied with the criteria established by the City in MMC Chapter 17.48 and applied them for the efficient use of water in the landscape design plan."
 13. Bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape.
- F. **Irrigation Design Plan.** The irrigation design plan shall comply with the following:
1. Requirements. For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufacturers' recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.
 - a. System requirements
 - i. Dedicated landscape water meters are required on landscape areas larger than 5,000 square feet and encouraged for landscape areas smaller than 5,000 square feet.
 - ii. Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data shall be required for irrigation scheduling in all irrigation systems.
 - iii. The irrigation system shall be designed to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.
 - (a) If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.
 - (b) Static water pressure, dynamic or operating pressure, and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.
 - iv. Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.
 - v. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.

- vi. Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system. A project applicant shall refer to the applicable local agency code (i.e., public health) for additional backflow prevention requirements.
- vii. High flow sensors that detect and report high flow conditions created by system damage or malfunction are recommended.
- viii. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
- ix. Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.
- x. The design of the irrigation system shall conform to the hydrozones of the landscape design plan.
- xi. The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria as described in Subsection 17.48.070(C) regarding the Maximum Applied Water Allowance.
- xii. Irrigation systems shall be designed based on 35 psi static pressure. Additional loss is dependent on flow and performance curve for meter, backflow size, and length of piping.
- xiii. In mulched planting areas, the use of low-volume irrigation is required to maximize water infiltration into the root zone.
- xiv. Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.
- xv. Head-to-head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.
- xvi. Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to high traffic areas.
- xvii. Check valves or anti-drain valves are required for all irrigation systems.
- xviii. Narrow or irregularly shaped areas, including turf, less than 8 feet in width in any direction, shall be irrigated with subsurface irrigation or low-volume irrigation system.
- xix. Overhead irrigation shall not be permitted within 24 inches of any non-permeable surface. Allowable irrigation within the setback

from non-permeable surfaces may include drip, drip line, or other low-flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:

- (a) The landscape area is adjacent to permeable surfacing and no runoff occurs; or
- (b) The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping.

xx. The irrigation designer specifies an alternative design or technology, as part of the Landscape Documentation Package and clearly demonstrates strict adherence to irrigation system design criteria in Subsection 17.48.070(F). Prevention of overspray and runoff must be confirmed during the irrigation audit.

xxi. Slopes greater than 25 percent shall not be irrigated with an irrigation system with a precipitation rate exceeding seventy-five hundredth inches (0.75") per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the Landscape Documentation Package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

2. Hydrozone requirements

- a. Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.
- b. Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.
- c. Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf.
- d. Individual hydrozones that mix plants of moderate and low water use, or moderate and high water use, may be allowed if:
 - i. Plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or
 - ii. The plant factor of the higher water using plant is used for calculations.
- e. Individual hydrozones that mix high- and low-water-use plants shall not be permitted.
- f. On the landscape design plan and irrigation design plan, hydrozone areas shall be designated by number, letter, or other designation. On the irrigation design plan, designate the areas irrigated by each valve, and assign a number to each valve. Use this valve number in the

Hydrozone Information Table. This table can also assist with the irrigation audit and programming the controller.

3. Design plan contents. The irrigation design plan, at a minimum, shall contain:
 - a. Location and size of separate water meters for landscape;
 - b. Location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;
 - c. Static water pressure at the point of connection to the public water supply;
 - d. Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;
 - e. Recycled water irrigation systems as specified in Subsection 17.48.040.H.4;
 - f. The following statement: "I have complied with the criteria of MMC Chapter 17.48 and applied them accordingly for the efficient use of water in the irrigation design plan;" and
 - g. The signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system.
- G. **Grading Design Plan.** For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. A grading plan shall be submitted as part of the Landscape Documentation Package. A comprehensive grading plan prepared by a civil engineer for other local agency permits satisfies this requirement.
 1. The project applicant shall submit a landscape grading plan that indicates finished configurations and elevations of the landscape area including:
 - a. Height of graded slopes;
 - b. Drainage patterns;
 - c. Pad elevations;
 - d. Finish grade; and
 - e. Stormwater retention improvements, if applicable.
 2. To prevent excessive erosion and runoff, it is highly recommended that project applicants:
 - a. Grade so that all irrigation and normal rainfall remains within property lines and does not drain onto non-permeable hardscapes;

- b. Avoid disruption of natural drainage patterns and undisturbed soil; and
 - c. Avoid soil compaction in landscape areas.
3. The grading design plan shall contain the following statement: “I have complied with the criteria of MMC Chapter 17.48 and applied them accordingly for the efficient use of water in the grading design plan” and shall bear the signature of a licensed professional as authorized by law.

H. **Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis**

- 1. For new construction and rehabilitated landscape projects installed after the effective date of this Chapter:
 - a. The project applicant shall submit an irrigation audit report with the Landscape Certificate of Completion to the City Planner that may include, but is not limited to, inspection, system tune-up, system test with distribution uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule;
 - b. The City shall administer programs that may include, but not be limited to, irrigation water use analysis, irrigation audits, and irrigation surveys for compliance with the Maximum Applied Water Allowance.
- 2. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

I. **Reference Evapotranspiration (ETo) Table.** The following table describes the adopted reference evapotranspiration values for use in calculating water efficiency as required by this Chapter.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
0.9	1.7	3.4	5.0	6.5	7.5	8.0	7.1	5.2	3.3	1.6	0.9	51.2

Chapter 17.50 Lighting

Sections:

17.50.010	Purpose	17.50-1
17.50.020	Applicability	17.50-1
17.50.030	Permit Required	17.50-1
17.50.040	Exempt Lighting	17.50-1
17.50.050	Prohibited Lighting	17.50-2
17.50.060	General Lighting Standards	17.50-2
17.50.070	Outdoor Lighting Plans Required	17.50-4

17.50.010 Purpose

The purpose of this Chapter is to regulate lighting to balance the safety and security needs for lighting with the City’s desire to preserve dark skies and to ensure that light trespass and glare have negligible impact on surrounding property (especially residential) and roadways.

17.50.020 Applicability

The provisions of this Chapter apply to all new and existing land uses, including permanent and temporary uses in all Zoning Districts.

17.50.030 Permit Required

Unless otherwise exempt by Section 17.50.040 (Exempt Lighting), all outdoor lighting fixtures for new multi-family residential, commercial, industrial, mixed use, and public/quasi-public uses require Site Plan and Design Review approval by the designated Approving Authority pursuant to Section 17.10.060 (Site Plan and Design Review). Any retrofit or amendment to an existing site and/or building lighting that would have a measurable impact on abutting property or views from street right-of-way as determined by the Community Development Director shall require Site Plan and Design Review approval.

17.50.040 Exempt Lighting

The following items shall be exempt from Design Review requirements:

- A. All outdoor light fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas fixtures.
- B. Temporary lights used for holiday decorations.
- C. Emergency lighting erected for official purposes by local, state, or federal agencies.
- D. Lighting for temporary uses and special events permitted consistent with this Code.

17.50.050 Prohibited Lighting

The following types of lighting are prohibited:

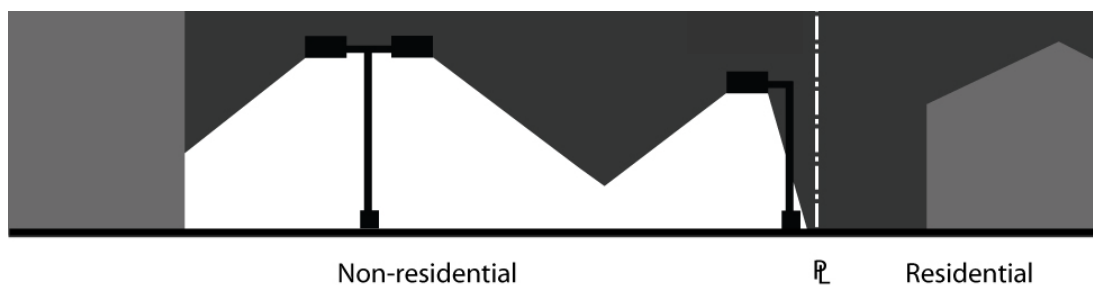
- A. Neon tubing or band lighting along buildings and/or structures as articulation, except as approved through Design Review and/or Master Sign Program.
- B. Search lights, laser source lights, or any similar high-intensity light, except for emergency use by police or fire personnel or at their discretion, or for approved temporary lighting for a special event approved by the City.
- C. Lighting fixtures operated in such a manner as to constitute a hazard or danger to persons or to safe vehicular travel.
- D. Illumination of entire buildings.
- E. Roof-mounted lighting except for security purposes.
- F. Moving, flashing, or animated lighting.
- G. Light poles that obstruct pedestrian traffic.

17.50.060 General Lighting Standards

The following standards shall apply to all outdoor lighting.

- A. **Nuisance Prevention.** All outdoor lighting shall be designed, located, installed, directed downward or toward structures, shielded, and maintained in order to prevent glare, light trespass, and light pollution.
- B. **Maintenance.** Fixtures and lighting shall be maintained in good working order and in a manner that serves the original design intent.
- C. **Shielding.** Except as otherwise exempt, all outdoor lighting shall be constructed with full shielding and/or recessed to reduce light trespass to adjoining properties. Each fixture shall be directed downward and away from adjoining properties and public rights-of-way, so that no light fixture directly illuminates an area outside of the site. Fixtures located higher than 6 feet above the ground shall have shielding that limits to angle of the cone of direct illumination to 60 degrees or less.

FIGURE 17.21.060-1: SHIELDING PROVISIONS FOR OUTDOOR LIGHTING



* Outdoor lighting shall constructed with full shielding and/or recessed to reduce light trespass to adjoining properties.

- D. **Level of Illumination.** Outdoor lighting shall be designed to illuminate at the minimum level necessary for safety and security and to avoid the harsh contrasts in lighting levels between the project site and adjacent properties. Illumination standards are as follows:
1. Parking lots, driveways, trash enclosures/areas, public phones, and group mailboxes shall be illuminated with a minimum maintained 1 foot-candle of light and an average not to exceed 4 foot-candles of light. The illumination shall not exceed 10 foot-candles in any one location.
 2. Pedestrian walkways shall be illuminated with a minimum maintained 0.5 foot-candle of light and an average not to exceed 2 foot-candles of light.
 3. Entryways and exterior doors of nonresidential structures shall be illuminated during the hours of darkness with a minimum maintained 1 foot-candle of light, measured within a 5-foot radius on each side of the door at ground level.
 4. In order to minimize light trespass on abutting residential property, illumination measured at the nearest residential structure or rear yard setback line shall not exceed the moon's potential ambient illumination of one-tenth foot-candle.
- E. **Maximum Height of Freestanding Outdoor Light Fixtures.** The maximum height of freestanding outdoor light fixtures shall be 20 feet. Height shall be measured from the finish grade, inclusive of the pedestal, to the top of the fixture.
- F. **Energy-Efficient Fixtures Required.** Outdoor lighting shall utilize energy-efficient (high-pressure sodium, metal halide, low-pressure sodium, hard-wired compact fluorescent, or other lighting technology that is of equal or greater efficiency) fixtures and lamps. All new outdoor lighting fixtures shall be energy efficient with a rated average bulb life of not less than 10,000 hours.
- G. **Accent Lighting.** Architectural features may be illuminated by uplighting, provided that the lamps are low intensity to produce a subtle lighting effect and no glare or light trespass is produced. Where ever feasible, solar-powered fixtures shall be used.
- H. **Signs.** Lighting of signs shall be in compliance with Chapter 17.54 (Signs on Private Property) of this Code.
- I. **Sports Fields/Outdoor Activity Areas.** Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be mounted, aimed, and shielded so that the light falls within the primary playing area and no significant off-site light trespass is produced. Additionally, the lights shall be turned off within one hour after the end of the event.
- J. **Telecommunications Towers.** Telecommunication towers and related equipment shall be unlit except as provided below:
1. A manually operated or motion-detector-controlled light above the equipment shed door may be provided, except that the light shall remain off except when personnel are present at night; and

2. The minimum tower lighting required under FAA regulation; and
 3. Where tower lighting is required, said lighting shall be shielded or directed downward to the greatest extent possible to ensure that such light does not spill over onto abutting properties, especially residential zoning districts or uses.
- K. **Alternative Designs, Materials, and Installations.** The designated Approving Authority may grant approval of alternatives to this Section as part of a Site Plan and Design Review permit.

17.50.070 Outdoor Lighting Plans Required

- A. **When Required.** A preliminary outdoor lighting plan shall be submitted as part of each Site Plan and Design Review application, and a final plan shall be submitted as part of an application for a building permit for a new structure or an addition of 25 percent of the gross floor area, seating capacity, or parking spaces. A final outdoor lighting plan is required for all new outdoor lighting installations on commercial, mixed-use, multi-unit residential, industrial, and institutional properties. The Community Development Director may request outdoor lighting plans from applicants for other types of projects due to location, size, or proposed use, as necessary.
- B. **Plan Content.** At a minimum, an outdoor lighting plan shall include the following:
1. Manufacturer specifications sheets, cut sheets, and other manufacturer-provided information for all proposed outdoor light fixtures to show fixture diagrams and outdoor light output levels.
 2. The proposed location, mounting height, and aiming point of all outdoor lighting fixtures.
 3. If building elevations are proposed for illumination, drawings of all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illumination level of the elevations, and the aiming point for any remote light fixture.
 4. Photometric data including a computer-generated photometric grid showing foot-candle readings every 10 feet within the property or site and 10 feet beyond the property lines.

Chapter 17.52 Parking

Sections:

17.52.010	Purpose	17.52-1
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17.52.050	Number of Parking Spaces Required	17.52-3
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17.52.070	Parking Required for the Disabled	17.52-6
17.52.080	Compact Car Requirement	17.52-7
17.52.090	Parking and Driveway Design and Development Standards	17.52-7
17.52.100	Loading Area Requirements	17.52-10
17.52.110	Required Bicycle Parking	17.52-10
17.52.120	Parking and Storage of Mobile Vehicles and Accessories on Post-July 19, 1978, Parcels	17.52-11
17.52.130	Parking and Storage of Mobile Vehicles and Accessories on Pre-July 19, 1978, Parcels	17.52-13
17.52.140	Construction or On-Site Field Office	17.52-15
17.52.150	Overweight Truck or Truck Trailer	17.52-15

17.52.010 Purpose

This Chapter establishes standards for the amount, location, and development of motor vehicle parking, bicycle parking, and on-site loading areas. The purpose of the standards is to provide for safe vehicular parking, circulation, and loading requirements supportive of a variety of uses in an increasingly pedestrian- and bicycle-friendly and transit-oriented community.

17.52.020 Applicability

Off-street parking and loading provisions of this Chapter shall apply as follows:

- A. **New Development.** For all buildings or structures erected and all uses of land established after the effective date of this Title, parking for vehicles and bicycles, and loading facilities shall be provided as required by this Chapter.
- B. **Change in Use or Occupancy.** When the use or occupancy of any building, structure, or premises is changed, resulting in an increase of more than 30 percent in the required number of off-street parking spaces, additional off-street parking shall be provided consistent with Table 17.52.050-1 (Required Minimum Vehicle Parking Ratios), and the parking lot design shall comply with the requirements of this Code. New parking shall be reviewed and approved by the Community Development Director.
- C. **Modification to Existing Structures.** Whenever an existing building or structure is modified such that it creates an increase of more than 10 percent in the number of off-street parking spaces required, additional off-street parking spaces shall be provided in accordance with the requirements of this Chapter.

17.52.030 Permit Requirements and Exemptions

New parking lots and modifications or expansions to existing parking lots require the following permits:

- A. **Building Permit.** New parking lot design and modifications to existing parking lots in conjunction with a substantial change in use to an existing structure shall be reviewed in conjunction with the building permit and any other land use or development permit required for the project.
- B. **Exempt Activities.** Parking lot improvements listed below shall be considered minor in nature in that they do not alter the number or configuration of parking stalls. Such improvements shall be exempt from permit requirements.
 - 1. Repairing any defects in the surface of the parking area, including holes and cracks;
 - 2. Resurfacing, slurry coating, and restriping of a parking area with identical delineation of parking spaces;
 - 3. Repairing or replacing in the same location damaged planters and curbs; and
 - 4. Working in landscape areas, including sprinkler line repair, replacement of landscape materials, or refurbishment.

17.52.040 General Parking Requirements

- A. All vehicular parking areas shall be maintained by the owner of the property, such as being kept free of damage to asphalt or concrete surface, damage to landscape areas or curbing, garbage, and debris.
- B. Required off-street parking spaces and parking areas shall be used only for parking operable vehicles of residents, employers, employees, customers, and visitors as appropriate to the allowed uses of the applicable zone.
- C. Required off-street parking space shall not be used for the storage of vehicles or materials, or for the parking of trucks used in conducting business. Parking spaces not needed to meet the minimum requirement may be used for alternative uses subject to the provisions of this Title (e.g., Temporary Use Permit, semi-permanent display of merchandise). Examples of such activities include, but are not limited to, outdoor sales and storage, recycling collection facilities, dismantling, or servicing.
- D. All required off-street parking shall be kept clear of temporary or permanent obstructions.
- E. Existing parking shall not be reduced below the requirements of this Section.
- F. For residential tenant and guest parking, the spaces must be marked per the required minimum standards for tenant and guest parking.

- G. Required off-street parking spaces shall not be located within any required front yard or required street side yard setback of any parcel.
- H. Parking may not occur within any required clear visibility triangle area on a corner lot.
- I. Parking spaces shall not preclude direct and free access to stairways, walkways, elevators, any pedestrian access way, or fire safety equipment. Such access shall be a clear minimum width of 44 inches, no part of which shall be within a parking space.

17.52.050 Number of Parking Spaces Required

- A. **Minimum Requirements.** Minimum vehicle and parking space requirements are listed in Table 17.22.050-1 (Required Minimum Vehicle Parking Ratios). Except as otherwise specifically stated, the following rules apply to Table 17.22.050-1:
 - 1. "Square feet" means "gross square feet" and refers to building area unless otherwise specified.
 - 2. Where the number of seats is listed to determine required parking, seats shall be construed to be fixed seats. Where fixed seats provided are either benches or bleachers, such seats shall be construed to be not more than 18 linear inches for pews and 24 inches for dining, but in no case shall seating be less than determined as required by the City-adopted Building Code.
- B. **Calculations**
 - 1. If the calculation for parking needs results in the requirement for a fraction of a parking space, the value shall be rounded to the nearest whole number as provided in Section 17.04.030.G (Calculations – Rounding).
 - 2. For the purpose of calculating parking ratios in all districts, the following types of parking are considered outdoor storage and are not consider parking:
 - a. Fleet vehicle parking.
 - b. Parking for vehicles that are for sale, lease, or rent.
- C. **Similar Use.** For a use not listed in Table 17.52.050-1 (Required Minimum Vehicle Parking Ratios), the required vehicle parking shall be the same as for the most similar use listed, as determined by the Community Development Director.
- D. **Regulations are Minimum Requirements.** The number of off-street parking spaces required in Table 17.52.050-1 (Required Minimum Vehicle Parking Ratios) shall be considered the minimum necessary for each use, except that as provided in Section 17.52.060 (Reductions in Parking), the requirements may be modified as part of Site Plan and Design Review. In conjunction with discretionary development permits, the designated Approving Authority may increase these parking requirements if it is determined that these requirements are inadequate for a specific project.

**TABLE 17.52.050-1
REQUIRED MINIMUM VEHICLE PARKING RATIOS**

Land Use Type	Required Parking Spaces
Residential Uses	
Single-Family Dwelling Unit	2 covered spaces/dwelling
Secondary Residential units	1 space/secondary unit
Small-Lot Single-Family	1 covered space/dwelling
Townhome, Condominium, and Apartment	1 covered space/dwelling plus 1 other space /dwelling; plus 0.25 spaces per unit for guest parking for projects with ≥7 units
Boardinghouses and Group Quarters	1 space/sleeping room or 1/100 sf sleeping area
Residential Care Home	1 space/3 beds
Agriculture, Resource, and Open Space Uses	
Kennels, Commercial	4 spaces/1,000 sf gfa
Recreation, Education, and Public Assembly Uses	
Assembly Uses	1 space/3 fixed seats, or 1 space/50 square feet of primary assembly area
Cemeteries and Crematories	1/4 seats
Golf Courses	10/hole
Indoor Amusement/Entertainment Facility	4/1,000 sf
Indoor Fitness and Sports Facility	4/1,000 sf
Libraries and Museums	3/1,000 sf
Outdoor Commercial Recreation	2/1,000 sf active recreation area
Schools, Private and Special/Studio	1 space/150 square feet of classrooms, teaching stations, or studio area
Retail, Service, and Office Uses	
All other commercial uses not otherwise listed	4/1,000 sf gfa
Banks and Financial Institutions	1/300 sf gfa
Call Centers	7 spaces/1,000 sf gfa
Child Day Care Center	3.2/1,000 sf
Hotels, Motels, and Bed and Breakfast Inns	1/guest room
Medical Services, Extended Care	1/4 beds
Medical Services, General	1 space/200 sf gfa
Medical Services, Hospitals	2/bed or 2/1,000 sf
Mortuaries and Funeral Homes	1 space/150 square feet of assembly area
Personal Services	1/200 sf gfa

Land Use Type	Required Parking Spaces
Plant Nursery	1 space/300 sf sales floor area
Restaurants, Cafes, Bars, and Other Eating and Drinking Establishments	7/1,000 sf
Grocery Stores/Supermarkets	3/1,000 sf
Retail, General	4/1,000 sf
Automobile and Vehicle Uses	
Vehicle Services	4/1,000 sf
Car Washes	3 spaces, plus 2 per bay
Motor Vehicle and Implement Sales, Mobile Home, Recreational Vehicle Rental	3.5/1,000 sf
Service Stations	1 space/pump island, plus 1 space/service bay
Industrial Uses	
Manufacturing Plants, Research or Testing Laboratories, Bottling Plants, Processing Plants, and Packaging Plants	2/1,000 sf
Self-Storage Facilities	1/1,000 sf
Warehousing, Storage, and Distribution	0.5/1,000 sf

17.52.060 Reductions in Parking

- A. **Reductions through Site Plan and Design Review.** Commercial, office, or industrial project may request a reduction in the minimum number of parking spaces required, provided they include facilities, programs, or services that reduce the overall parking demand for the site, contingent upon approval from the Approving Authority.
 - 1. Facilities and programs. A proponent of an office, commercial, or industrial project may provide alternative facilities or programs which serve to reduce parking demand in return for a reduction in vehicle parking requirements. Vehicle parking requirements may be reduced in accordance with the following provisions:
 - a. Shower/locker facilities. Developments with 100 or more employees may reduce their parking requirement by providing shower and clothing locker facilities for bicycle commuting employees. Maximum reduction: 2 percent of required parking.
 - b. Secure bicycle parking. Developments which provide additional secure bicycle parking facilities over and above the minimum requirement may reduce their parking requirement by one vehicle space for every three additional bicycle spaces provided. Maximum reduction: 2 percent of required parking.
 - 2. Preferred carpool/vanpool parking spaces. Office or industrial developments which guarantee preferred parking spaces (e.g., covered, shaded, or near

building entrance) to employees who participate regularly in a carpool or vanpool may reduce their parking requirement by one vehicle space for every one space which is marked and reserved for carpools/vanpools at a preferred location. Maximum reduction: 2 percent of required parking.

3. Special circumstances. Off-street vehicle parking reductions may also be granted when the applicant for a single or combined use can prove to the designated Approving Authority that the nature of the proposed use(s) or the proximity of the facility to alternative modes of transportation justify the requested parking reduction. This Chapter includes shared parking reductions due to variation in peak demands.
4. Vehicle park-and-ride lot requirements at shopping centers. Up to 10 percent of the required number of parking spaces for retail stores/shopping centers may be contractually committed to be used for park-and-ride purposes without affecting the total parking requirement of the center, provided that the contracted spaces meet applicable current parking lot design standards and that the center meets or exceeds its calculated parking requirement.

B. Reductions Through 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 300 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 City Council shall by resolution remove the restriction.

17.52.070 Parking Required for the Disabled

- A. **Number of Spaces, Design Standards.** Parking spaces for the disabled shall be provided in compliance with Uniform Building Code and the Americans with Disabilities Act.
- B. **Reservation of Spaces Required.** The number of disabled accessible parking spaces required by this Chapter shall be reserved by the property owner/tenant for use by the disabled throughout the life of the approved land use.

- C. **Upgrading of Markings Required.** If amendments to state law change standards for the marking, striping, and signing of disabled parking spaces, disabled accessible spaces shall be upgraded in the time and manner required by state law.

17.52.080 Compact Car Requirement

- A. Up to 30 percent of the required number of parking spaces may be sized for compact cars.
- B. Compact car parking spaces shall be at least 8 feet in width and 16 feet in length, and shall be clearly marked, "COMPACT CARS ONLY," "COMPACT," or "C."
- C. Compact car spaces shall be distributed throughout the parking lot.

17.52.090 Parking and Driveway Design and Development Standards

- A. **General Location.** All vehicular parking spaces shall be on the same lot as the main structure they serve, on an abutting lot, or within 300 feet, subject to the following requirements:
1. There is a safe, direct, attractive, lighted, and convenient pedestrian route between the vehicle parking area and the use being served.
 2. There is an assurance in the form of deed, lease, contract, or other similar document that the required spaces will continue to be available for off-street parking use according to the required standards.
- B. **Single-Family Residential Parking**
1. Driveways on residential corner lots shall not be located closer than 20 feet to the radius return.
 2. Driveways providing direct access from a public street to a garage or carport shall be not less than 20 feet in depth.
 3. Vehicles shall only be parked on designated driveways and shall not be parked on landscape areas within required actual front or street side yard areas.
 4. Curb cuts must comply with City street improvement standards.
- C. **Nonresidential and Multi-Family Parking Lot Design and Parking Access**
1. Location. 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.
 2. Surfacing and striping. Areas used for parking and maneuvering of vehicles shall be paved with asphalt, concrete, or equivalent surface. Structural design of pavement shall be per a geotechnical or soils report and in no case less than 2.5 inches for asphalt. All parking areas shall be appropriately striped, marked, and signed.
 3. Curb cuts/access points. Street access points shall be the minimum necessary to provide access while not inhibiting the safe circulation and carrying

capacity of the street. Curb cuts must comply with City street improvement standards.

4. Driveways/driveway approach width and grade. The minimum driveway width shall comply with public improvement and fire safety standards.
5. Access. Access to each off-street parking space shall be from a driveway or aisle that is sufficient for readily turning and maneuvering vehicles.
6. Back-out parking. With the exception of duplexes and single-family residences, all parking areas shall be designed so that vehicles are not permitted to back out of the parking area onto a public street.
7. Driveway/drive aisle width. Driveways shall have a minimum paved width of 20 feet for two-way circulation and 12 feet for one-way circulation.
8. Turnaround areas. Parking spaces shall be provided with adequate drive aisles or turnaround areas so that all vehicles may enter the street in a forward manner.
9. Setback restrictions for parking spaces and drive aisles. Parking areas including spaces, aisles, and turnaround and maneuvering areas shall not occupy the required setbacks.
10. Connect parking lots. Auto parking areas shall be designed to connect with auto parking areas on adjacent sites to eliminate the necessity of utilizing the public right-of-way for cross movements. Joint or shared access, internal circulation, or parking is encouraged with adjacent uses.
11. Minimum clearance. Driveways, aisles, turnaround areas, and ramps shall have a minimum vertical clearance of 12 feet for the entire length and width, but such clearance may be reduced in parking structures.
12. Clear visibility triangle. Parking shall not be permitted within the clear visibility triangle as defined in Section 17.100.060 (Universal Definitions).
13. Maneuverability. Parking spaces, other than parallel parking spaces, shall be designed such that no more than two turning movements are necessary to access the space.
14. Tandem parking. Tandem parking, except for single-family residential, is prohibited.
15. No parking space shall be located so that a vehicle is required to maneuver within 10 feet of a vehicular entrance to the property.
16. Pedestrian walkways and landscape planters shall be designed to allow vehicles to overhang up to 2 feet. Wheel stops are not permitted.

D. Space and Aisle Standards for Surface Parking Lots

1. Generally. All surface parking lots shall be designed in accordance with City standards for stalls and aisles as set forth in Table 17.52.090-1 (Parking Space and Drive Aisle Dimensions) and Figure 17.52.090-1 (Parking Space and Drive Aisle Dimensions) below.

2. Spaces adjacent to walls. Any parking space located parallel to a wall or other solid barrier shall be widened an additional 2 feet.
3. Residential spaces. Residential parking spaces required to be covered shall be not less than 20 feet in length and 10 feet in width.

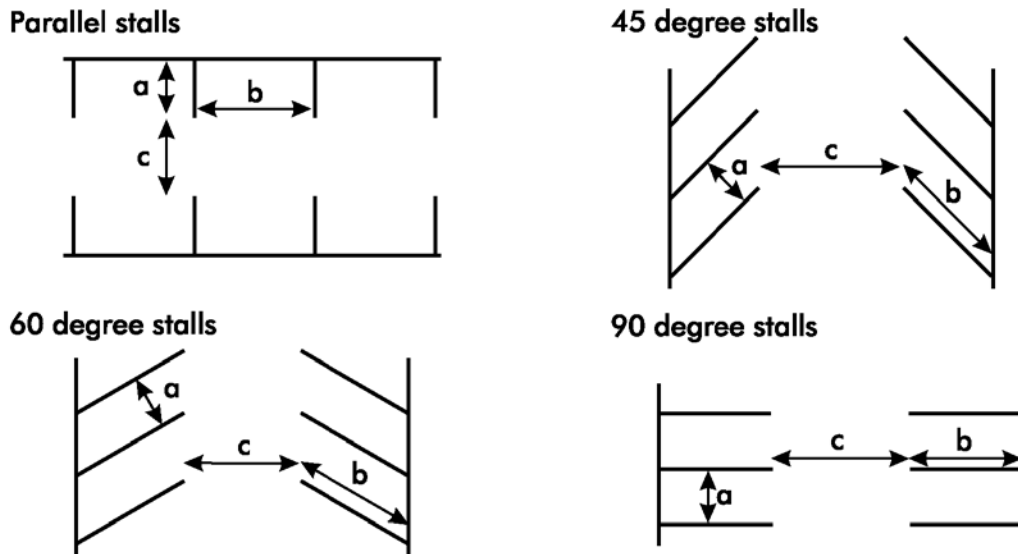
**TABLE 17.52.090-1
PARKING SPACE AND DRIVE AISLE DIMENSIONS**

Stall Type	Minimum Stall Width	Minimum Stall Length	Minimum Drive Aisle Width	
			One-Way	Two-Way
Parallel	9 ft	24 ft	12 ft	24 ft
45°	9 ft	19 ft	14 ft	24 ft
60°	9 ft	21 ft	18 ft	24 ft
90°	9 ft	18 ft	20 ft	24 ft
Compact Stalls, all angles	8 ft	16 ft	Per stall angle	

Notes:

1. As part of Design Review, the Fire Department will review drive aisle widths. In The main drive aisle to the buildings shall be 26 feet.
2. Can be reduced up to 2 feet if a sidewalk or planter with a minimum width of 6 feet is adjacent to the stall.

FIGURE 17.52.090-1: PARKING SPACE AND DRIVE AISLE DIMENSIONS



Key:

- a = Stall width
- b = Stall length
- c = Drive aisle width

- E. **Landscaping of Parking Lots.** See Chapter 17.48 (Landscaping).
- F. **Pedestrian Circulation/Walkways.** Sidewalks shall be designed to ensure that vehicles that overhang or intrude into the sidewalk system do not reduce the minimum required sidewalk width.
- G. **Lighting of Parking Lot.** See Chapter 17.50 (Lighting).
- H. **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 multi-family residential development of five or more units shall not utilize driveways. Large commercial developments that are required to provide 100 or more parking spaces shall include distinct and dedicated pedestrian access from parking areas to the commercial use.
- I. **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.
- J. **Maintenance.** Parking lots must be maintained free of potholes, fading of striping, and other similar defects.

17.52.100 Loading Area Requirements

- A. The off-street loading facilities, in all cases, shall be on the same lot or parcel of land as the structure they are intended to serve.
- B. The off-street loading facilities shall be designed and located so that loading vehicles are not parked in required setbacks, driveways, or required parking spaces during loading activities.
- C. No loading space shall be located so that a vehicle using such loading space projects into any public street, nor so that they must back into a public street for ingress or egress.
- D. Loading spaces shall be provided with access to an alley when alley access is available.
- E. Loading docks shall be located outside of public view.

17.52.110 Required Bicycle Parking

- A. Bicycle parking shall be provided for all multi-family projects and nonresidential uses in compliance with this Chapter.

- B. Bicycle parking shall be located on a paved surface, in proximity to a building entrance, and in a visibly secure location adjacent to the building.
- C. Bicycle parking shall consist of a stationary bicycle rack.
- D. Except as otherwise specified, required bicycle parking shall not be located within required setback yard areas.
- E. Bicycle parking is required for multi-family, public and civic facilities, and retail commercial, office, and industrial uses in accordance with Table 17.52.110-1 (Bicycle Parking Requirements by Land Use) below. In no case shall there be fewer than two employee bicycle spaces and two patron spaces, unless specifically exempt.

**TABLE 17.52.110-1
BICYCLE PARKING REQUIREMENTS BY LAND USE**

Total Parking Spaces	Minimum Number of Bicycle Spaces Required
1 to 29	2
30 to 59	4
60 to 74	5
75 to 99	6
100 to 199	7
200 to 299	8
300 to 399	9
≥400	10

17.52.120 Parking and Storage of Mobile Vehicles and Accessories on Post-July 19, 1978, Parcels

- A. **General Prohibition for Properties Built After July 19, 1978.** No person shall place, keep, maintain, or permit to be placed, kept, or maintained, a personal recreational vehicle, recreational home, mobile transport vehicle, oversized boat, or oversized vehicle upon any lot or parcel of land within a residential zoned district on which a building permit for a main building was issued after July 19, 1978, except in a recreational vehicle park, properly approved storage or sales yard, or recreational vehicle park.
- B. **Limitation on Number of Recreational Vehicles.** Under no condition shall more than one recreational home, or one oversized vehicle, or one oversized boat be parked or stored on any property in a residential Zoning District at any given time, except as provided for by Subsection 17.52.120(I).
- C. **Limitation on Number of Mobile Transport Vehicles or Personal Recreational Vehicles.** There shall be no limit on the number of mobile transport vehicles and/or personal recreational vehicles parked or stored in the side yard or rear yard if all of the requirements of Subsections 17.52.120(B), 17.52.120(E), and 17.52.120(F) 17.52.120(G) are complied with at all times.

- D. **Prohibition in Required or Actual Front Yard.** No recreational home, mobile transport vehicle, personal recreational vehicle, oversized vehicle, or oversized boat shall be parked or stored in the required or actual front yard of any residence or on any public roadway, except as follows:
1. A recreational home, mobile transport vehicle, personal recreational vehicle, oversized boat, or oversized vehicle may be placed in the required or actual front yard of the owner's residence or on the public roadway directly in front of the owner's residence for the sole purposes of loading or unloading the vehicle or washing the vehicle. In no case shall the vehicle be in the required or actual front yard or public roadway in front of the owner's residence for more than 24 hours within any consecutive 72-hour period unless the owner has obtained a permit from the Police Department.
 2. No vehicle permitted in the required or actual front yard pursuant to Subsection 17.52.120(D)(1) shall be permitted to block a sidewalk or obstruct the view of street traffic from any adjoining property.
- E. **Parking and Storage in Side Yard.** No recreational home, mobile transport vehicle, personal recreational vehicle, oversized vehicle, or oversized boat shall be parked or stored in a side yard (required or actual) unless:
1. Said recreational home, mobile transport vehicle, personal recreational vehicle, oversized vehicle, or oversized boat maintains not less than 3 feet from all buildings or side yard appurtenances on the property. Said clearances shall be kept clear of all obstacles at all times for the protection of public health, safety, and welfare.
 2. Said recreational home, mobile transport vehicle, personal recreational vehicle, oversized vehicle, or oversized boat is behind a permitted screening along all adjoining property lines.
- F. **Parking and Storage in Rear Yard.** No recreational home, mobile transport vehicle, personal recreational vehicle, oversized vehicle, or oversized boat shall be parked or stored in a rear yard (required or actual) except as provided for herein.
1. Such recreational home, mobile transport vehicle, personal recreational vehicle, oversized vehicle, or oversized boat may be kept wholly enclosed within a structure lawfully existing on the premises; or
 2. Such recreational home, mobile transport vehicle, personal recreational vehicle, oversized vehicle, or oversized boat is parked or stored on an approved impervious surface. The impervious surface shall not exceed 25 percent of the net rear yard area, and shall be located at least 3 feet from any property line.
 3. Prior to any parking or storage pursuant to this Subsection 17.52.120(F), the property owner shall submit to the City a site plan showing the proposed area of impervious surface and all other structures in the rear yard, and an indication of the type of impervious materials proposed.
 4. All necessary permits that may be required shall be obtained for the construction of the impervious surface.

- G. **Prohibition on Permanent Occupancy.** Except as provided for in Subsection 17.52.120(I), no recreational home covered under this section shall be occupied for human habitation while parked at the residential property.
- H. **Permitted Temporary Occupancy.** A recreational home may be located in the rear yard or side yard, if it meets the requirements of Subsections 17.52.120(E) and (F), for the purpose of temporary accommodation of occupants or visitors of the premises, provided that a permit for such use has first been obtained from the City Police Department in the manner provided for in Sections 10.46.090 through 10.46.100 of the Municipal Code, and the recreational vehicle is removed from the premises at the end of seven consecutive days. One extension not exceeding four consecutive days may be allowed upon obtaining a permit extension from the Police Department. The temporary occupancy permitted by this Subsection 17.52.120(H) shall be allowed only once in any consecutive six-month period.

Under no condition shall the recreational vehicle be located in the front yard or the street side yard of a corner lot.

- I. **Temporary Parking of Second Recreational Home.** A second recreational home, not used for a permitted temporary occupancy, may be parked on a property providing that all of the following conditions are met:
1. The recreational home is parked in the side yard or rear yard as required by Subsections 17.52.120(E) and (F); and
 2. The recreational home is not owned or leased by the owner of any other recreational home that is parked or stored on the property; and
 3. The recreational home shall not be parked on the property for more than 14 consecutive days in any calendar year; and
 4. A permit shall have been first obtained from the Police Department in the same manner as required by Sections 10.46.090 through 10.46.100 of the Municipal Code; and
 5. Not more than one such permit shall be issued for any parcel in any calendar year.
- J. **Prohibition of Driving or Parking on Sidewalks.** No recreational home, mobile transport vehicle, personal recreational vehicle, oversized boat, or oversized vehicle shall be parked on, stored on, or driven over any public sidewalk at any time, except as such sidewalk has been integrated in an approved driveway.

17.52.130 Parking and Storage of Mobile Vehicles and Accessories on Pre-July 19, 1978, Parcels

- A. **Limitation on Parking in Front Yard.** No recreational home, mobile transport vehicle, personal recreational vehicle, oversized boat, or oversized vehicle shall be parked or stored in the front yard of a property on which a building permit for a main building was issued prior to July 19, 1978, unless:
1. It is parked or stored on an impervious surface; and

2. It does not extend into any sidewalk; and
 3. It does not obstruct the view of street traffic from any adjoining property.
- B. **Parking and Storage in Side Yard.** No recreational home, mobile transport vehicle, personal recreational vehicle, oversized boat, or oversized vehicle shall be parked or stored in a side yard unless:
1. Said recreational home, mobile transport vehicle, personal recreational vehicle, oversized vehicle, or oversized boat maintains not less than 3 feet from all buildings or side yard appurtenances on the property. Said clearances shall be kept clear of all obstacles at all time for the protection of public health, safety and welfare.
 2. Said recreational home, mobile transport vehicle, personal recreational vehicle, oversized vehicle, or oversized boat is behind a permitted screening along all adjoining property lines.
- C. **Parking and Storage in Rear Yard.** No recreational home, mobile transport vehicle, personal recreational vehicle, oversized vehicle, or oversized boat shall be parked or stored in a rear yard except as provided for herein:
1. Such recreational home, mobile transport vehicle, personal recreational vehicle, oversized vehicle, or oversized boat may be kept wholly enclosed within a structure lawfully existing on the premises; or
 2. Such recreational home, mobile transport vehicle, personal recreational vehicle, oversized vehicle, or oversized boat is parked or stored on an approved impervious surface. The impervious surface shall not exceed 25 percent of the net rear yard area, and shall be located at least 3 feet from any property line.
 3. Prior to any parking or storage pursuant to Subsection 17.52.130(C)(2), the property owner shall submit to the City a site plan showing the proposed area of impervious surface and all other structures in the rear yard, and an indication of the type of impervious materials proposed.
 4. All necessary permits that may be required shall be obtained for the construction of the impervious surface.
- D. **Requirement for Permitted Screening.** If any recreational home, mobile transport vehicle, or personal recreational vehicle is parked or stored in the side yard or rear yard, the property shall be screened with permitted screening.
- E. **Ban on Inoperative Vehicle in Front Yard or Side Street Yard.** No inoperative vehicle, as defined in Section 8.20.010 of the Municipal Code, shall be parked or stored in the front yard or side street yard for a period of more than five calendar days.

17.52.140 Construction or On-Site Field Office

No person shall place, keep, or maintain, or permit to be placed, kept, or maintained, any mobile office or recreational home upon any lot or parcel of land within any nonresidential zone in the city, other than in a recreational vehicle park or in a properly approved storage or sale 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 home may be used on the site for occupancy by a night watchman or security guard for not more than 90 days in total.
- C. A trailer used as a construction shack or as an on-site field office at a construction site within a developing subdivision.

17.52.150 Overweight Truck or Truck Trailer

No person shall place or permit to be placed any commercial truck, tractor cab, or truck trailers with a weight limit over 8,000 pounds in any residential Zoning 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 residential Zoning 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 residential Zoning District and of which operation of the truck or truck trailer is a part. For the purpose of this section, "commercial" shall not include passenger cars or pickups designed and intended for personal use.

Chapter 17.54 Signs on Private Property

Sections:

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17.54.010 Purpose and Intent

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 motorist and pedestrians. This Chapter is intended to regulate signs, recognizing the need for adequate business and noncommercial identification, advertising, and communication. (Ord. 1501 § 1, 2011)

17.54.020 Policies for Sign Regulations

- A. **Regulatory Interpretations.** The provisions of this Chapter shall not be interpreted to nullify any easements, covenants, or other private agreements which provide for more restrictive sign regulations than are required by this Chapter.

- B. **Enforcement.** The Community Development Director is authorized and directed to enforce and administer the provisions of this Chapter. Whenever the application of this Chapter is uncertain due to ambiguity of its provisions, the issue shall be referred to the Community Development Director for an interpretation, and such interpretation shall be made by the Community Development Director within ten business days. Any decision made by the Community Development Director may be appealed to the Planning Commission in accordance with Subsection 17.08.070 (Appeals) of this Title.

- C. **Message Neutrality.** It is the City's policy and intent to regulate both commercial and noncommercial signs in a viewpoint-neutral or content-neutral manner. The message of the sign shall not be reviewed except to the minimum extent necessary to identify the type of sign.

- D. **Message Substitution.** Subject to the property owner’s consent, a noncommercial message of any type may be substituted in whole or in part for the message displayed on any sign for which the sign structure or mounting device is authorized pursuant to this Code, without consideration of message content. Such substitution of message may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. In addition, any on-site commercial message may be substituted, in whole or in part, for any other on-site commercial message, provided that the sign structure or mounting device is authorized pursuant to this Code, without consideration of message content. This provision does not create a right to increase the total amount of signage on a parcel, lot, or land; does not affect the requirement that a sign structure or mounting device be properly permitted; does not allow a change in the physical structure of a sign or its mounting device; and does not allow for the substitution of an off-site commercial message in the place of an on-site commercial or noncommercial message.
- E. **On-site/Off-site Distinction.** Within this Chapter, the distinction between on-site and off-site signs applies only to commercial messages.
- F. **General Prohibition.** Permanent signs not expressly permitted by this Chapter are prohibited.

17.54.030 Sign Requirements and Review Procedures

- A. **Permits Required**
1. Building permit required. A building permit shall be required for all permanent signs (building-attached or freestanding) not specifically exempted by this Chapter, prior to erection, relocation, alteration, or replacement of a sign. A building permit for a sign shall be reviewed in the same manner as any other building permit as established in Section 17.10.030 (Zoning Conformance Approval). Unless otherwise required by the City-adopted Building Code, a building permit shall not be required for general maintenance of existing signs or the replacement of a sign face (including message) when the area of the sign is not being changed.
 2. Master Sign Program required. To ensure compliance with the regulations of this Chapter and except as otherwise exempted, a Master Sign Program shall be required for all new nonresidential developments of three or more separate tenant spaces that (1) share either the same parcel or structure and (2) use common access and parking facilities. The process for application, review, and decision regarding a Sign Program shall be as established in Section 17.10.090 (Master Sign Program).
- B. **Method of Application.** Applications for a building permit for a sign, a Master Sign Program, or Site Plan and Design Review shall be made on the form(s) prescribed by the Community Development Department. The application shall be accompanied by any fees as specified by City Council resolution. The required contents of the application shall be as specified in Chapter 17.10 (Entitlements).

- C. **Application Review Procedures and Decisions.** The application and review procedures for building permits for Master Sign Programs, and Site Plan and Design Review for signs shall be as provided in Chapter 17.10 (Entitlements).
- D. **Variiances.** Applications for a Variance from the terms of this Chapter shall be reviewed by the Planning Commission according to the Variance procedures set forth in Section 17.10.120 (Variance).
- E. **Appeals.** Appeal procedures shall be as provided in Chapter 17.08.070 (Appeals).

17.54.040 Exempt Signs

The following sign types are expressly exempted from the permit requirements of this Chapter and Title but still must satisfy any and all other applicable City of Manteca permit requirements when necessary (e.g., building, electrical, plumbing, grading, encroachment). Any exception to the limitations for exempt signs listed herein shall require a Variance pursuant to Section 17.10.120 (Variance). However, consideration of the variance request shall not evaluate the message or graphic design of the sign.

- A. **Exempt Signs without Limitations.** The following signs are exempt from Sign Permit and City review requirements:
 - 1. All devices which are excluded from the definition of a sign as set forth in this Code.
 - 2. Official traffic signs or other municipal governmental signs, legal notices, advertisements prescribed by law and placed by governmental entities, and signs indicating the location of buried utility lines or any notice posted by a governmental officer in the scope of his duties.
 - 3. Direction, warning, or information signs or structures required or authorized by law, or by federal, state, county, or City authority, including, but not limited to, traffic control signs (e.g., stop, yield), highway route number signs, and construction zone signs.
 - 4. Utility company signs identifying cables, conduits, danger, and so forth.
 - 5. Street address signs consistent with the City-adopted Building Code or relevant provisions of the City Municipal Code. Notwithstanding anything in this Section, street address signs may be illuminated and may contain reflective paint or material.
 - 6. Historical and/or memorial tablets and identification plaques installed by or on behalf of a recognized governmental historical agency.
 - 7. Time and temperature signs containing no advertising copy.
 - 8. Gas pricing signs, as required by state law, which identify the brand, types, octane rating, etc., of gasoline for sale within the city.
 - 9. Change of copy that does not alter the size, location, or illumination of a sign.

10. Signs prohibiting trespassing or hunting.
- B. **Exempt Signs with Limitations.** The following signs are exempt from Sign Permits and as such do not require City review. However, they shall be consistent with the size, height, duration, and/or maximum number limitations listed.
1. A-frame signs. Each commercial business location shall be permitted one A-frame sign per street frontage. The sign may have two faces, and shall not exceed 4 feet in height or a width of 3 feet. The sign shall be unlighted. A multiple-occupancy building shall constitute one business location for the purposes of determining the number of permitted signs. A-frame signs shall not obscure or visually impair vehicular traffic and shall not be placed within a public right-of-way or on publicly owned property without first obtaining a Portable Sign Permit (see Section 17.54.100, Allowed Off-Site Signage).
 2. Permanent window signs (e.g., hanging on the interior of the window or stenciled on the inside or outside of the window) not exceeding 4 square feet per street frontage shall be permitted. Such signs should be encouraged to promote business identification, hours of operation, and address information. Such signs may not be illuminated.
 3. Construction signs not to exceed one sign per street frontage, a maximum of 50 square feet in area each, and a maximum height of 10 feet. Construction signs may not be illuminated. Such signs shall only be permitted during the period of actual construction after the building permit has been issued.
 4. Garage, yard, estate, and other home-based sale signs advertising the one-day sale of items from a garage, yard, estate, or other home-based sale. A maximum of four signs, each a maximum of 6 square feet, may be allowed. Such signs shall not be affixed to any utility pole or street sign pole.
 5. Real estate signs are allowed on private property out of any required clear visibility triangle, with the following limitations:
 - a. For single-family residential property, one sign with a maximum sign area of 10 square feet (each side) and a maximum height of 5 feet, unless placed in a window, and shall be unlighted.
 - b. For multi-family and commercial property, one on-site sign per street frontage. The sign may be attached flat against the building or freestanding to a maximum height of 6 feet. The sign shall not project above the eave line or top of the parapet of the building and shall be unlighted.
 - i. For unimproved acreage, one real estate sign shall be permitted per street frontage.
 - c. Removal. All real estate signs must be removed not later than 15 days after the close of the transaction proposed by the sign.
 6. On-site directional signs. Exit, entrance, or other on-site traffic directional signs are permitted. The maximum height of any directional sign shall be 36 inches,

and the maximum size shall be 12 square feet. No advertising or message other than for traffic direction shall be displayed.

7. Noncommercial signs on private property (e.g., political signs, fundraising signs for non-profit corporations and charitable organizations), each sign having a maximum size of 32 square feet. All signs exempted by this subsection shall be removed within seven days following an election/event. (Ord. 1501 § 1, 2011)
8. Gas pricing signs, as required by state law, which identify the brand, types, octane rating, etc., of gasoline for sale within the city, and in compliance with sign allowance in applicable zoning district.

17.54.050 Prohibited Signs

It shall be unlawful to erect, and no permit shall be issued for, any of the following signs:

- A. Any sign not specifically in accordance with the provisions of this Chapter.
- B. Signs painted or mounted on roofs or placed above the roofline (except for mansard roofs).
- C. Animated signs or flashing signs, with the exception of time and temperature signs and electronic message signs permitted under a use permit as part of a Regional Recreation/Hospitality Center as defined in section 17.100.040 (Sign Definitions).
- D. Pennants, banners, balloons, or other paraphernalia composed of paper, cloth, or other flexible material, except as otherwise permitted.
- E. Signs which rotate, move, reflect, blink, or incorporate elements that do so, except time and temperature signs and electronic reader signs.
- F. Signs placed on the public right-of-way or affixed to an element or structure on the public right-of-way, or located on a publicly owned tree, fence, or utility pole, or otherwise posted on public property, except where required by a governmental agency or permitted as part of kiosk sign program, or as provided in Chapter 17.54.100 (Allowed Off-Site Signage), or as provided in Chapter 17.56 (Signs on City Property).
- G. Inflatable balloon signs, including, but not limited to, individual balloons, balloon strings, and other inflatable objects made of a flexible material and inflated so as to be lighter than air.
- H. Signs affixed to vehicles where the primary purpose of the vehicle is advertising. This does not apply to signs maintained on vehicles when such advertising is incidental to the primary purpose for which the vehicle is being used (e.g., delivery service) or is required by state or federal law (e.g., contractor's license number) as exempted in the definition of a sign. Signs included in this definition include, but are not limited to, cars parked showing signs or vehicles that drive around the city with the express intent of communicating a message displayed on the vehicle (e.g., "rolling billboards").

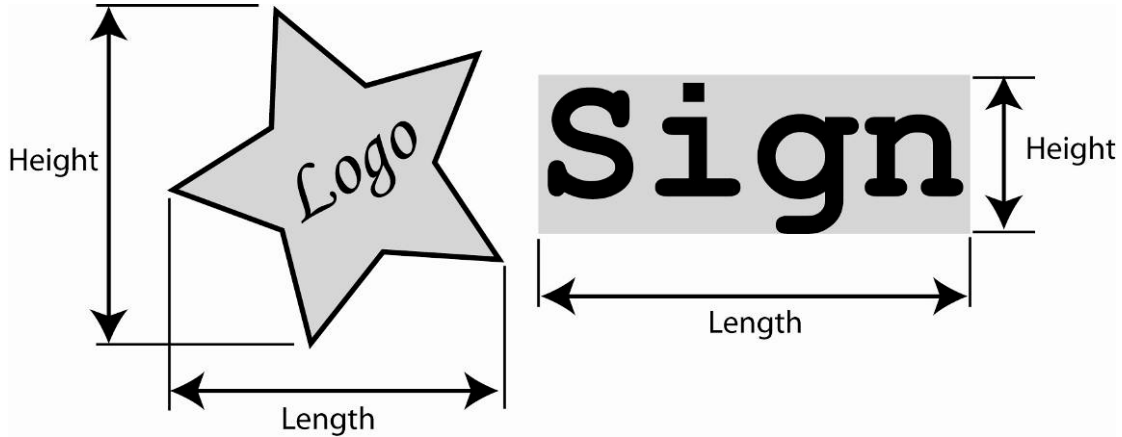
- I. Signs attached to light standards, unless part of a Master Sign Program or Street Banner Program.
- J. Off-site signs, except as otherwise permitted, including permitted with a portable sign permit, or those permitted under a use permit as part of a Regional Recreation/Hospitality Center, within the Public/Quasi Public Zoning District, or City-controlled property pursuant to the provisions outlined in Section 17.56.
- K. On-site signs that identify an activity, product, or service no longer conducted or available at the site on which the sign is located.
- L. Pole signs.
- M. Abandoned signs.
- N. Signs on fences. (Ord. 1501 § 1, 2011)

17.54.060 General Development, Maintenance, and Removal Provisions

- A. **Construction of Signs.** Every sign and all parts, portions, and materials thereof shall be manufactured, assembled, and erected in compliance with all applicable state, federal, and City laws and regulations, including the City-adopted Building Code. All signs shall comply with the following criteria:
 - 1. All transformers, equipment, programmers, and other related items shall be screened and/or painted to match the building or shall be concealed within the sign.
 - 2. All permanent signs shall be constructed of quality, low-maintenance materials such as metal, concrete, natural stone, glass, and acrylics. Techniques shall be incorporated during construction to reduce fading and damage caused by exposure to sunlight or degradation due to other elements.
 - 3. All freestanding signs that incorporate lighting shall have underground utility service.
 - 4. All temporary signs, portable signs, and banners shall be made of a material designed to maintain an attractive appearance for as long as the sign is displayed.
- B. **Maintenance of Signs.** Every sign and all parts, portions, and materials thereof shall be maintained and kept in proper repair. The display surface of all signs shall be kept clean, neatly painted, and free from rust and corrosion. Any cracked, broken surfaces, malfunctioning lights, missing sign copy, or other non-maintained or damaged portions of a sign shall be repaired or replaced within 30 days following notification by the City. Noncompliance with such a request will constitute a nuisance condition and zoning violation and will be enforced as such.
- C. **Determination and Measurement of Sign Area**
 - 1. General area calculation. Generally, the area of a sign shall be measured as the overall length of the sign times the overall height of each segment of

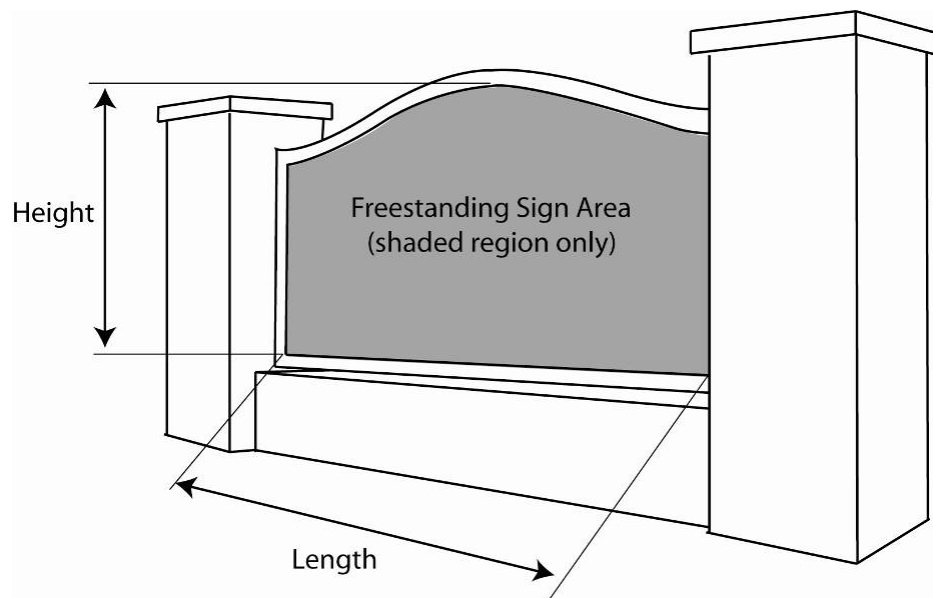
copy or logo exclusive of background, with the exception of those signs without a distinctive background (e.g. channel letters) see definition for Void Rule in Section 17.100. See Figure 17.54.060-1 (Sign Area).

FIGURE 17.54.060-1: SIGN AREA

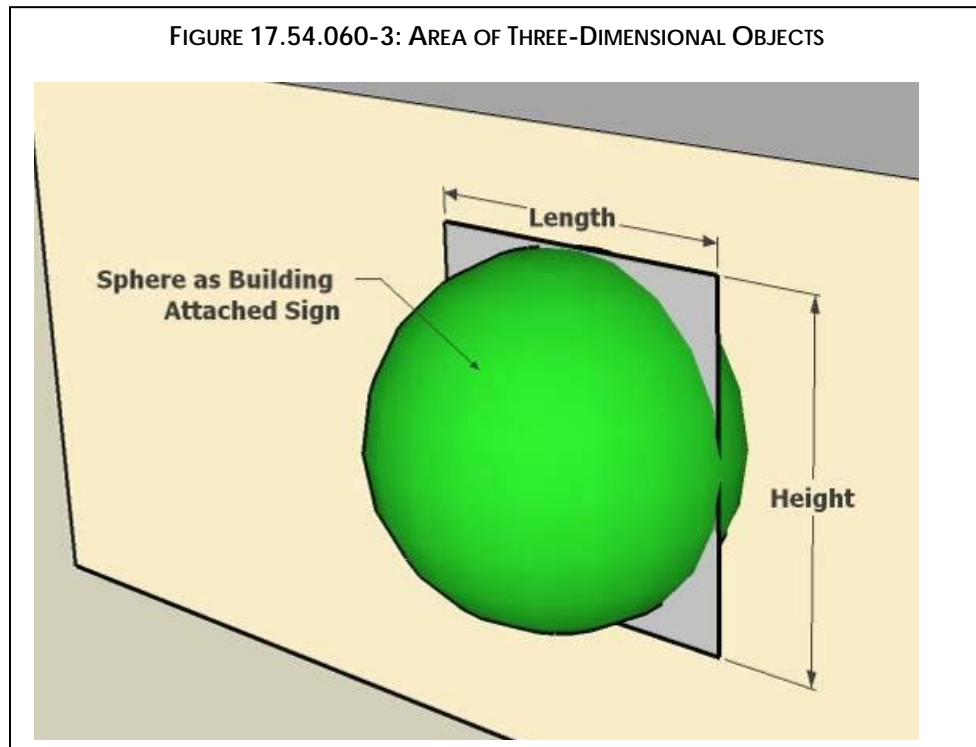


2. Awning or canopy signs. Sign copy which is applied to an awning or canopy shall be computed at 100 percent of the area within a single rectangle enveloping the sign copy.
3. Freestanding signs. Freestanding signs are to be computed as total height by the total length of the sign excluding framework (e.g., post, masonry column, or beam). The base of a monument sign is not part of the sign. See Figure 17.54.060-2 (Freestanding Sign Area). For double-faced (two-sided) freestanding signs, only one side of the sign shall be used to determine sign area.

FIGURE 17.54.060-2: FREESTANDING SIGN AREA



4. Three-dimensional objects. Where a sign consists of one or more three-dimensional objects (e.g., balls, cubes, clusters of objects, sculptures, or statue-like trademarks), the sign area shall be measured at their maximum projection upon a vertical plane, as viewed from a position in the public right-of-way which produces the largest visual projection. See Figure 17.54.060-3 (Area of Three-Dimensional Objects).



- D. **Measurement of Sign Height.** Sign height shall be measured from the uppermost part of the sign used in determining the area of the sign to the lowest elevation at the base of the sign.
- E. **Setback and Spacing of Freestanding Signs**
 1. The minimum setback distance for freestanding signs shall be measured from the property line. All freestanding signs shall be located outside of the present or future public right-of-way and any required clear visibility triangle.
 2. The minimum spacing distance between permanent freestanding signs, excluding on-site directory signs, should be 50 feet. The designated Approving Authority will review a proposed sign location on a case-by-case basis to ensure the sign is located outside the required clear visibility triangle and does not otherwise inhibit motorist safety.
- F. **Sign Removal or Replacement.** When a sign is removed or replaced, all brackets, poles, and other structural elements that support the sign shall also be removed. Affected building surfaces shall be restored to match the adjacent portion of the structure. This provision does not apply to routine maintenance.

17.54.070 Design Standards

The following criteria shall be utilized for permanent advertising displays and signs, and shall not be construed to govern the design of temporary signs.

A. General Design Standards

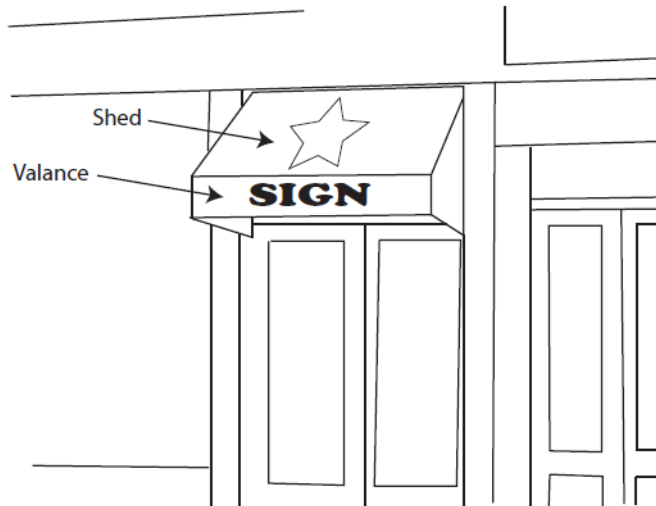
1. Architectural style. Each sign shall be designed to be compatible with and relate to the architectural style of the main building or buildings upon the site where such sign is located. Signs located on commercial sites but in a predominantly residential area shall be unobtrusive and designed to be compatible with such residential area.
2. Relationship to buildings. Signs located upon a lot with one main building or several buildings shall be designed to incorporate at least one of the predominant visual elements of such building or buildings, such as the type of construction materials, color, or other design detail.
3. Color. The color(s) of a sign should be harmonious and complementary to the colors of the building on or near which it is to be located. Fewer colors will generally produce the most attractive sign.
4. Letter style. The letter style to be used on a sign should be compatible with the architectural style of the building on or near which it is to be located. For example, simple block letters are generally most compatible with Spanish-style buildings. For those buildings that have been recently constructed and have no particular architectural style, simpler letter styles are desirable.
5. Sign materials. The goal of sign design is to maintain moderate, attractive, and compatible styling so as not to conflict or detract from the architectural character of the area. The choice of materials shall be left to the discretion of the applicant, subject to the provisions of this Chapter and the approval of the City.
6. Relationship to other signs. Where there is more than one sign on a site or building, all permanent signs displaying a commercial message shall have designs that similarly treat or incorporate the following design elements to the extent feasible:
 - a. Letter size and style of copy;
 - b. Shape of total sign and related components;
 - c. Type of construction materials;
 - d. Sign/letter color and style of copy;
 - e. Method used for supporting sign (e.g., wall or ground base); and
 - f. Location.

7. Sign illumination. The artificial illumination of signs, either from an internal or external source, shall be designed to minimize negative impacts on surrounding rights-of-way and properties. The following standards shall apply to all illuminated signs:
 - a. External light sources shall be directed and shielded to limit direct illumination of an object other than the sign;
 - b. The light from an illuminated sign shall not be of an intensity or brightness that will create glare or other negative impacts on residential properties in direct line of sight to the sign;
 - c. Unless otherwise permitted by another provision of this Chapter, signs shall not have blinking, flashing, or fluttering lights, or other illumination devices that have a changing light intensity, brightness, or color;
 - d. Colored lights shall not be used at a location or in a manner so as to be confused or constructed as traffic control devices;
 - e. Reflective-type bulbs and incandescent lamps that exceed 15 watts shall not be used on the exterior surface of signs so that the face of the bulb or lamp is exposed to a public right-of-way or adjacent property; and
 - f. Light sources shall utilize energy-efficient fixtures to the greatest extent possible and shall comply with Title 24 of the California Code of Regulations (California Building Standards Code).
8. The maximum coverage of copy allowed on a sign shall be 80 percent of the sign face.

B. Design Standards for Special Sign Types

1. Awning and canopy signs. Awning and canopy signs may be permitted only as an integral part of the awning or canopy to which they are attached or applied, as follows:
 - a. Lettering shall be allowed on awning valances only and shall not exceed 18 inches in height. Logos, symbols, and graphics that do not include text may be allowed on the shed (slope) portion of an awning and shall not exceed 4 square feet in area for each awning. See Figure 17.54.070-1 (Awning and Canopy Sign).

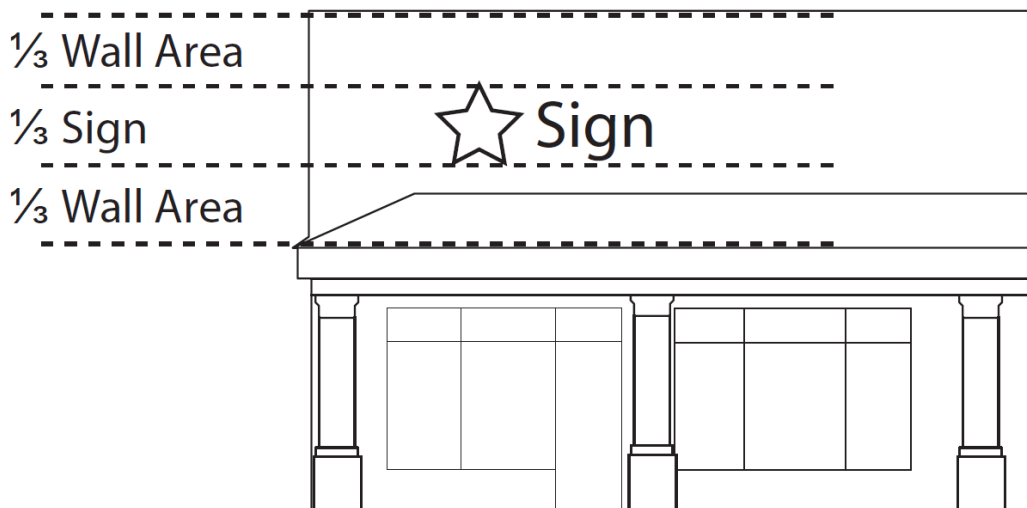
FIGURE 17.54.070-1: AWNING AND CANOPY SIGN



- b. Lettering shall be located within the middle 70 percent of the valance area.
 - c. Only permanent signs that are an integral part of the awning or architectural projection shall be allowed. Temporary signs shall not be placed on awnings.
 - d. Awning signs shall only be allowed for first- and second-story occupancies.
 - e. Awnings shall not be lighted from under the awning (backlit) so that the awning appears internally illuminated. Lighting directed downwards that does not illuminate the awning is allowed.
 - f. Awnings shall be regularly cleaned and kept free of dust and visible defects.
 - g. The style of the awning/canopy shall complement the architectural style of the building to which it is attached. Awnings should generally have a simple horizontal valance if located over rectangular or square window/door openings. Domed or barrel-shaped awnings are appropriate for buildings with arched window/door openings.
 - h. Awnings and canopies shall be made of durable, long-lasting materials that minimize fading and tearing. Ideal materials are canvas and other tightly woven fabrics.
2. Bracket signs and under-canopy signs
 - a. Location. Blade or under-canopy signs shall be placed only on ground-floor façades, except for businesses located above the ground level with direct exterior pedestrian access.

- b. Height. The lowest point of a blade or under canopy sign shall be a minimum of 8 feet above grade.
 - c. Projection. The sign may project a maximum of 4 feet from the building.
 - d. Sign structure. Sign supports and brackets shall be compatible with the design and scale of the sign.
 - e. Encroachment. Blade or under-canopy signs may not encroach into the public right-of-way or be located above it, or into City-owned property except with an encroachment permit.
3. Wall signs
- a. Wall signs shall be compatible with the predominant visual architectural elements of the building façade.
 - b. Wall signs shall be placed to establish façade rhythm, scale, and proportion where such elements are weak. For many existing buildings that have a monolithic or plain façade signs can establish or continue appropriate design rhythm, scale, and proportion.
 - c. Wall signs shall utilize a consistent proportion of signage to building scale, such as 1/3 text to 2/3 wall area or 1/4 text to 3/4 wall area. See Figure 17.54.070-2 (Text Scale).

FIGURE 17.54.070-2: TEXT SCALE



- d. Wall sign raceways shall be concealed from public view (e.g., within the building wall or painted to match the exterior color of the building where the sign is located) or otherwise integrated with the design of the sign and building so as to not detract from the architectural character of the building.

- e. Direct and indirect lighting methods are allowed for wall signs, provided that they are not harsh or unnecessarily bright. Light shall either be directed down or in such a way that it does not cause light trespass or glare onto adjoining properties or public rights-of-way.
 - f. Can signs are discouraged. Channel letters, reverse channel letters, and pushpin letters are preferred. Letters may not utilize gold-colored (or a shade of gold) trim cap.
 - g. If a tenant's signage on one façade comprises multiple elements (e.g., logo and text), the elements shall be located and scaled with relationship to each other.
4. Freestanding signs, generally
- a. In an effort to promote full architectural integration of signs, voids between the sign face and the sign structure are prohibited. Either the sign face shall utilize the full width of the sign structure or coverings that are architecturally consistent with the rest of the sign shall be used to fill any voids.
 - b. Materials and design for freestanding signs shall be complementary to the materials and design of the buildings for the related development. For example, if the façade of the building is made of brick or brick veneer, a complementary freestanding sign would also include brick.
 - c. Landscaping shall be provided at the base of the sign equal to the area of the sign. Landscaping shall be complementary to and designed in concert with the landscaping for the overall site. The design of the landscaping shall be such that natural growth will not obscure the sign from the public right-of-way.
5. Monument signs. Monument signs may be used in conjunction with other freestanding signs on sites 1 acre or more in size. On sites less than 1 acre in size, only monument signs shall be permitted. Monument signs shall conform to the following restrictions:
- a. Compliance with the setback and spacing standards for freestanding signs in Subsection 17.54.060(E).
6. Changeable copy sign. These types of signs shall be considered to be the same as any other type of sign and shall be regulated based on their location, i.e., if located on a wall, they shall be deemed wall signs. The maximum allowed size for a changeable copy sign shall be 24 square feet per display face. The sign area shall count toward the maximum allowed sign area for the property. Such signs may be internally illuminated.
7. Electronic message signs. Electronic message signs shall only be permitted under a Major Sign Permit as part of a regional recreation/hospitality center use. The illumination level shall be regulated such that the intensity of the illumination is appropriate based on the level of lighting of the surrounding environment (e.g., illumination by the sun or moon during day, dusk, night time, and dawn) through the use of such means as light meters and

programmed illumination regulation or LEDs that are designed to limit the spread of light.

8. Projecting sign. Projecting signs shall project no closer than 2 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 12 feet above the sidewalk; signs projecting less than two-thirds the distance shall be no lower than 8 feet above the sidewalk.
9. Window signs. Window signs may not exceed 50 percent of the total window area of any window. Further,
 - a. Permanent window signs shall count toward the total sign area allowed; and
 - b. Temporary window shall not count toward the total sign area allowed.

17.54.080 Allowed Permanent On-Site Sign Standards

- A. **On-Site Signs Generally.** Table 17.54.080-1 (Allowed Permanent On-Site Sign Standards) lists the development standards for all permanent on-site signs based on use type and zoning district, as well as allowed sign type. As identified in Section 17.54.030 (Sign Requirements and Review Procedures), a building permit is required before any of the sign types listed herein are installed, erected, or otherwise established. Only those signs that may be permitted are listed. Regulations for temporary promotional on-site signs are listed in Table 17.54.090-1 (Temporary Sign Standards). Regulations for off-site signs are listed in Section 17.54.100 (Allowed Off-Site Signage). The following general rules/standards apply to permanent signs regulated in this Section.
- B. **Illumination.** Generally, any permanent on-site sign may be illuminated; however, signs located within residential Zoning Districts shall not be illuminated. Where illumination of a sign is allowed, such illumination may be achieved by any method that minimizes glare onto neighboring or abutting property, such as from behind the sign (e.g., light source behind the face of the sign, such as with the opaque, nontransparent face of channel letters; silhouette halo illumination behind letters) or by a low-level spotlight.
- C. **Freestanding Sign Setback.** All permanent freestanding on-site signs shall comply with the setback and spacing requirements of Subsection 17.54.060(E).
- D. **Sign Area Allowance.** Allowable sign area is either a set square footage per establishment or is based on a ratio of sign area to primary building frontage. Sign area is calculated as described in Subsection 17.54.060(C) (Determination and Measurement of Sign Area). Where a ratio is described, it applies up to the listed maximum. Where a ratio is prescribed to a specific building frontage, it shall be calculated using just the frontage length of that façade (e.g., rear façade, ratio applied to length of rear façade).
- E. **Collective Sign Area.** The total sign area allowed herein for each sign type may be distributed among the maximum number of signs permitted for that sign type. For example, the total allowed area for wall signs for a particular establishment may be

distributed among the maximum number of wall signs allowed for that same establishment.

**Table 17.54.080-1
ALLOWED PERMANENT ON-SITE SIGN STANDARDS**

Sign Type		Maximum Number Permitted	Maximum Area	Maximum Height
Single-Family Residential Zoning Districts				
Permanent Subdivision Identification Sign, Freestanding Sign	Monument or on fence or wall	2/entrance	25 sq. ft.	6 ft.
Multi-Family Residential Zoning Districts				
Freestanding sign, project identification	Monument or on fence or wall	1/entrance	25 sq. ft.	6 ft.
Commercial Zoning Districts				
Freestanding Signs, Generally	Monument Sign (site <1 acre)	1/entrance	25 sq. ft. per sign face ³	6 ft.
	Monument Sign (site >1 acre)	1/entrance	50 sq. ft. per sign face ³	8 ft.
	Pylon Sign (site >1 acre)	1 per 10 acres	100 sq. ft. per sign face ³	20 ft.
Freestanding Sign, Freeway-Oriented ¹	Pylon Sign (site >10 acres)	1/site within 1,000 ft. of a state highway	250 sq. ft. per sign face ³	75 ft.
Attached Signs, for Building/Tenants >5k sq. ft.	Wall Sign	No maximum	2.5 sq. ft./1 lineal ft. of primary building/tenant frontage, max 200 sq. ft. per elevation	Roofline
	Window Sign			—
Attached Signs for Building/Tenants <5k sq. ft.	Wall Sign	No maximum	1.5 sq. ft./1 lineal ft. of primary building/tenant frontage, max 100 sq. ft. per elevation	Roofline
	Window Sign			—
Central Business District				
Attached Sign ²		No maximum	2 sq. ft./1 lineal ft. of primary building/tenant frontage, no max.	Roofline
Industrial Zoning Districts				
Attached Signs for building/tenants ≥10k sq. ft.	Wall Sign	No maximum	2.5 sq. ft./1 lineal ft. of primary building/tenant frontage, max 200 sq. ft. per elevation	Roofline
	Window Sign			—

Attached signs for building/tenants ≤10k sq. ft.	Wall Sign	No maximum	1.5 sq. ft./1 lineal ft. of primary building/tenant frontage, max 100 sq. ft. per elevation	Roofline
	Window Sign			—
Freestanding signs, generally	Monument sign (site < 1 acre)	1/entrance	25 sq. ft. per sign face ³	6 ft.
	Monument sign (site > 1 acre)	1/entrance	50 sq. ft. per sign face ³	8 ft.
	Pylon sign (site > 1 acre)	1 per 10 acres	100 sq. ft. per sign face ³	20 ft.
Open Space and Public/Quasi-Public Zoning Districts				
Freestanding Sign	Monument	1/entrance	25 sq. ft./1 lineal ft. of primary	10 ft.
Attached signs for building/tenants	Wall or Window Sign	No maximum	1.5 sq. ft./1 lineal ft. of primary building/tenant frontage, max 100 sq. ft. per elevation	Roofline

Notes:

1. Requires the issuance of a Conditional Use Permit.
2. Establishments in the central business district are permitted no more than one of each of the following building attached signs: awning, projecting, under-canopy, wall, or window.
3. Maximum sign area allowance is based on a two-sided sign.

17.54.090 Allowed Temporary On-Site Sign Standards

This Section describes standards for temporary promotional on-site signs. These signs require the issuance of a Temporary Sign Permit from the Community Development Director. Temporary signs may include, but are not limited to, commercial signs for grand openings, special product, sale, or event advertising. The development standards for temporary signs are listed in Table 17.54.090-1 (Temporary Sign Standards). The following general rules/standards apply to temporary promotional signs:

- A. **Time Duration.** Each sign shall be permitted for only a specific time as listed in Table 17.54.090-1 (Temporary Sign Standards).
- B. **Illumination.** Temporary signs may not be illuminated.
- C. **Message.** Temporary signs displaying a commercial message shall be limited to on-site signage only. Temporary off-site signage displaying a commercial message is prohibited. However, portable off-site signage displaying a commercial message is regulated under Section 17.54.100 (Allowed Off-Site Signage).
- D. **Encroachment.** Temporary promotional signs shall not encroach on or above the public right-of-way or be attached to utility poles.

TABLE 17.54.090-1
TEMPORARY ON-SITE SIGN STANDARDS

Use Type	Maximum Temporary Number	Maximum Area	Maximum Height	Minimum Setback from ROW1	Maximum Time Duration
Temporary Subdivision Signs located within subdivision boundaries	1/perimeter street frontage of the subdivision	50 sq. ft./sign face	10 ft.	5 ft.	Completion of subdivision
Temporary Promotional Sign ²	No max.	No max.	No max.	5 ft.	30 days each 3 months

Notes:

1. *Must be located outside of the clear visibility triangle.*
2. *Includes banners, streamers, flag,, or other similar signs otherwise prohibited when part of a special event or sale, including, but not limited to, clearance sales, outdoor fairs and sales, and grand openings.*

17.54.100 Allowed Off-Site Signage

A. **Subdivision Directional Sign.** Temporary off-site subdivision directional signs are permitted, subject to the issuance of a Sign Permit and require conformance with the following development standards.

1. **Location.** The sign shall be located outside of the clear visibility triangle and subject to the setback regulations of the associated Zoning District. The sign shall be located a minimum of 100 feet from another freestanding sign. It shall only be located on streets classified as major collector, arterial, or expressway under the General Plan.
2. **Height.** The maximum height of the sign shall be 10 feet.
3. **Area.** The maximum area of one face of the sign shall be 32 square feet.
4. **Number of Faces.** Subdivision directional signs may have up to two faces.
5. **Illumination.** Subdivision directional signs may not be illuminated.

B. **Portable Sign.** Portable signs displaying a commercial message on a public sidewalk are permitted subject to the issuance of a Portable Sign Permit (including proof of liability insurance,) and conformance with the following development standards.

1. **Location.** The sign shall be located outside of any clear visibility triangle. The sign shall allow at least 4-feet of clear passage along the sidewalk in compliance with Federal and State standards for disabled access and shall be setback at least 1-foot from the face of the curb. The sign shall be placed to avoid obstructing access to the sidewalk from parked vehicles. The signs shall be located on sidewalks adjacent to the business being advertised and only within commercial zones. Signs shall not be located in landscaping islands or medians within the

public right-of-way, and are only allowed if the business is not part of a shopping center, or office complex. In addition, flags may be placed in the “Flags Over Manteca” flag holes except on days specified by the “Flags Over Manteca” program.

2. **Height.** The maximum height of the sign shall be 4 feet with the exception of flags having a maximum height of 15-feet.
 3. **Width.** The maximum width of the sign shall be 3-feet. The maximum width of a flag is 2-feet.
 4. **Area.** The maximum area of one face of a two sided sign shall be 12 square feet. The maximum area of one face of a two sided flag shall be 15-square feet.
 5. **Number of Signs.** 1 Sign, or 1 Flags, per 50 linear feet of business frontage.
 6. **Illumination.** Portable signs shall not be illuminated.
 7. **Time of Day.** Portable signs shall be allowed during business hours.
- C. **Human Sign.** Human signs displaying a commercial message are permitted subject to the issuance of a Portable Sign Permit (including proof of liability insurance), and conformance with the following development standards.
1. **Location.** Human signs shall not interfere with pedestrians, cyclists or vehicular traffic. Human signs shall not be located in areas required for clear visibility at intersections or otherwise block motorist, cyclist or pedestrian view of traffic and/or control devices. No human sign shall be located within one hundred feet of any intersection that is controlled by an official traffic signal of the type set forth in [Vehicle Code](#) Section 21450.
 2. **Area.** Signs worn, carried or held shall be no larger than 12 square feet.
 3. **Number of Signs.** One per business location.
 4. **Time of Day.** Human signs shall be allowed during the Daytime, which is the period of time between sunrise and sunset.
 5. **General.** Human signs shall not utilize any type of illumination, animation, flashing, blinking, rotating light or mirrors. Human signs shall not shout or generate any noise that would disrupt traffic or endanger pedestrian or traffic safety. Bull horns or amplified sound are prohibited.

17.54.110 Murals

Murals may be placed on nonresidential buildings upon issuance of a building permit, provided the mural is noncommercial in nature. The area of the mural shall not be counted toward the total sign area of the site or building/establishment. Murals that display a commercial message shall be regulated as on-site commercial message wall signs under Section 17.54.080 (Allowed Permanent On-Site Sign Standards). (Ord. 1501 § 1, 2011)

17.54.115 Electronic Display Signs

- A. **Permit.** The City may allow for electronic display signs as part of a Regional Recreation/Hospitality Center (as defined in Section 17.100.040, Sign Definitions) under an approved Conditional Use Permit approved by the City Council after a recommendation by the Planning Commission.
- B. **Standards**
1. If found by the City Council to aid in the generation of revenue and/or promote the City of Manteca in a positive manner, the City Council may permit the sign to include off-site advertising. Unless specifically permitted by the City Council, all related signage and advertisements included on the electronic display sign shall be on-site.
 2. The sign will be maintained in such a manner that the screen is in full functioning order at all times. If the screen does develop areas with no or improper illumination that affect the overall quality of the images, the screen shall be turned off until necessary repairs have been made. The Community Development Director has the authority to make this determination.
- C. **Notice.** A minimum 10-day notification and review period of the proposed electronic display sign must be completed prior to any required noticing for the use permit. Notification shall include the general design and detail of the proposed sign, map with the proposed location, and hours of operation. All comments received within the 10-day review period shall be forwarded to both the Planning Commission and City Council for consideration.
- D. **Findings for Approval.** The City Council may approve the Conditional Use Permit for Electronic Display Signs as part of a Regional Recreation/Hospitality Center if the City Council can make all of the following findings in addition to the findings for a Conditional Use Permit provided in Section 17.10.130 (Conditional Use Permit):
1. The sign shall not violate any section of Chapter 17.54 (Signs) and shall meet all applicable requirements of the Outdoor Advertising Act, California Business and Professional Code, and any applicable codes relative to signage.
 2. The sign shall not exceed a height or sign area that would create a nuisance to neighboring properties, or to motorist.
 3. The sign shall be constructed of quality materials and of similar design and architecture as adjacent uses.
 4. The hours of operation, illumination of the sign and changing images on the electronic display will not create a nuisance to surrounding uses, the vicinity, or traffic.

17.54.120 Removal of Signs, Nonconforming Signs, and Abandoned Signs

- A. **Removal of Signs.** 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 90 days, remove from public view wall signs and sign structures.

B. Nonconforming Signs

1. Except as otherwise provided by this Section, all existing signs which do not meet the requirements of this Chapter shall be deemed nonconforming signs and shall either be removed or brought into compliance with the City's Municipal Code when a substantial alteration to the sign is made. For purposes of this Section, a "substantial alteration" shall be defined as repair or refurbishing of any sign that alters its physical dimensions or height, or replaces any integral component of the sign including, but not limited to, alterations to exterior cabinets, bases, or poles. In addition, substantial alteration shall also include any repair or refurbishing of a sign that exceeds 50 percent of the depreciated value of the sign and structure, but excepting customary maintenance. "Customary maintenance" shall be defined as any activity or work performed for the purpose of actively maintaining the sign in its existing approved physical configuration and size dimensions at the specific location approved by the City and includes the following:
 - a. Repainting the sign text, cabinet, or other component of the sign without changing the advertising message; or
 - b. Routine maintenance with substantially the same colors and materials.
2. A nonconforming sign may remain in use provided no additions or enlargements are made thereto and no structural alterations are made therein, except as permitted for customary maintenance in Subsection 17.54.120(B)(1). If said nonconforming sign is destroyed or removed, every future sign at the same location must be in conformance with the provisions of this Chapter.

- C. **Abandoned Signs.** Abandoned signs may be abated by the City. For regulatory purposes, any factors indicating abandonment shall not begin occurring until 120 days after this Chapter first goes into effect.

Chapter 17.56 Signs on City Property

Sections:

17.56.010	Purpose and Proprietary Capacity	17.56-1
17.56.020	Intent as to Public Forum	17.56-1
17.56.030	General Prohibition.....	17.56-1
17.56.040	Signs Allowed on City Property	17.56-1
17.56.050	Temporary Signs Displaying Noncommercial Message	17.56-2
17.56.060	Street Banner Program.....	17.56-2
17.56.070	Community Directional Signs.....	17.56-2

17.56.010 Purpose and Proprietary Capacity

The purpose of this Chapter is to provide the process and standards for establishing signage on City property. In adopting this Chapter, the City Council acts in its proprietary capacity as to City property, as defined herein, within the city. This Chapter is adopted pursuant to the City’s general powers, property rights, Government Code Sections 65850(b), 38774, and 38775, Business and Professions Code Sections 5200 et seq., and Penal Code Section 556 et seq.

17.56.020 Intent as to Public Forum

The City declares its intent that not all City property shall function as a designated public forum, unless some specific portion of City property is designated herein as a public forum of one particular type. In such case, the declaration as to public forum type shall apply strictly and only to the specified area and for the specified time period.

17.56.030 General Prohibition

Unless specifically authorized by this Chapter, no signs may be displayed on City property by private parties. Any sign posted on City property in violation of this Chapter may be summarily removed by the City as a trespass and a public nuisance.

17.56.040 Signs Allowed on City Property

The following signs may be erected and displayed on City property:

- A. Traffic control and traffic directional signs erected by the City or another governmental unit;
- B. Signs required by law;
- C. Signs erected and maintained by a public agency on public property;
- D. Safety and emergency signs, including identification and warning signs concerning potential hazards or hazardous conditions, utility installations, flood hazards or flood control facilities, emergency conditions or services, and crime and accident scene control;
- E. Signs allowable under Section 17.56.050 (Temporary Signs Displaying Noncommercial Message) of this Chapter; and
- F. Signs authorized under Section 17.56.060 (Street Banner Program).

- G. Signs authorized under Section 17.54.100 (Allowed Off-Site Signage).

17.56.050 Temporary Signs Displaying Noncommercial Message

In areas qualifying as traditional public forums, private persons may display noncommercial message signs thereon, provided that such signs conform to all of the following:

- A. The signs must be personally held by a person or personally attended by one or more persons. "Personally attended" means that a person is physically present within 5 feet of the sign at all times.
- B. The signs may be displayed only during the time period of sunrise to sunset, except on occasions when the City Council and/or the Planning Commission are holding public hearings or meetings; on such occasions, the display period is extended to 30 minutes after such meeting is officially adjourned.
- C. The maximum aggregate size of all signs held or personally attended by a single person is 6 square feet. For purposes of this rule, apparel and other aspects of personal appearance do not count toward the maximum aggregate sign area.
- D. The maximum size of any one sign which is held or personally attended by two or more persons is 50 square feet, measured on one side only.
- E. The sign must have no more than two display faces and may not be inflatable or air-activated.
- F. In order to serve the City's interests in traffic flow and safety, persons displaying signs under this Chapter may not stand in any vehicular traffic lane when a roadway is open for use by vehicles, and persons displaying signs on public sidewalks must give at least 5 feet width clearance for pedestrians to pass by. Persons holding signs may not obstruct the clear visibility triangle, as defined in this Title.
- G. The message substitution policy of the Sign Ordinance applies only to traditional public forum areas.

17.56.060 Street Banner Program

This section is reserved for future use.

17.56.070 Community Directional Signs

- A. In an effort to encourage, facilitate, and assist visitors and residents to find points of interest in Manteca, the City hereby establishes a directional wayfinding program known as the Community Directional Signs program.
- B. The design, location, and installation standards for Community Directional Signs shall be established by resolution of the City Council.
- C. Permission to erect a community directional sign on public streets or public right-of-way shall be obtained from the City Engineer or designee. The design and location of Community Directional Signs shall be consistent with the adopted Community Directional Signs program.

Chapter 17.58 Performance Standards

Sections:

17.58.010	Purpose and Intent	17.58-1
17.58.020	General Requirements.....	17.58-1
17.58.030	Points of Measurement	17.58-1
17.58.040	Hazardous Materials.....	17.58-1
17.58.050	Noise Standards	17.58-2
17.58.060	Odor, Particulate Matter, and Air Containment Standards.....	17.58-5
17.58.070	Vibration	17.58-5
17.58.080	Heat.....	17.58-6
17.58.090	Radioactivity or Electric Disturbance.....	17.58-6
17.58.100	Liquid or Solid Wastes	17.58-6

17.58.010 Purpose and Intent

The performance standards established in this Chapter are intended to ensure that uses and activities shall occur in a manner to protect the public health and safety and that do not produce adverse impacts on surrounding properties nor on the community at large. The standards contained in this Chapter apply to all Zoning Districts. If necessary, the City will retain a professional expert or designated regulatory agency to assist in assessing possible impacts, and the applicant or business owner will pay any cost incurred.

17.58.020 General Requirements

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, odor, or form of air pollution; heat, cold, dampness, electrical, or other disturbance; glare, refuse, or wastes; or 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 Zoning District in which the use is situated.

17.58.030 Points of Measurement

Measurements necessary for enforcement of performance standards set forth in this Chapter shall be taken at the following points:

- A. Generally, at the lot line of the establishment or use; or
- B. In the M-1 and M-2 districts, at a point 500 feet from the exterior wall of the use or at the lot line of the use, whichever is less.

17.58.040 Hazardous Materials

The following standards are intended to ensure that the use, handling, storage, and transportation of hazardous materials comply with all applicable state laws (Government Code Section 65850.2 and Health and Safety Code Section 25505, et seq.) and that appropriate information is reported to the Fire Department as the regulatory authority.

- A. **Reporting Requirements.** All businesses required by state law (Health and Safety Code, Section 6.95) to prepare hazardous materials release response plans and

hazardous materials inventory statements shall, upon request, submit copies of these plans, including any revisions, to the Fire Department.

- B. **Underground Storage.** Underground storage of hazardous materials shall comply with all applicable requirements of state law (Health and Safety Code, Section 6.7, and Articles 679 and 680 of the California Fire Code, or as subsequently amended). Businesses that use underground storage tanks shall comply with the following procedures:
1. Notify the Fire Department of any unauthorized release of hazardous materials prescribed by City, county, state, and federal regulations;
 2. Notify the Fire Department and the San Joaquin County Health Department of any proposed abandoning, closing, or ceasing operation of an underground storage tank and actions to be taken to dispose of any hazardous materials; and
 3. Submit copies of the closure plan to the Fire Department.
- C. **Aboveground Storage.** Aboveground storage tanks for hazardous materials and flammable and combustible materials may be allowed subject to the approval of the Fire Department.
- D. **New Development.** Structures adjacent to a commercial supply bulk transfer delivery system with at least 6-inch pipes shall be designed to accommodate a setback of at least 100 feet from that delivery system. The setback may be reduced if the Planning Director, with recommendation from the Fire Department, can make one or more of the following findings:
1. The structure would be protected from the radiant heat of an explosion by berming or other physical barriers;
 2. A 100-foot setback would be impractical or unnecessary because of existing topography, streets, parcel lines, or easements; or
 3. A secondary containment system for petroleum pipelines and transition points shall be constructed. The design of the system shall be subject to the approval of the Fire Department.
- E. **Notification Required.** A subdivider of a development within 500 feet of a pipeline shall notify a new/potential owner before the time of purchase and the close of escrow of the location, size, and type of pipeline.

17.58.050 Noise Standards

- A. **Purpose.** The purpose of this section is to:
1. Establish standards to provide a high quality of life for all residents by ensuring a safe community, free from manmade and natural hazards;
 2. Implement goals and policies of the General Plan Noise Element;

- 3. Provide community noise control regulation and standards that are consistent with or exceed the guidelines of the State Office of Noise Control and the standards adopted by the Federal Highway Administration (FHWA), California Department of Transportation (Caltrans), or other government or regulatory agencies.

- B. **Noise Standards.** The maximum sound level generated by any use or activity as measured at the point of measurement as defined in Section 17.58.030 (Points of Measurement) shall not exceed the levels established in Table 17.58.050-1 (Maximum Permissible Sound Pressure Levels) based on the use that is receiving the noise (e.g., residential use receiving noise generated by an industrial use).

**TABLE 17.58.050-1
MAXIMUM PERMISSIBLE SOUND PRESSURE LEVELS**

Receiving Land Use Category	Time Period	Maximum Allowable Noise Levels (Ldn/CNEL, dB)
Single-Family and Limited Multiple-Family	10 pm – 7 am	50
	7 am – 10 pm	60
Multiple-Family, Public Institution, and Neighborhood Commercial	10 pm – 7 am	55
	7 am – 10 pm	60
Medium and Heavy Commercial	10 pm – 7 am	60
	7 am – 10 pm	65
Light Industrial	Anytime	70
Heavy Industrial	Anytime	75

- C. **Calculation.** Exterior noise levels shall be measured with a sound level meter and associated octave band analyzer meeting the American National Standards Institute’s standards S1.4-1971 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment that will provide equivalent data. When measuring the noise level, the corrections provided in Table 17.58.050-2 (Noise Level Corrections) shall be applied.

**TABLE 17.58.050-2
NOISE LEVEL CORRECTIONS**

Category	Correction (decibels)
Daytime operation only (7 am – 7 pm)	+5
Noise source operates less than	
20% of any one-hour period	+5
5% of any one-hour period	+10
1% of any one-hour period	+15
Noise of impulsive character (e.g., hammering)	-5
Noise rising or falling in pitch or volume (e.g., hum, screech)	-5

- D. **Exempt Activities.** The following are not subject to the noise limitations of this Chapter.
1. Emergency exemption. The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work. The exemption does not include permanently installed emergency generators.
 2. Warning device. Warning devices necessary for the protection of public safety (e.g., police, fire and ambulance sirens, properly operating home and car burglar alarms, and train horns).
 3. Railroad activities. The operation of locomotives, rail cars, and facilities by a railroad that is regulated by the California Public Utilities Commission.
 4. State or federal preempted activities. Any activity, to the extent the regulation of it has been preempted by state or federal law.
 5. Public Health and Safety Activities including but not limited to: All transportation, flood control, and utility company maintenance and construction operation at any time on public rights-of-way, public property and those situations that may occur on private property deemed necessary to serve the best interest of the public and to protect the public's health and well-being, including debris and limb removal, removal of damaged poles and vehicles, removal of downed wires, repair of traffic signals, repair of water hydrants and mains, gas lines, oil lines, and sewers, restoration of electrical service, street sweeping, unplugging sewers, vacuuming catch basins, municipal well borehole drilling, municipal well casing installation. The regular testing of motorized equipment and pumps shall not be exempt.
 6. Solid waste collection. Noise sources associated with the authorized collection of solid waste (e.g., refuse and garbage).
 7. Maintenance of residential real property. Noise sources associated with the minor maintenance of residential real property, provided the activities take place between the hours of 7:00 a.m. and 10:00 p.m.
 8. Construction activities when conducted as part of an approved Building Permit, except as prohibited in Subsection 17.58.050(E)(1) (Prohibited Activities) below.
- E. **Prohibited Activities.** The following acts shall be a violation of this Chapter.
1. Construction noise. Operating or causing the operation of tools or equipment on private property used in alteration, construction, demolition, drilling, or repair work daily between the hours of 7:00 p.m. and 7:00 a.m., so that the sound creates a noise disturbance across a residential property line, except for emergency work of public service utilities.
 2. Loading and unloading activities. Loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects on private property between the hours of 10:00 p.m. and 7:00 a.m. in a manner to cause a noise disturbance.

3. Sweepers and associated equipment. Operating or allowing the operation of sweepers or associated sweeping equipment (e.g., blowers) on private property between the hours of 10:00 p.m. and 7:00 a.m. the following day in, or adjacent to, a residential zoning district.
4. Places of public entertainment. Operating or allowing to be operated, any loudspeaker, musical instrument, or other source of sound in any place of public entertainment that exceed 95 dBA at any point normally occupied by a customer.
5. Stationary non-emergency signaling devices. Sounding or allowing the sounding of an electronically amplified signal from a stationary bell, chime, siren, whistle, or similar device intended for non-emergency purposes, from a private property for more that 10 consecutive seconds in any hourly period.
6. Public nuisance noise. Public nuisance noise is noise that is generally not associated with a particular land use but creates a nuisance situation by reason of its being disturbing, excessive, or offensive. Examples would include excessively loud noise from alarms, animals, and fowl in nonagricultural districts, horns, musical instruments, stereos, tape or CD players, televisions, vehicle or motorboat repairs and testing, and similar noise as measured in Table 17.58.050-2 (Noise Level Corrections).

17.58.060 Odor, Particulate Matter, and Air Containment Standards

- A. Sources of odorous emissions, particulate matter, and air containment standards shall comply with the rules and regulations of the San Joaquin Valley Air Pollution Control District and the California Health and Safety Code.
- B. Noxious odorous emissions in a manner or quantity that is detrimental to or endanger the public health, safety, comfort, or welfare are declared to be a public nuisance and unlawful, and shall be modified to prevent further emissions release, except for agricultural operations in compliance with this Title. 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 17.58.030 (Points of Measurement) 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.
- C. No dust or particulate matter shall be emitted that is detectable by a reasonable person without instruments.
- D. Exhaust air ducts shall be located or directed away from abutting residentially zoned properties.

17.58.070 Vibration

Uses that generate vibrations that may be considered a public nuisance or hazard on any adjacent property shall be cushioned or isolated to prevent generation of vibrations. Uses shall be operated in compliance with the following provisions:

- A. No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments at the points of measurement specified in Section 17.58.030 (Points of Measurement) of this Chapter, nor shall any vibration produced exceed 0.002g peak at up to 50 CPS frequency, measured at the point of measurement specified in Section 17.58.030 (Points of Measurement) of this Chapter, using either seismic or electronic vibration measuring equipment. Vibrations occurring at higher than 50 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.
- B. Uses, activities, and processes shall not generate vibrations that cause discomfort or annoyance to reasonable persons of normal sensitivity or which endanger the comfort, repose, health, or peace of residents whose property abuts the property line of the parcel.
- C. Uses shall not generate ground vibration that interferes with the operations of equipment and facilities of adjoining parcels.
- D. Vibrations from temporary construction/demolition and vehicles that leave the subject parcel (e.g., trucks, trains, and aircraft) are exempt from the provisions of this Section.

17.58.080 Heat

Heat emitted at any point shall not at any time cause a temperature increase on any property in excess of 10 degrees Fahrenheit, 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.

17.58.090 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.

17.58.100 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.



Title 17 – Zoning

Article IV

Standards for Specific Land Uses

Chapter 17.70	Adult-Oriented Businesses.....	17.70-1
Chapter 17.72	Density Bonus and Other Incentives.....	17.72-1
Chapter 17.74	Drive-In and Drive-Through Facilities.....	17.74-1
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Chapter 17.80	Outdoor Sales, Display, Storage, and Seating.....	17.80-1
Chapter 17.82	Second Dwelling Units	17.82-1
Chapter 17.84	Temporary Uses	17.84-1
Chapter 17.86	Massage Therapy	17.86-1
Chapter 17.88	Wireless Telecommunication Facilities.....	17.88-1

Revisions:

The following revisions have been made to Article IV of Title 17:

Date of Adoption	Ordinance Number	Subject	Section	Page Number
5/19/2015	1558	Emergency Shelters and Transitional Housing Facilities	17.76.010, 17.76.020, 17.76.030, & 17.76.040	

Chapter 17.70 Adult-Oriented Businesses

Sections:

17.70.010	Purpose and Intent	17.70-1
17.70.020	Applicability	17.70-1
17.70.030	Permit Requirements	17.70-1
17.70.040	Special Standards.....	17.70-1

17.70.010 Purpose and Intent

It is the purpose of this Chapter to regulate adult-oriented businesses in order to promote the health, safety, and general welfare of the residents of the city, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult-oriented businesses within the city. The provisions of this Chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials. Similarly, it is not the intent or effect of this ordinance to restrict or deny access by adults to adult-oriented materials protected by the First Amendment, or to deny access by distributors and exhibitors of adult entertainment or adult-oriented materials to their intended market. In addition, it is not the intent or effect of this ordinance to condone or legitimize the distribution of obscene material.

17.70.020 Applicability

The regulations and standards contained in this Chapter shall apply to the establishment of any adult-oriented businesses as defined by Chapter 17.24 (Allowed Use Definitions) in the city and shall be in addition to any other development standards and regulations contained elsewhere within this Zoning Code. The establishment of any adult-oriented business shall include the opening of such a business as a new business, the relocation of such a business, or the conversion of an existing business location to any adult-oriented use. Note that additional definitions relative to adult-oriented businesses are listed in Section 17.100.020 (Adult Business Definitions).

17.70.030 Permit Requirements

Adult-oriented businesses regulated by this Chapter shall only be permitted in accordance with Article II (Zoning Districts, Allowed Uses, and Development Standards) and subject to the special regulations outlined in Section 17.70.040 (Special Standards) of this Chapter. These requirements are in addition to other permits of certificates required by law.

17.70.040 Special Standards

Prior to the establishment of an adult-oriented business, the following requirements shall be met:

- A. **Location Standards.** For the purposes of this Chapter, all distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point of the building or structure used as a part of the premises where said adult-oriented business is conducted to the nearest property line of any lot or premises of uses specified in Section 17.70.040(A)(3), or to the nearest point of any building or structure used as part of the premises of any other adult-oriented business.
 - 1. Adult-oriented business shall be more than 300 feet from any area zoned for residential use.

2. Adult-oriented business shall be more than 1,000 feet from any other adult entertainment business located inside or outside of city limits.
 3. Adult-oriented business shall be more than 500 feet from any public or private school, day care, park, playground, library, museum, government office, or assembly use.
- B. In any adult theater, the entire interior of the premises where the pictures are to be viewed shall be visible upon entrance to such premises; in addition, no viewing booths or areas shall be partially or fully enclosed or concealed.
- C. No person shall place, maintain, display, or exhibit any material in a manner which exposes to public view photographs or illustrations of specified sexual activities or of poses which emphasize or direct the viewer's attention to specified anatomical areas. As used herein, exposes to public view means exposes to the view of persons outside the building on which said material is placed, maintained, or displayed.
- D. Adult-oriented businesses shall be operated consistent with the requirements of Chapter 9.08 (Adult Entertainment) of this Municipal Code.

Chapter 17.72 Density Bonus and Other Incentives

Sections:

17.72.010 Purpose 17.72-1

17.72.020 Eligibility for Incentives and Concessions and Density Bonuses..... 17.72-1

17.72.030 General Provisions for Incentives and Concessions and Density Bonuses..... 17.72-1

17.72.040 Number and Types of Incentives and Concessions and Density Bonuses Allowed 17.72-3

17.72.050 Location of Density Bonus Units..... 17.72-8

17.72.060 Continued Availability..... 17.72-8

17.72.070 Process for Approval or Denial..... 17.72-8

17.72.010 Purpose

The purpose of this Chapter is to provide incentives for the production of housing for very low, low, and moderate income, special needs, and senior households in accordance with Government Code Sections 65915 through 65918. In enacting this Chapter, it is the intent of the City Council to facilitate the development of affordable housing and to implement the goals and policies of the City’s General Plan Housing Element.

17.72.020 Eligibility for Incentives and Concessions and Density Bonuses

The City of Manteca shall grant one density bonus, with concessions or incentives, as specified in Section 17.72.040 (Number and Types of Incentives and Concessions and Bonuses Allowed), when the applicant for the housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this Chapter, that will contain at least one of the following:

- A. Ten percent of the total units of a housing development for lower-income households;
- B. Five percent of the total units of a housing development for very low-income households;
- C. A senior citizen housing development or age-restricted mobile home park; or
- D. Ten percent of the total dwelling units in a common interest development as defined in Section 1351 of the California Civil Code for persons and families of moderate income, provided that all units in the development are offered to the public for purchase.

17.72.030 General Provisions for Incentives and Concessions and Density Bonuses

The following general provisions apply to the application and determination of all incentives and bonuses:

- A. **Rounding.** All density calculations resulting in fractional units shall be rounded up to the next whole number, except that the percentage of total units proposed to qualify the development for a density bonus shall not be rounded up. For example, for a 200-unit project that proposes 21 lower-income units (or 10.5%), the allowed density bonus would be based on 10% lower-income units, not 11%.

- B. **Relation to General Plan, Zoning.** The granting of a density bonus, or a concession or incentive, shall not be interpreted, in and of itself, to require a General Plan Amendment, zoning change, or other discretionary approval.
- C. **Density Bonus Excluded in Calculation.** The density bonus shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.
- D. **Parking.** Upon request by the applicant, the City shall not require that a housing development meeting the requirements of Section 17.72.020 (Eligibility for Incentives and Concessions and Density Bonuses) provide a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds the following:
1. Zero (studio) to one bedroom: one on-site parking space per unit
 2. Two to three bedrooms: two on-site parking spaces per unit
 3. Four or more bedrooms: two and one-half parking spaces per unit

If the total of parking spaces required for a housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subsection, a development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.

- E. **Waived or Reduced Development Standards.** The City shall not apply any development standard that would have the effect of physically precluding the construction of a housing development meeting the requirements of Section 17.72.020 (Eligibility for Incentives and Concessions and Density Bonuses) at the densities or with the incentives or concessions permitted by this Chapter.

An applicant may submit to the City a proposal for the waiver or reduction of development standards, when standards would have the effect of physically precluding the proposed development, and may request a meeting with the City. Nothing in this subsection, however, shall be interpreted to require the City to waive or reduce development standards if:

1. The waiver or reduction would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, upon health and safety or the physical environment and for which the City determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact; or
2. This would have an adverse impact on any real property that is listed in the California Register of Historical Resources.
3. The waiver or reduction would be contrary to state or federal law.

A proposed waiver or reduction of development standards shall neither reduce nor increase the number of allowable incentives or concessions under Section 17.72.040 (Number and Types of Incentives and Concessions and Density Bonuses Allowed).

- F. **Multiple Zoning Districts.** If the site of a development proposal is located in two or more Zoning Districts, the number of dwelling units permitted in the development is the sum of the dwelling units permitted in each of the Zoning Districts based on the site acreage within each Zoning District. The permitted number of dwelling units may be distributed within the development without regard to the zone boundaries.
- G. **Affordable Housing Requirements.** For projects subject to Chapter 17.32 (Affordable Housing Requirements) of this Title, the affordable housing units required by that Chapter may be counted toward the affordable units required to qualify for a density bonus per Section 17.72.020 (Eligibility for Incentives and Concessions and Density Bonuses).
- H. Nothing in this Chapter shall be construed to enlarge or diminish the authority of the City to require a developer to donate land as a condition of development.
- I. **Agreement Required**
1. Prior to the award of a density bonus and any related incentives or concessions, the applicant shall enter into an agreement with the City to ensure the continued affordability of all target units.
 2. For all target units, the agreement shall specify the household-income classification, number, location, size, and construction scheduling and shall require target units in a project and phases of a project to be constructed concurrently with the construction of non-target units. The agreement shall include such other provisions as necessary to establish compliance with the requirements of this Chapter.
- J. **Reports.** The applicant shall submit financial or other reports along with the application for the project to establish compliance with this Chapter. The City may retain a consultant to review any financial report (pro forma). The cost of the consultant shall be borne by the applicant; except if the applicant is a nonprofit organization, the cost of the consultant may be paid by the City upon prior approval of the City Council.
- K. **CEQA Review.** Any residential development that qualifies for a density bonus shall not be exempt from compliance with the California Environmental Quality Act.

17.72.040 Number and Types of Incentives and Concessions and Density Bonuses Allowed

- A. **General Project Density Bonus.** A housing development that satisfies the eligibility requirements in Section 17.72.020 (Eligibility for Incentives and Concessions and Density Bonuses) of this Chapter shall be entitled to the following density bonus:
1. For developments providing 10 percent lower-income target units, the City shall provide a 20 percent increase above the otherwise maximum allowable residential density as of the date of application, plus a 1.5 percent supplemental increase over that base for every 1 percent increase in low-income target units above 10 percent. The maximum density bonus allowed including supplemental increases is 35 percent.

2. For developments providing 5 percent very low-income target units, the City shall provide a 20 percent increase above the otherwise maximum allowable residential density as of the date of application, plus a 2.5 percent supplemental increase over that base for every 1 percent increase in very low-income target units above 5 percent. The maximum density bonus allowed including supplemental increases is 35 percent.
 3. For senior citizen housing developments, a flat 20 percent of the number of senior units.
 4. For common interest developments providing 10 percent moderate-income target units, the City shall provide a 5 percent increase above the otherwise maximum allowable residential density as of the date of application, plus a 1 percent increase in moderate-income units above 10 percent. The maximum density bonus allowed including supplemental increases is 35 percent.
- B. **Number of Incentives or Concessions.** In addition to the eligible density bonus percentage described in this Section, an applicant may request specific incentives or concessions in connection with its application for a density bonus as follows:
1. One incentive or concession for projects that include at least 10 percent of the total units for lower-income households, at least 5 percent for very low-income households, or at least 10 percent for persons and families of moderate income in a common interest development.
 2. Two incentives or concessions for projects that include at least 20 percent of the total units for lower-income households, at least 10 percent for very low-income households, or at least 20 percent for persons and families of moderate income in a common interest development.
 3. Three incentives or concessions for projects that include at least 30 percent of the total units for lower-income households, at least 15 percent for very low-income households, or at least 30 percent for persons and families of moderate income in a common interest development.
 4. The City shall grant the concession or incentive requested by the applicant unless it makes a written finding of either of the following:
 - a. The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).
 - b. The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.
 - c. The concession or incentive would be contrary to state or federal law.

- C. **Available Incentives and Concessions.** The following incentives and concessions are available for compliance with this Chapter:
1. A reduction in the site development standards or a modification of Zoning Code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 Section 18907 of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in ratio of vehicle parking spaces that would otherwise be required and that results in identifiable, financially sufficient, and actual cost reductions.
 2. Approval of mixed-use development in conjunction with the housing development if the nonresidential land uses will reduce the cost of the housing development and the nonresidential land uses are compatible with the housing development and surrounding existing development in the area in which the housing development will be located.
 3. Other regulatory incentives or concessions proposed by the applicant or that the City determines that will result in identifiable, financially sufficient, and actual cost reductions.
 4. Priority processing of a housing development that provides income-restricted units.
- D. **Additional Density Bonus and Incentives and Concessions for Donation of Land to the City.** The following incentives and concessions are available for compliance with this Chapter:
1. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the City and agrees to include a minimum of 10 percent of the total units before the density bonus for very low-income households, the applicant shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density, plus a 1 percent supplemental increase for each additional percentage of very low-income units to a maximum density bonus of 35 percent for the entire development.
 2. The density bonus provided in this subsection shall be in addition to any other density bonus provided by this Chapter up to a maximum combined density bonus of 35 percent.
 3. The applicant shall be eligible for the increased density bonus described in this subsection if all of the following conditions are met:
 - a. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.
 - b. The developable acreage and zoning designation of the land being transferred are sufficient to permit construction of units affordable to very low-income households in an amount not less than 10 percent of the number of residential units of the proposed development;

- c. The transferred land is at least 1 acre in size or of sufficient size to permit development of at least 40 units, has the appropriate General Plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of Section 65583.2 of Government Code, and is or will be served by adequate public facilities and infrastructure.
 - d. The transferred land shall have all of the entitlements and approvals, other than building permits, necessary for the development of the very low-income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the local government may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 of Government Code if the design is not reviewed by the local government prior to the time of transfer.
 - e. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with the requirements of this Chapter, which shall be recorded on the property at the time of the transfer.
 - f. The land is transferred to the City or to a housing developer approved by the City.
 - g. The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one-quarter mile of the boundary of the proposed development.
 - h. A proposed source of funding for the very low-income units shall be identified no later than the date of approval of the final subdivision map, parcel map, or residential development application.
4. Nothing in this subsection shall be construed to enlarge or diminish the authority of the City to require a developer to donate land as a condition of development.
- E. **Additional Density Bonus and Incentives and Concessions for Development of Child Care Facility.** The following density bonus incentives and concessions are available for compliance with this Chapter:
1. Housing developments meeting the requirements of Section 17.72.020 (Eligibility for Incentives and Concessions and Density Bonuses) and including a child-care facility that will be located on the premises of, as part of, or adjacent to the housing development shall receive either of the following:
 - a. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square footage in the child-care facility.
 - b. An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the child-care facility.

2. The City shall require the following as conditions of approving the housing development:
 - a. The child-care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the target units are required to remain affordable, pursuant to Subdivision (c) of Section 65915 of the Government Code; and
 - b. Of the children who attend the childcare facility, the children of very low-income households, lower-income households, or persons or families of moderate income shall equal a percentage that is equal to or greater than the percentage of target units that are required pursuant to Section 17.72.020 (Eligibility for Incentives and Concessions and Density Bonuses).
 3. Notwithstanding any other requirements of this Section, the City shall not be required to provide a density bonus or incentive or concession for a child-care facility if it makes a written finding, based upon substantial evidence, that the community has adequate child-care facilities.
- F. **Condominium Conversion Incentives for Low-Income Housing Development.** The following incentives and concessions are available for compliance with this Chapter:
1. An applicant for approval to convert apartments to a condominium project may submit to the City a preliminary proposal pursuant to this Section prior to the submittal of any formal requests for subdivision map approvals. The City shall, within 90 days of receipt of a written proposal, notify the applicant in writing of the manner in which it will comply with this Section.
 2. When an applicant for approval to convert apartments to a condominium project agrees to the following, the City shall grant either a density bonus of 25 percent over the number of apartments (to be provided within the existing structure or structures proposed for conversion) or provide other incentives of equivalent financial value.
 - a. Provide at least 33 percent of the total units of the proposed condominium project to persons and families of low or moderate income, or provide at least 15 percent of the total units of the proposed condominium project to lower-income households; and
 - b. Agree to pay for the reasonably necessary administrative costs incurred by the City.
 3. For purposes of this subsection, “other incentives of equivalent financial value” shall not be construed to require the City to provide cash transfer payments or other monetary compensation but may include the reduction or waiver of requirements which the City might otherwise apply as conditions of conversion approval.
 4. Nothing in this subsection shall be construed to require the City to approve a proposal to convert apartments to condominiums.

5. An applicant shall be ineligible for a density bonus or other incentives under this subsection if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentive was previously provided.

17.72.050 Location of Density Bonus Units

As required by state law, the location of density bonus units within the housing development may be at the discretion of the developer. However, the target units shall be dispersed throughout the housing development and when feasible shall contain, on average, the same number of bedrooms as the non-target units in the development, and shall be compatible with the design or use of the remaining units in terms of appearance, materials, and quality finish.

17.72.060 Continued Availability

- A. In a housing development providing low- or very low-income target units to qualify for a density bonus, the target units must remain restricted to low- or very low-income households for a minimum of 30 years from the date of issuance of the Certificate of Occupancy by the Building Official, or longer if required by the project financing.
- B. In the case of a common interest housing development providing moderate-income target units to qualify for a density bonus, the initial occupant of the target unit must be a person or family of moderate income. Upon resale, the seller of the target units shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation, the City shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in subdivision (e) of Section 33334.2 of the California Health and Safety Code that promote homeownership. The City's "proportionate share" shall be equal to the percentage by which the initial sale price to the moderate-income household was less than the fair market value of the home at the time of the initial sale. The local City's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.
- C. Where there is a direct financial contribution to a housing development pursuant to Government Code Section 65915, the City shall assure continued availability for low- and moderate-income units for 30 years.

17.72.070 Process for Approval or Denial

- A. **Process for Approval.** The density bonus and incentive(s) and concession(s) request shall be considered in conjunction with any necessary development entitlements for the project. The designated Approving Authority for density bonuses, incentives, and concessions shall be the City Council. In approving the density bonus and any related incentives or concessions, the City and applicant shall enter into a density bonus agreement.

- B. **Approval of Density Bonus Required.** The City shall grant the density bonus requested by the applicant provided it is consistent with the provisions of this Chapter and state law.
- C. **Approval of Incentives or Concessions Required Unless Denial Findings Made.** The City shall grant the incentive(s) and concession(s) requested by the applicant unless the City makes a written finding, based upon substantial evidence, of either of the following:
1. The incentive or concession is not required in order to provide for affordable housing costs or affordable rent for the target units.
 2. The incentive or concession would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, upon public health and safety or physical environment or on any real property that is listed in the California Register of Historical Resources and for which the City determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.
 3. The concession or incentive would be contrary to state or federal law.

Chapter 17.74 Drive-In and Drive-Through Facilities

Sections:

17.74.010	Purpose	17.74-1
17.74.020	Applicability	17.74-1
17.74.030	Permit Requirements	17.74-1
17.74.040	Development and Design Standards	17.74-1
17.74.050	Required Findings.....	17.74-2

17.74.010 Purpose

The purpose of this Chapter is to establish regulations for drive-in and drive-through businesses to address vehicle circulation, pedestrian access and circulation, and noise.

17.74.020 Applicability

The regulations contained in this Chapter shall apply to all new drive-in and drive-through sales and service facilities as defined in Chapter 17.24 (Allowed Use Definitions) and shall be in addition to any other development standards and regulations contained elsewhere within this Zoning Code (e.g., lighting). Drive-in and drive-through sales and service facilities shall only be authorized in conjunction with the permit requirements of Article II (Zoning Districts, Allowed Uses, and Development Standards).

17.74.030 Permit Requirements

Pursuant to Article II (Zoning Districts, Allowed Uses, and Development Standards), a Minor Use Permit is required for all drive-in and drive-through sales and services. The Minor Use Permit process is outlined in Section 17.10.070 (Minor Use Permit).

17.74.040 Development and Design Standards

The following standards shall be the minimum requirements for all drive-in and drive-through sales and service facilities. Modifications to these provisions may be considered in conjunction with the Conditional Use Permit application.

- A. **Drive Aisles.** The minimum standards for drive-through and remote teller aisles are as follows:
 1. On curves. Aisles shall have a minimum 10-foot interior radius at curves and a minimum 12-foot width.
 2. On straight sections. Aisles shall have a minimum 11-foot minimum width on straight sections.
 3. Aisles shall provide at least 180 feet of stacking space for each facility, as measured from the service window or unit to the entry point into the drive-up lane. Non-food and/or non-beverage businesses may reduce the stacking space to a minimum of 60 feet. Exceptions may be granted by the designated Approving Authority when an applicant demonstrates that the required stacking space is unnecessary.

4. Aisle entrances and exits shall be at least 25 feet from an intersection of public rights-of-way, measured at the closest intersecting curbs, and at least 25 feet from the curb cut on an adjacent property. When an aisle encroaches into the front yard and side street setbacks, 25 feet of landscaping shall be provided with at least 10 feet of landscaping between the aisle and right-of-way. Exceptions may be granted by the designated Approving Authority when aisle pullout spaces are provided.
 5. Aisles shall be separated from the site's ingress and egress routes or access to a parking space.
 6. Landscaping of drive-through aisles. Landscaping of drive-through aisles shall be consistent with the requirements of Section 17.48.050 (Design Requirements for Specific Types of Landscaping) for screening for drive-through aisles.
- B. **Pedestrian Access and Crossings.** Pedestrian walkways should not intersect the drive-through aisles, but where they do the walkways shall have clear visibility and shall be delineated by textured and colored paving and shall be clearly signed to alert vehicles in the drive-through aisles.
- C. **Parking.** Drive-up windows, remote tellers, and drive-through aisles shall be designed and constructed to be consistent with the requirements of Chapter 17.52 (Parking). The placement of drive-through aisles shall not be considered as justification for reducing the number of parking spaces which are otherwise required.
- D. **Noise.** Drive-up windows and their order stations with amplified sound shall be 300 feet from residential structures. Drive-up windows or remote tellers without amplified sound may reduce the separation distance to a minimum of 75 feet from residential structures. These minimum separation standards may be reduced where an applicant produces a noise analysis by a qualified acoustical professional to demonstrate that the proposed noise source will meet all of the City's adopted noise standards for nearby residences.
- E. **Signs.** Signage for drive-up windows and remote tellers shall be consistent with the requirements of Chapter 17.54 (Signs on Private Property).

17.74.050 Required Findings

In addition to standard Conditional Use Permit findings, all of the special findings below shall be made in order for the designated Approving Authority to approve a Conditional Use Permit for drive-in or drive-through sales and service facilities.

- A. The design and location of the facility and lane will not contribute to increased congestion on public or private streets adjacent to the subject property.
- B. The design and location of the facility and lane will not impede access to or exit from the parking lot serving the facility nor impair normal circulation within the parking lot.
- C. The design and location of the facility will not create a nuisance for adjoining properties.

Chapter 17.76 Emergency Shelters and Transitional Housing Facilities

Sections:

17.76.010	Purpose
17.76.020	Applicability
17.76.030	Permit Requirements
17.76.040	Special Standards

17.76.010 Purpose

The purpose of this Chapter is to establish regulations governing the provision of emergency housing for vulnerable members of the community while protecting and upholding the general public health, safety, and welfare.

17.76.020 Applicability

The regulations and standards contained in this Chapter shall apply to the establishment and operation of emergency shelters, as defined by Chapter 17.24 (Allowed Use Definitions), in the city.

17.76.030 Permit Requirements

Emergency shelters regulated by this Chapter shall only be permitted in accordance with Article II (Zoning Districts, Allowed Uses, and Development Standards) and subject to the special regulations outlined in Section 17.76.040 (Special Standards) of this Chapter. These requirements are in addition to any other development standards and regulations contained elsewhere in this Zoning Ordinance and any other permits or certificates required by law.

17.76.040 Special Standards

Prior to the establishment of an emergency shelter, the following requirements shall be met:

- A. **Outdoor Activities.** All functions associated with the shelter, except for children's play areas, outdoor recreation areas, parking, and outdoor waiting, must take place within the building(s) proposed to house the shelter. Adequate facilities shall be provided for any clients waiting outdoors, if any. Such facilities shall include, but are not limited to, benches or other shaded seating areas. Such areas shall not be in the public right-of-way, must be physically separated from the public right-of-way, and must be large enough to accommodate the expected number of clients.
- B. **Physical Characteristics**
 1. The maximum number of beds for emergency housing shall be 100 unless a Conditional Use Permit is applied for and approved.
 2. The maximum number of beds does not apply in situations of City-designated or statewide designated disasters or catastrophic conditions.
 3. Smoke detectors, approved by the Fire Department, must be provided in all sleeping and food preparation areas.

4. The facility shall have adequate private living space, shower and toilet facilities, and secure storage areas for its intended residents.
5. The size of an emergency facility shall be in character with the surrounding neighborhood.
6. The facility shall have at least one bedroom that has 120 square feet of floor area. Other habitable rooms shall have an area not less than 70 square feet. When more than two persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of 50 square feet for each occupant in excess of two.

C. Operational Standards

1. Emergency shelter facilities shall comply with all federal and state licensing requirements.
2. Emergency shelter facilities shall comply with all applicable Uniform Building and Fire Codes, including maximum occupancy restrictions.
3. If the facility is proposed for location in an area developed as a residential area, all intake and screening shall be conducted off-site.
4. If a program includes a drug or alcohol abuse counseling component, appropriate state and/or federal licensing shall be required.
5. The program shall provide accommodations appropriate for a minimum stay of 28 days and a maximum of 180 days per client/family.
6. The program shall identify a transportation system that will provide its clients with a reasonable level of mobility including, but not limited to, access to social services, housing, and employment opportunities.
7. Emergency Shelters shall provide specific mechanisms for residents to contact social services.
8. The program shall include clear and acceptable arrangements for facility residents, such as on-site meal preparation or food provision or disbursement.
9. The program, where applicable, shall provide child-care services and ensure that school-aged children are enrolled in school during their stay at the facility.
10. The Emergency Shelter provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to ensure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.
11. Shelters may establish written expectations of residents — behavioral, medical, and religious, etc. Expectations of residents will be available to each resident at entry to the shelter and to the public (upon request).

12. Shelters shall have infection control policies in accordance with guidelines of the Centers for Disease Control covering, but not necessarily limited to, HIV/AIDS, hepatitis, and tuberculosis.
13. Domestic violence shelters shall maintain a record of clients and visitors at all times. Clients will have immediate 24-hour access to shelter staff, and no walk-in services shall be provided at any time in the safe house itself.
14. Emergency shelters shall provide on-site management and support staff at all times during shelter use.
15. A management plan shall be submitted for approval by the Community Development Director. Such plan shall address all issues identified by the Community Development Director, including, but not limited to, the following:
 - a. On-site circulation;
 - b. Program for client supervision and staffing procedures;
 - c. Security provisions;
 - d. Client services offered on-site; and
 - e. Measures to address compatibility with surrounding uses.

Chapter 17.78 Home Occupations

Sections:

17.78.010	Purpose and Intent	17.78-1
17.78.020	Applicability	17.78-1
17.78.030	Permit Requirements	17.78-1
17.78.040	Special Standards	17.78-1
17.78.050	Permit Revocation	17.78-3

17.78.010 Purpose and Intent

The purpose of this Chapter is to establish regulations to allow limited business activity to occur at residences where the business activity is clearly incidental to the primary residential use and will not change the neighborhood’s residential character or integrity. Regulations in this Chapter are intended to reduce impacts of home occupations to the degree that its effects on the neighborhood are not detectable from normal and usual residential activity.

17.78.020 Applicability

The regulations and standards contained in this Chapter shall apply to all home occupations, as defined by Chapter 17.24 (Allowed Use Definitions), in the city.

17.78.030 Permit Requirements

Home occupations regulated by this Chapter shall only be permitted in accordance with Article II (Zoning Districts, Allowed Uses, and Development Standards) and subject to the special regulations outlined in Section 17.78.040 (Special Standards) of this Chapter as determined through administrative Zoning Conformance. These requirements are in addition to any other development standards and regulations contained elsewhere in this Zoning Ordinance and any other permits or certificates required by law.

17.78.040 Special Standards

In general, a home occupation shall be located and conducted such that the average neighbor, under normal circumstances, would be unaware of its presence. All home occupations shall continuously meet the following regulations in addition to any conditions imposed by the business license for home occupation issued by the City. Prior to the establishment of any home occupation, the following requirements must be met:

- A. **Occupancy by Operator.** The residence where the home occupation is located shall be the primary residence for the operator of the home occupation.
- B. **Business License.** A business license from the City is required for any home occupation consistent with the requirements of this Municipal Code.
- C. **Advertising and Display.** Signs pertaining to home occupations shall comply with the provisions of Chapter 17.54 (Signs on Private Property). There shall be no display of products produced by occupants of the dwelling which are visible in any manner from the outside of the dwelling unit.

- D. **Number of Home Occupations.** One home occupation is allowed at a home where customers may visit the business. Otherwise, there is a limit of one additional home occupation for the residence where no customers may visit the business.
- E. **On-Site Sales.** The home occupation shall not involve sale of merchandise other than that produced on the premises (e.g., artist's originals or products individually made to order), or directly related to and incidental to the services offered. Products which are not produced on the premises may be constructed on-site, using equipment normally found in a residence; however, these products may only be sold off-site at a permitted commercial location.
- F. **Primary Residential Use.** The use of the residential dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes.
- G. **Operation and Off-Site Effects.** No process shall be used which is hazardous to public health, safety, or welfare. The home occupation shall produce no evidence of its existence upon or beyond the premises such as external alterations creating nonresidential or unsightly appearance of a structure, noise, smoke, fumes, odors, light, electrical interference, dust, glare, liquid or solid waste, or vibrations. Noise levels shall comply with the City's Noise Ordinance. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes.
- H. **Visitors and Customers.** Generally, business visitors and customers of the home occupation are prohibited from visiting the residence. However, this provision does not apply to home occupations of an educational nature, including, but not limited to, tutoring, music instruction, swimming lessons, and art. Such uses are limited to not more than one business visitor per hour and no more than one at any given time.
- I. **Storage and Waste Materials.** There shall be no outside storage of material, equipment, products, or supplies. Hazardous materials may only be stored in amounts below the thresholds as established by the local Fire Department which do not require any special permits or licenses. The home occupation shall dispose of all waste materials or byproducts on a regular, timely basis in conformance with applicable garbage collection, fire protection, and public health regulations.
- J. **Structure.** The home occupation shall be confined completely within a legal structure and shall not occupy more than one room, or the equivalent of 25 percent of the floor area of a dwelling, whichever is greater, or 200 square feet of a permitted accessory building. No internal or external alterations for the home occupation shall be made to the dwelling unit that are not customarily found in or to serve residents. Conversion or alteration of a portion of the interior of the residence, garage, or accessory structure that does not result in a loss of off-street parking or adversely alter the exterior appearance of the structure may be allowed through approval of appropriate entitlements and issuance of a building permit.
- K. **Traffic, Vehicles, and Deliveries.** The home occupations shall not generate deliveries, pedestrian, or vehicular traffic beyond that which is normal in a residential district. No vehicles not normally found or parked for extended periods of time in a residential area shall be located at a home occupation, including, but not limited to, tool trucks, dump trucks, semis, and vehicles for hire (e.g., taxicab, limousine, pedicab).

- L. The Approving Authority may limit the length of time in order to effect periodic review of the home occupation operations or establish reasonable conditions on the operation of any home occupation to meet the intent of this Chapter.

17.78.050 Permit Revocation

Upon failure to comply with the home occupation regulations of this Chapter, the Community Development Director (or designee) may after notice revoke the home occupation approval and/or business license. Such revocation may be appealed to the Planning Commission pursuant to the appeal procedure provided in Section 17.08.070 (Appeals) of this Title.

Violation of City ordinances, including any conditions imposed upon the home occupation, shall be investigated by the Community Development Director. If the use is found not to be in full compliance with the Zoning Code or conditions of approval, the Community Development Director shall have cause to suspend or revoke the home occupation or amend operational conditions.

Once a home occupation has been revoked, continued practice of the home occupation at that location is no longer permitted, and subsequent applications shall not be filed within one year from the date of revocation.

Chapter 17.80 Outdoor Sales, Display, Storage, and Seating

Sections:

17.80.010	Purpose and Intent	17.80-1
17.80.020	Applicability	17.80-1
17.80.030	Permit Requirements	17.80-1
17.80.040	Special Standards.....	17.80-3

17.80.010 Purpose and Intent

The purpose of this Chapter is to regulate permanent and temporary outdoor sales, display, and storage, and permanent outdoor seating uses. Regulations herein are intended to encourage outdoor displays and activities that are compatible with associated and nearby uses and do not obstruct pedestrian or vehicle circulation or create an unsightly appearance of unrestricted clutter.

17.80.020 Applicability

The regulations and standards contained in this Chapter shall apply to the establishment and operation of any permanent and temporary outdoor sales, display, and storage, and permanent outdoor seating as defined by Chapter 17.100.060 (Universal Definitions) within the city.

17.80.030 Permit Requirements

The following outdoor activities shall be subject to the permit requirements as listed below.

- A. **Permanent Outdoor Display and Sales.** Permanent outdoor displays and sales are subject to the special regulations outlined in Section 17.80.040 (Special Standards) of this Chapter. When identified as part of the initial permit (e.g., Site Plan and Design Review, Use Permit), outdoor displays and sales shall be allowed; otherwise, administrative Zoning Conformance shall be required. These requirements are in addition to any other development standards and regulations contained elsewhere in this Zoning Ordinance and any other permits or certificates required by law.

- B. **Temporary Outdoor Display and Sales.** Temporary outdoor display and sales are permitted upon issuance of a Temporary Use Permit in accordance with Chapter 17.84 (Temporary Uses) and Section 17.10.080 (Temporary Use Permit), and shall be subject to the special regulations outlined in Section 17.80.040 (Special Standards) of this Chapter. These requirements are in addition to any other development standards and regulations contained elsewhere in this Zoning Ordinance and any other permits or certificates required by law.
 - 1. Exempt from permit. The following use and activity shall be exempt from the requirement for a Temporary Use Permit:

Garage sales, except for provisions in Subsection 17.84.050 (Exemptions).

- C. **Permanent Outdoor Storage.** Permanent outdoor storage subject to the special regulations outlined in Section 17.80.040 (Special Standards) of this Chapter. When identified as part of the initial permit (e.g., Site Plan and Design Review, Use Permit), outdoor storage shall be allowed; otherwise, administrative Zoning Conformance shall be required. These requirements are in addition to any other development standards and regulations contained elsewhere in this Zoning Ordinance and any other permits or certificates required by law.
- D. **Temporary Outdoor Storage.** Temporary outdoor storage shall require the issuance of a Temporary Use Permit in accordance with Chapter 17.84.080 (Temporary Uses) and Section 17.10.080 (Temporary Use Permit). Temporary outdoor storage shall be subject to the special regulations outlined in Section 17.80.040 (Special Standards) of this Chapter. These requirements are in addition to any other development standards and regulations contained elsewhere in this Zoning Ordinance and any other permits or certificates required by law.
1. Exempt from permit. The following uses and activities shall be exempt from the requirement for a Temporary Use Permit:
 - i. Storage of construction materials and equipment as part of an active construction site, provided a valid building permit or improvement permit is in effect and the materials and equipment are stored on the construction site pursuant to approved permit(s).
 - ii. Emergency facilities to accommodate emergency public health and safety needs and activities, compliant with the provisions of Chapter 17.76 (Emergency Shelters and Transitional Housing Facilities).
- E. **Outdoor Sidewalk Seating.** Permanent outdoor seating is subject to the special regulations outlined in Section 17.80.040 (Special Standards) of this Chapter. When identified as part of the initial permit (e.g., Site Plan and Design Review, Use Permit), outdoor storage shall be allowed; otherwise, administrative Zoning Conformance shall be required. These requirements are in addition to any other development standards and regulations contained elsewhere in this Zoning Ordinance and any other permits or certificates required by law. Outdoor seating shall be subject to the following required findings for approval.
1. Required findings for approval of outdoor seating. The following findings must be made prior to approval of permanent outdoor seating.
 - i. The proposed outdoor seating area does not interfere with pedestrian mobility within designated pathways (e.g., sidewalk) or reduce the width of pathways to an amount less than that required under the Americans with Disabilities Act and the City-adopted Building Code;
 - ii. The proposed outdoor seating area does not interfere with access of public employees and utility workers to meters, fire hydrants, or other public utilities and facilities in the right-of-way; or
 - iii. The proposed outdoor seating area does not block or obstruct the view of necessary authorized traffic devices.

17.80.040 Special Standards

- A. **General Development Standards.** The following development standards apply to all permanent and temporary outdoor display, sales, and storage activities, and all permanent outdoor seating:
1. Location. Outdoor activities shall not be located within any public right-of-way (unless an Encroachment Permit has been issued), in required parking spaces or within designed vehicle drive aisles, or within required landscape planter areas. Outdoor activities may also not disrupt or impede pedestrian paths (pathways that meet the Americans with Disabilities Act (ADA) sidewalk width requirements of 4 feet) and enhanced pedestrian paths (pathways that exceed the ADA sidewalk width requirement and include amenities (e.g., seating, trash receptacles, and drinking fountains) or any additional requirements as listed in the Uniform Building Code).
 2. Hours of operation. Except as otherwise provided, hours of operation for outdoor activities shall be consistent with those for the corresponding primary use.
 3. Noise. Any noise generated by the outdoor activity shall be consistent with the City's Noise Ordinance.
 4. Signs. No additional business identification or advertising signs for the outdoor activity may be permitted above the maximum allowable sign area for the corresponding primary use as established in Chapter 17.54 (Signs on Private Property), except when the outdoor activity is the primary use (e.g., Christmas tree lot).
 5. Maintenance. Outdoor activity areas shall be kept free of garbage and other debris.
 6. Sidewalk clearance. All outdoor activity areas shall leave a minimum horizontal clear space of 6 feet, or such greater amount of clear space as the Public Works Division finds necessary to protect and enhance pedestrian and vehicle traffic for public use in the sidewalk area, as that space is determined by the City Engineer or his/her designee.
- B. **Standards for Outdoor Display and Sales.** The following development standards shall apply to all permanent and temporary outdoor display and sales activities:
1. Associated with the primary use. All outdoor display and sales activities shall be associated with the primary use of the property. Only those goods and services associated with the primary use may be stored, sold, or displayed. All outdoor display and sales activities that are independent of the primary use shall be considered their own primary use and regulated as such (e.g., seasonal sales as a temporary use requiring a Temporary Use Permit).
 2. Maximum area. Unless otherwise approved in conjunction with development permits, the area used for permanent outdoor display and sales of materials shall not exceed ten percent of the gross floor area of the corresponding commercial building. Vehicle and equipment sales and rentals (e.g.,

automobile, boat, RV, construction equipment) are exempt from this limitation, provided storage and display is limited to vehicles offered for sale or rental only.

3. Parking. Parking for permanent outdoor display and sales shall be provided as required for the primary use in Chapter 17.52 (Parking).
 4. Time limit for temporary activities. See the provisions of Chapter 17.84 (Temporary Uses) for duration and permit requirements for temporary promotional sales.
- C. **Standards for Outdoor Storage.** The following development standards shall apply to all permanent and temporary outdoor storage activities:
1. Location. Outdoor storage may not be located within any required front or street side yard for the underlying Zoning District within which the activity is located.
 2. Height limitation. The height of stacked materials and goods shall be no greater than that of any building, wall, fence, or gate enclosing the storage area, unless specifically stated as a development standard associated with a use.
 3. Screening. Screening of outdoor storage shall be consistent with Section 17.46.070 (Special Fence and Wall Requirements).
 4. Parking. Parking for permanent outdoor storage shall be provided as required in Chapter 17.52 (Parking).
- D. **Standards for Outdoor Seating.** The following development standards shall apply to all permanent outdoor seating:
1. Outdoor seating areas shall not extend into a continuous through pedestrian zone of less than 6 feet in width and shall not obstruct pedestrian and wheelchair access.
 2. Permit posted. A permit approving the outdoor seating, or a copy thereof, shall be posted in plain view within the establishment for which the permit has been issued.
 3. Any authorized outdoor seating shall be subject to additional taxes, permits, or fees as required by law.
 4. Permittee's liability. The permittee explicitly agrees to hold the City, its officers, and employees harmless from any liability, claims, suits, or actions for any and all damages alleged to have been suffered by any person or property by reason of the permittee's installation, operation, maintenance, or removal of outdoor seating.
 5. Permittee to ensure maintenance. The permittee shall be responsible for, and exercise reasonable care in, the inspection, maintenance, and cleanliness of the area affected by the outdoor seating, including any design requirements hereafter enacted, from the building frontage to the curb.

6. Permittee to ensure compliance. The permittee shall restrict the outdoor seating to the approved location and ensure compliance with all applicable laws including laws against blocking the public right-of-way, health and safety laws, public cleanliness laws, and laws regulating sale and public consumption of alcohol.
7. If conflict exists or is created between City improvements and outdoor seating areas. When any outdoor seating area is found to be in conflict with existing or proposed facilities or improvements owned, maintained, or operated by the City, or any existing or proposed City design plans, the seating shall, upon written demand of the City Manager or his or her designee, be removed or relocated in such a way as to eliminate the conflict. The removal or relocation shall be at the sole expense of the permittee. Should the permittee fail to comply with the written demand within a reasonable period of time, the City may cause such relocation of the seating area at the expense of the permittee. Any such noncompliance shall also be a violation of this Title.
8. Parking. When the Community Development Director finds that the proposed additional seating would lead to new parking demand that exceeds available supply because of the amount of outdoor seating, the Community Development Director may require off-street parking for the outdoor area devoted for the outdoor seating at the rate required for interior floor area for food service establishments.

Chapter 17.82 Second Dwelling Units

Sections:

17.82.010	Purpose	17.82-1
17.82.020	Applicability	17.82-1
17.82.030	Permit Requirements	17.82-1
17.82.040	Special Standards.....	17.82-2

17.82.010 Purpose

The purpose of this Chapter is to establish procedures for reviewing the placement of second dwelling units in residential zoning districts consistent with state law and implement the General Plan policies which encourage more affordable rental housing, while maintaining the quality of existing residential neighborhoods.

17.82.020 Applicability

The regulations and standards contained in this Chapter shall apply to all new second dwelling units as defined in Chapter 17.24 (Allowed Use Definitions) in the city. For the purposes of this Title, second dwelling units are not considered accessory structures.

17.82.030 Permit Requirements

Second dwelling units regulated by this Chapter shall only be permitted in accordance with Article II (Zoning Districts, Allowed Uses, and Development Standards) and subject to the special regulations outlined in Section 17.82.040 (Special Standards) of this Chapter and other relevant provisions of this Title as determined through the administrative Zoning Conformance process. These requirements are in addition to any other development standards and regulations contained elsewhere in this Zoning Ordinance and any other permits or certificates required by law.

- A. **Application Requirements.** All Zoning Conformance applications for second dwelling units shall include, but are not limited to, the following:
 1. A completed building permit application;
 2. Proof of ownership of the property;
 3. A plot plan showing the location of any and all easements, structures, parking for both the primary and secondary dwelling units, and other improvements.
 4. Floor plan of the second dwelling unit showing total floor area;
 5. Elevations showing all sides of the second dwelling unit or changes being made to the single-family home in order to add a second dwelling unit, including materials and colors;
 6. Such other information which the Community Development Director determines is necessary to evaluate the proposed project.

17.82.040 Special Standards

A second dwelling unit which conforms to the requirements of this Chapter shall not be considered to exceed the allowable density for the lot upon which such unit is proposed to be established and shall be deemed a residential use which is consistent with the existing General Plan and zoning designations for the lot. Second dwelling units may be permitted, pursuant to the provisions of this Chapter, on any lot zoned residential on which there is a single-family house, subject to compliance with all of the following regulations:

- A. A maximum of one second dwelling unit may be allowed on a lot containing one larger single-family dwelling. No second dwelling units are allowed on lots having more than one residential unit or on lots where the existing residential unit is a nonconforming use.
- B. The second dwelling unit is not intended for sale but may be rented. Owner occupancy of one unit is required; no more than one dwelling unit on a single-family residential parcel with a second residential dwelling unit may be rented at one time. The second dwelling unit may not be sold separately from the residential dwelling on the lot.
- C. The second dwelling unit shall meet all of the applicable zoning regulations for the specific Zoning District in which it is located. The second dwelling unit shall be located on a lot which was legally created and conforms to the applicable standards and requirements of the Zoning District. Requirements for building height, setbacks, yards, and similar design standards that apply to the single-family dwelling unit shall apply to the second dwelling unit, except as provided for within this Chapter.
- D. Second dwelling units are permitted on lots with a minimum area of 5,000 square feet.
- E. The second dwelling unit may either be within the living area of the existing dwelling, attached to the existing dwelling, or detached from the existing dwelling.
- F. The addition of the second dwelling unit is compatible with the existing house as to height, style, materials, and colors.
- G. **Development Standards**
 - 1. Attached second dwelling units shall not to exceed 1,200 square feet in floor space, excluding any attached garage area, and shall conform to the setback and height requirements for the primary dwelling.
 - 2. Detached second dwelling units shall comply with the following standards:
 - a. Have minimum interior side and rear setbacks of 5 feet and front and street side setbacks of 10 feet.
 - b. Be set back from other structures on the parcel consistent with the City-adopted Building Code.
 - c. Not exceed one story or 15 feet in height, except that a detached second unit may be constructed above a detached garage to a maximum height of 30 feet.

- d. Be constructed at the rear or interior side of an existing single-family residence, or otherwise appear secondary in nature, and not be constructed in front of the primary structure.
- H. A second dwelling unit shall consist of complete independent living facilities including permanent provisions for sleeping, living, eating, cooking, and sanitation. The second dwelling unit shall include independent HVAC controls, its own kitchen and sink and standard built-in or freestanding appliances, its own bathroom with bath or shower, and a separate exterior entrance.
- I. The second dwelling unit shall utilize the same vehicular access which serves the existing dwelling unit.
- J. Parking shall be provided in addition to the required parking spaces for the existing single-family dwelling and in accordance with the provisions of Chapter 17.52 (Parking). The parking spaces required for the second dwelling unit can be in tandem to the required parking of the main residential structure, may be uncovered, and can be located within the front setback as long as all other yard requirements are met.
- K. Prior to issuance of a certificate of occupancy permit, the property owner shall record an owner occupancy agreement stating, under penalty of perjury, that the owner of the property shall live in one of the two units as their principal residence. The permit will be revoked if the agreement is found to have been breached.

Chapter 17.84 Temporary Uses

Sections:

17.84.010	Purpose	17.84-1
17.84.020	Applicability	17.84-1
17.84.030	Permit Requirements	17.84-1
17.84.040	Special Standards	17.84-2
17.84.050	Exemptions	17.84-3

17.84.010 Purpose

The purpose of this Chapter is to establish regulations for uses of private property that are temporary in nature. These provisions place restrictions on location and duration, and create standards to minimize potential impacts of the temporary use on surrounding property and ensure the general health, safety, and welfare of persons residing within the community.

17.84.020 Applicability

The regulations and standards contained in this Chapter shall apply to the establishment and operation of the following temporary uses within the city.

- A. Expositions, concerts, carnivals, clinics, amusement rides, and flea markets may be conducted for a period not to exceed 10 days within a calendar year (either consecutive or intermittent).
- B. Certified farmers’ markets as defined by the California Department of Food and Agriculture.
- C. Outdoor sales and display of goods, including promotional sales.
- D. Seasonal sales (e.g., Christmas tree sales, pumpkin sales).
- E. Temporary dwellings, including mobile homes, when a primary dwelling is being constructed or remodeled, provided a valid building permit has been issued for the primary dwelling.
- F. Temporary sales and construction offices used for the sale of lots and/or homes as part of a new residential subdivision.

17.84.030 Permit Requirements

Temporary uses regulated by this Chapter shall only be permitted in accordance with Article II (Zoning Districts, Allowed Uses, and Development Standards) and subject to the special regulations outlined in Section 17.84.040 (Special Standards) of this Chapter and other relevant provisions of this Title. Except as otherwise provided in this Zoning Ordinance, the temporary uses listed in this Chapter shall require the issuance of a Temporary Use Permit from the designated Approving Authority prior to establishment of the use. The process for accepting, reviewing, and approving or denying a Temporary Use Permit shall be as described in Section 17.10.080 (Temporary Use Permit).

- A. **Option for Conditional Use Permit.** Applicants seeking a Temporary Use Permit for a time period longer than otherwise allowed by this Chapter may submit for a Conditional Use Permit for said activity, provided that it complies with all other relevant development and operational standards (other than time duration) for the use as provided in this Chapter. Approval of the Conditional Use Permit shall be in accordance with Section 17.10.130 (Conditional Use Permit).
- B. **Temporary Uses Not Listed.** When a temporary use is not specifically listed in this Chapter, the Community Development Director shall determine whether the proposed temporary use is similar in nature to permitted uses(s) in Article II (Zoning Districts, Allowed Uses, and Development Standards) in accordance with Section 17.10.040 (Similar Use Determination).

17.84.040 Special Standards

These requirements are in addition to any other development standards and regulations contained elsewhere in this Zoning Ordinance and any other permits or certificates required by law.

- A. **General Development Standards.** The designated Approving Authority may impose conditions on the approval of a temporary use consistent with the standards of Section 17.10.080 (Temporary Use Permit).
- B. **Expositions, Concerts, Carnivals, Clinics, Amusement Rides, and Flea Markets.** The following development standards shall apply to all expositions, concerts, carnivals, clinics, amusement rides, and flea markets, which are to be conducted for a period not to exceed 10 days within a calendar year (either consecutive or intermittent).
 - 1. The use must be located in a district other than residential or shall be under the direction/supervision of a public agency or an organization, church, or school use in any district.
- C. **Certified Farmers' Markets.** The following development standards shall apply to all certified farmers' markets:
 - 1. The use must be located in a commercial Zoning District.
 - 2. The farmer's market must qualify as a certified farmers' market, and all producers/vendors must qualify as certified producers as defined by the California Department of Food and Agriculture. Proof of certification shall be provided.
 - 3. The market must be located outside of the required setbacks for the underlying Zoning District.
 - 4. Conditions limiting length of the permit, days and hours of operation, and other factors as deemed appropriate by the Community Development Director.
- D. **Outdoor Sales and Display of Goods, Including Promotional Sales.** The following development standards shall apply to all outdoor sales and display of goods, including promotional sales.

1. May be conducted as part of an otherwise lawfully permitted or allowed permanent commercial use, provided that all activities are conducted within the buildable portion of the lot.
 2. Businesses shall be limited to 14 days within a given year.
 3. Sales and displays may not occupy more than 10 percent of the parking area for that business and shall not substantially alter the existing circulation pattern of the site.
 4. Temporary sales and displays shall not obstruct any existing disabled accessible parking space or paths of travel.
- E. **Seasonal Sales.** The following development standards shall apply to all seasonal sales (e.g., Christmas tree sales, pumpkin sales).
1. The use must be located in a nonresidential Zoning District.
 2. The term of the Temporary Use Permit shall not exceed 45 days per calendar year.
- F. **Temporary Dwellings.** The following development standards shall apply to all temporary dwellings, including mobile homes, when a primary dwelling is being constructed or remodeled. In addition to these standards, see related regulations for recreational vehicles in Section 17.52.120 (Parking and Storage of Mobile Vehicles and Accessories on Post-July 19, 1978, Parcels) and Section 17.52.130 (Parking and Storage of Mobile Vehicles and Accessories on Pre-July 19, 1978, Parcels).
1. A valid building permit has been issued for the primary dwelling.
 2. The use of the temporary dwelling shall be limited to a maximum of one year or 30 days from the issuance of the occupancy permit for the new home, except that all dwellings included in the definition of transitional housing shall be governed by the provisions of Chapter 17.76 (Emergency Shelters and Transitional Housing Facilities).
- G. **Temporary Sales Offices.** The following development standards shall apply to all temporary sales offices used for the sale of lots and/or homes as part of a new residential subdivision.
1. Conditions limiting the days and hours of operation, landscaping, and other aspects of operation as deemed appropriate by the Community Development Director.

17.84.050 Exemptions

The following temporary uses are exempt from the permit requirements of this Chapter, provided that they comply with the development standards listed herein.

- A. Garage sales are permitted on any parcel where the garage sale operator resides. Garage sales may not exceed three sales per calendar year and two consecutive days for each garage sale.

- B. Fireworks stands, provided that the necessary permit(s) are obtained from the Fire Department and/or other regulatory agencies and a valid business license has been issued, consistent with the requirements of the Municipal Code.

Chapter 17.86 Massage Therapy

Sections:

17.86.010	Purpose and Intent	17.86-1
17.86.020	Applicability	17.86-1
17.86.030	Permit Requirements	17.86-1
17.86.040	Special Standards.....	17.86-1

17.86.010 Purpose and Intent

The purpose of this Chapter is to establish regulations to allow massage therapy business activity to occur. Regulations in this Chapter are intended to reduce impacts to the degree so as to minimize any potential adverse effect such uses have on surrounding commercial or industrial uses.

17.86.020 Applicability

The regulations and standards contained in this Chapter shall apply to the establishment of any massage therapy businesses as defined by Chapter 17.24 (Allowed Use Definitions) in the city and shall be in addition to any other development standards and regulations contained elsewhere within this Zoning Code. The establishment of any massage therapy business shall include the opening of such a business as a new business, the relocation of such a business, or the conversion of an existing business location to any massage therapy use.

17.86.030 Permit Requirements

Massage therapy businesses regulated by this Chapter shall only be permitted in accordance with Article II (Zoning Districts, Allowed Uses, and Development Standards) and subject to the special regulations outlined in Section 17.86.040 (Special Standards) of this Chapter as determined through administrative Zoning Conformance. These requirements are in addition to other permits of certificates required by law.

17.86.040 Special Standards

Prior to the establishment of massage therapy businesses, the following requirements shall be met.

- A. **Employee Registration Required.** In accordance with Section 9.28.110 of the Manteca Municipal Code, all employees must be registered by the Massage Therapist Organization. The operator of such establishment must maintain a register of all persons so employed and their certification number, which register shall be available for inspection at all times during regular business hours.
- B. **Permit Posted.** In accordance with Section 9.28.120 of the Manteca Municipal Code, a permit approving the massage therapy business, or a copy thereof, shall be posted in plain view within the establishment for which the permit has been issued.
- C. No person who is granted a permit issued pursuant to this Chapter shall operate under any name or conduct his or her business under any designation not specified in his or her permit.

Chapter 17.88 Wireless Telecommunication Facilities

Sections:

17.88.010	Purpose and Intent	17.88-1
17.88.020	Applicability	17.88-1
17.88.030	Permit Requirements	17.88-1
17.88.040	Collocation of Major Wireless Telecommunication Facilities	17.88-1
17.88.050	Application Requirements	17.88-1
17.88.060	Development Standards	17.88-2

17.88.010 Purpose and Intent

This Chapter establishes standards for placement of wireless telecommunications facilities within the city and regulates the installation of antennas and other wireless communication facilities consistent with federal law. This Chapter is intended to promote and protect the public safety and public welfare of residents as well as containing regulations to minimize potential impacts of the installation of wireless communication facilities.

17.88.020 Applicability

Wireless communication facilities shall be subject to the following regulations in this Chapter to the extent that such requirements (1) do not unreasonably discriminate among providers of functionally equivalent services, or (2) do not have the effect of prohibiting personal wireless services, as defined by the Telecommunications Act of 1996.

17.88.030 Permit Requirements

Wireless telecommunication facilities (major and minor, as defined in Chapter 17.24 (Allowed Use Definitions)) shall be subject to the permit requirements identified in Article II (Zoning Districts, Allowed Uses, and Development Standards) for the underlying Zoning District. Regardless of any permit requirements listed in Article II, all telecommunication facilities shall comply with the applicable development standards of this Chapter.

17.88.040 Collocation of Major Wireless Telecommunication Facilities

As identified in Article II (Zoning Districts, Allowed Uses, and Development Standards), the establishment of collocation facilities for major wireless telecommunication facilities is not subject to Conditional Use Permit approval, provided the facility satisfies all requirements set forth in Section 65850.6 of the California Government Code.

17.88.050 Application Requirements

An application for the approval of a wireless communication facility shall include the following information, in addition to all other information required by the City for a Conditional Use Permit application as established in Section 17.10.130 (Conditional Use Permit):

- A. Visual simulations showing what the proposed facility will look like from the surrounding area as viewed from residential properties and public rights-of-way at varying distances, to assist the Approving Authority and the public in assessing the

- visual impacts of the proposed facility and its compliance with the provisions of this Chapter.
- B. A map or description of the service area of the proposed wireless communication facility and an explanation of the need for the facility.
 - C. A map showing the locations and service areas of other wireless communication facility sites operated by the applicant and those that are proposed by the applicant that are close enough to affect service within the city. A written explanation of why adjacent existing wireless communication facilities could not be used for collocation shall be required.
 - D. Description of proposed approach for screening all wireless communication facilities from public view including plans for installation and maintenance of landscaping, sample exterior materials, and colors. Where applicable, a plan showing existing surrounding landscaping, proposed landscaping, a landscape protection plan for construction, and a maintenance plan including an irrigation plan.
 - E. Narrative description and map showing the coverage area and location of the provider's existing wireless communication facilities and the proposed coverage area of the specific site that is the subject of the application.
 - F. Technical information explaining the reasons that a permit is being sought (e.g., whether a new antenna is necessary to accommodate increased demand or to fill a "dead zone" in the provider's coverage area), the reasons that the subject site is considered necessary to accomplish the provider's coverage objectives, and the reasons that the proposed site is the most appropriate location under existing circumstances.

17.88.060 Development Standards

- A. **General Development Standards.** The following general development standards shall apply to all wireless telecommunication facilities:
 - 1. All wireless telecommunication facilities shall comply with all applicable requirements of the City-adopted building code and shall be consistent with the General Plan and this Title, as well as other standards and guidelines adopted by the City, and all applicable state and federal law.
 - 2. Wireless telecommunication facilities shall be collocated with existing facilities, with other planned new facilities, and with other facilities such as water tanks, light standards, and other utility structures whenever feasible and aesthetically desirable. To facilitate collocation when deemed appropriate, conditions of approval for Conditional Use Permits shall require all service providers to cooperate in the siting of equipment and antennas to accommodate the maximum number of operators at a given site when found to be feasible and aesthetically desirable. The applicant shall agree to allow future collocation of additional antennas and shall not enter into an exclusive lease for the use of the site.
 - 3. All wireless communication facilities shall comply with the City's Noise Ordinance.

4. No wireless communication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such wireless communication facilities, a potential threat to public health. To this end, no wireless communication facility or combination thereof shall produce, at any time, power densities in any inhabited area that exceed the Federal Communication Commission's Maximum Permissible Exposure (MPE) limits for electric and magnetic field strength and power density for transmitters or any more restrictive standard adopted or promulgated by the City or by the county, state, or federal government.
 5. Removal provisions. In the event that one or more wireless communication facility or any component thereof, including, but not limited to, antennas, towers, or related equipment, are not operated for the provision of wireless telecommunication services for a continuous period of three months or more, such wireless communication facility or component thereof shall be deemed abandoned. The owner, operator, or other person or entity responsible for the wireless communication facility or component thereof shall remove such items within 30 days following the mailing of written notice from the City that removal is required. If two or more providers of wireless telecommunication services use the wireless communication facility or any component thereof, the period of non-use under this Section shall be measured from the cessation of operation at the location by all such providers. Failure to remove shall constitute a public nuisance and shall be enforced as such. (Ord. 423, §2, 2009)
- B. **Development Standards for Antennas (excluding amateur radio antennas).** The following development standards shall apply to receive-only antennas (ground- and building-mounted), parabolic antennas, and satellite earth stations as defined in this Title.
1. Antenna location. Parabolic antenna and SES shall be ground-mounted in residential Zoning Districts. In all nonresidential Zoning Districts, building-mounted antennas are preferred. No antenna shall be located in the required front or street side yard of any parcel unless entirely screened from pedestrian view on the abutting street rights-of-way (excluding alleys). In all Zoning Districts, ground-mounted antennas shall be situated as close to the ground as feasible to reduce visual impact without compromising function, and all portions of the antenna shall be set back a minimum of 5 feet from any property line.
 2. Height limit. The height limit for ground-mounted antenna is 6 feet. However, the height may be increased to a maximum of 12 feet if the setback distance from all property lines is at least equal to the height of the antenna and if the structure is screened in accordance with Subsection 17.88.060(B)(3) (Screening) below. Building-mounted antenna shall not extend above the roofline, parapet wall, or other roof screen or project beyond a maximum of 18 inches from the face of the building or other support structure.
 3. Screening. Ground-mounted antennas shall be screened with a fence, wall, and dense landscaping so that the antenna is not visible from the public right-of-way. Building-mounted antennas shall be screened as follows:

- a. Wall-mounted antennas and ancillary equipment shall be flush-mounted and painted or finished to match the building with concealed cables.
 - b. Roof-mounted antennas and ancillary equipment shall be screened from view of public rights-of-way by locating the antenna below the roofline, parapet wall, or other roof screen and by locating the antenna as far away as physically feasible and aesthetically desirable from the edge of the building.
 - c. Color. Antennas shall have subdued colors and comprise non-reflective materials which blend with the materials and colors of the surrounding area or building.
- C. **Development Standards for Amateur Radio Antennas.** Amateur radio antenna structures provide a valuable and essential telecommunication service during periods of natural disasters and other emergency conditions. As such, amateur radio antennas may exceed the height limit and/or the setback provisions of the underlying Zoning District only when such provisions will result in unreasonable limitations on, or prevent, reception or transmission of signals from the amateur radio antennas.
1. Height limits. Amateur radio antennas in any district may extend to a maximum height of 75 feet, provided that the tower is equipped with a lowering device (motorized and/or mechanical) capable of lowering the antenna to the maximum permitted height when not in operation.
 2. Location parameters. All antenna structures shall be located outside of required front and street side yard areas. Antenna structures shall also be set back a minimum distance of 5 feet from interior property lines.
 3. Tower safety. All antennas shall be located within an enclosed fenced area or have a minimum 5-foot-high tower shield at the tower base to prevent climbing. All active elements of antennas shall have a minimum vertical clearance of 8 feet.
- D. **Development Standards for Tower.** The following development standards shall apply to towers (including collocation facilities).
1. Site design. All wireless communication facilities (including related equipment) shall be designed to minimize the visual impact to the greatest extent feasible, considering technological requirements, by means of placement, screening, camouflage, to be compatible with existing architectural elements, landscape elements, and other characteristics of the site on which they are located. The applicant shall use the smallest and least visible antennas feasible to accomplish the owner/operator's coverage objective. A visual impact analysis is required to demonstrate how the proposed facility will appear from public rights-of-way (including public trails).
 2. Safety design. All facilities shall be designed so as to be resistant to and minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions which would result in hazardous conditions, visual blight, or attractive nuisances.

3. Location. Towers shall not be located in any required front or street side yard in any Zoning District. The setback distance from any abutting street right-of-way, residential property line, or public trail shall be equal to the height of the facility (tower and related equipment). Otherwise, the minimum setback distance from all other property lines shall be at least equal to 20 percent of the height of the tower. In order to facilitate collocations, setback distance will be waived for placement of antennas on existing towers when there is no increase in the overall height of the tower.
4. Height limit. The height limit for towers shall be compatible with existing development and surrounding land uses. There is no height limit specified for collocations on existing structures, provided wireless communication facilities are screened from view of abutting street rights-of-way or camouflaged by matching the color(s) and/or material(s) of the structure to which it is attached.
5. Lighting. Towers and related equipment shall be unlit except as provided below:
 - a. A manually operated or motion-detector-controlled light above the equipment shed door may be provided. Such light shall remain off except when personnel are present on site at night.
 - b. The minimum tower lighting required under Federal Aviation Administration regulation.
 - c. Where tower lighting is required, such lighting shall be shielded or directed downward to the greatest extent possible to ensure that such light does not spill over onto abutting properties, especially residential zoning districts or uses.
6. Landscaping. Where appropriate, wireless communication facilities shall be installed in a manner that maintains and enhances existing landscaping on the site, including trees, foliage, and shrubs, whether or not utilized for screening. Additional landscaping shall be planted around the tower and related equipment to buffer abutting residential zoning districts or uses, and to buffer public trails in accordance with the following standard:
 - a. Perimeter of leased area of the wireless communication facility. Landscaping around the perimeter of the facility (e.g., leased area) shall include dense tree and shrub plantings with necessary irrigation. Wireless communication facilities shall be developed with an immediate landscape screen. Trees shall be fast-growing evergreen species, a minimum of 24-inch box in size. Shrubs shall be a minimum of 15-gallon size covering a minimum planter area depth of 5 feet around the facility. Trees and shrubs shall be planted no further apart on center than the mature diameter of the proposed species.

7. Design/finish. New towers shall be camouflaged whenever possible. If not feasible to camouflage, then the tower and related equipment shall have subdued colors and non-reflective materials that blend with the colors and materials of surrounding areas.
8. Advertising. The tower and related equipment shall not bear any signs or advertising devices other than certification, warning, or other required seals or signs.



Title 17 – Zoning

Article V

Glossary

Chapter 17.100 Glossary of Terms 17.100-1

Revisions:

The following revisions have been made to Article V of Title 17:

Date of Adoption	Ordinance Number	Subject	Section	Page Number
12/4/2012	1511	Signs Definition	17.100.040	
5/5/2015	1557	Sign Definitions	17.100.040	

Chapter 17.100 Glossary of Terms

Sections:

17.100.010	Purpose and Intent	17.100-2
17.100.020	Adult Business Definitions	17.100-2
17.100.030	Density Bonus Definitions	17.100-3
17.100.040	Sign Definitions.....	17.100-6
17.100.050	Wireless Telecommunication Definitions.....	17.100-14
17.100.060	Universal Definitions	17.100-15

17.100.010 Purpose and Intent

The purpose of this Chapter is to provide general definitions of the terms and phrases used in the Code that are technical or specialized in an effort to ensure consistency in the interpretation of the Zoning Code. Definitions are organized alphabetically. Additional definitions for allowed uses are listed in Chapter 17.24 (Allowed Use Definitions).

17.100.020 Adult Business Definitions

Adult Bookstore or Adult Video Store. A commercial establishment which has 25 percent or more of its stock-in-trade or 25 percent or more of its floor space devoted to the sale or rental, for any form of consideration, of any one or more of the following:

- Books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, videocassette tapes, DVDs, slides, tapes, records, or other forms of visual or audio representations which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
- Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

Adult Cabaret. A nightclub, theater, concert hall, auditorium, bar, or other similar establishment which regularly features live or media presentations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult Establishment. Includes any of the following:

- The opening or commencement of any such adult entertainment business as a new business.
- The conversion of an existing business, whether or not an adult entertainment business, to any of the adult entertainment businesses defined in this Title.
- The addition of any of the adult entertainment businesses defined in this Title to any other existing adult entertainment businesses.
- The relocation of any such adult entertainment business.

Adult Motel. A motel, hotel, or similar commercial establishment which:

- Offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, DVDs, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio, or television.
- Offers a sleeping room for rent for a period of time less than 10 hours.
- Allows a tenant or occupant to sub-rent the sleeping room for a time period of less than 10 hours.

Adult News Rack. Any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.

Adult Theater. An enclosed or unenclosed building to which the public is permitted or invited, used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

Adult Viewing Area. An area in any adult book and/or novelty store, cabaret, theater, motion picture arcade, or other adult entertainment business, where a patron or customer would ordinarily be positioned for the purpose of viewing or watching a performance, picture show, or film.

Public Nudity. Offensive nakedness in public.

17.100.030 Density Bonus Definitions

Affordable Housing Costs. Housing expenses, including a reasonable allowance for principal and interest on a mortgage loan, including any loan insurance fees, property taxes and assessments, fire and casualty insurance, property maintenance and repairs, homeowner association fees, and a reasonable allowance for utilities (30 percent of gross monthly income), for owner-occupied target units reserved for the following income households, not exceeding the following calculations:

- Extremely low-income households: 30 percent of the area median income for San Joaquin County, adjusted for household size, multiplied by 30 percent
- Very low-income households: 50 percent of the area median income for San Joaquin County, adjusted for household size, multiplied by 30 percent
- Lower-income households: 70 percent of the area median income for San Joaquin County, adjusted for household size, multiplied by 30 percent
- Moderate-income households: 110 percent of the area median income for San Joaquin County, adjusted for household size, multiplied by 30 percent

Affordable Rent. Monthly housing expenses, including a reasonable allowance for utilities (30 percent of gross monthly income), for rental target units reserved for the following income households, not exceeding the following calculations:

- Extremely low-income households: 30 percent of the area median income for San Joaquin County, adjusted for household size, multiplied by 30 percent
- Very low-income households: 50 percent of the area median income for San Joaquin County, adjusted for household size, multiplied by 30 percent
- Lower-income households: 60 percent of the area median income for San Joaquin County, adjusted for household size, multiplied by 30 percent
- Moderate-income households: 110 percent of the area median income for San Joaquin County, adjusted for household size, multiplied by 30 percent

Affordable Sales Price. A sales price at which lower- or very low-income households can qualify for the purchase of target units, calculated on the basis of underwriting standards of mortgage financing available for the development.

Appraiser, Certified. A person certified by the State of California Office of Real Estate Appraisers to estimate the value of a particular real property.

Density Bonus. A density increase over the otherwise maximum allowable residential density under the applicable Zoning District and Land Use Element of the General Plan.

Density Bonus Housing Agreement. A legally binding agreement between a developer and the City to ensure that the requirements of Chapter 17.72 (Density Bonus and Other Incentives) are satisfied.

Density Bonus Units. Those residential units granted pursuant to the provisions of Chapter 17.72 (Density Bonus and Other Incentives) which exceed the otherwise maximum residential density for the development site.

Equivalent Financial Incentive. A monetary contribution, based upon a land cost per dwelling unit value, equal to one of the following:

- A density bonus and an incentive or concession; or
- A density bonus, where an incentive or concession is not requested or is determined to be unnecessary.

Incentive and Concession. Such regulatory concessions as specified in subdivision (l) of Government Code Section 65915 which include, but are not limited to, the following:

- The reduction of site development standards or a modification of Zoning Code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable financially sufficient and actual cost reductions.

- Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
- Direct financial assistance.
- Other regulatory incentives or concessions which result in identifiable cost reductions or avoidance.

Income, Area Median. 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, Low. An annual income for a family which does not exceed 80 percent of the area median income.

Income, Moderate. An annual income for a family which does not exceed 120 percent of the area median income.

Income, Very Low. An annual income for a family which does not exceed 50 percent of the area median income.

Lower-Income Household. Households whose income does not exceed the lower-income limits applicable to San Joaquin County, as published and periodically updated by the California Department of Housing and Community Development pursuant to Health and Safety Code Section 50079.5.

Moderate-Income Household. Households whose income does not exceed the moderate-income limits applicable to San Joaquin County, as published and periodically updated by the California Department of Housing and Community Development pursuant to Health and Safety Code Section 50093.

Nonrestricted Unit. All units within a housing development, excluding the target units.

Persons and Families of Moderate Income. Households whose income does not exceed the moderate-income limits applicable to San Joaquin County, as published and periodically updated by the California Department of Housing and Community Development pursuant to Section 50093 of the California Health and Safety Code.

Qualifying Senior Resident. Senior citizens or other persons eligible to reside in a senior citizen housing development, as described in Section 51.3 of the California Civil Code.

Special Category Tenants. Refers to persons or tenants who fall within one or more of the following categories:

- Elderly means individuals 62 years of age or older.
- Handicapped or permanently disabled as defined in Section 50072 of the California Health and Safety Code or 42 USC 423 and 24 C.F.R. 8.3.

- Low income or very low income as defined in this Zoning Code.

Special Needs Population. Persons identified as having special needs related to any of the following:

- Physical disabilities;
- Developmental disabilities, including, but not limited to, mental retardation, cerebral palsy, epilepsy, and autism;
- The risk of homelessness; or
- Persons eligible for mental health services funded in whole or in part by the Mental Health Services Fund, created by Section 5890 of the Welfare and Institutions Code

Very Low-Income Household. Households whose income does not exceed the qualifying income limits for very low-income households applicable to San Joaquin County, as published and periodically updated by the California Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code.

17.100.040 Sign Definitions

Abandoned Advertising Display or Abandoned Sign. Any display or sign remaining in place or not maintained for a period of 90 days, which no longer identifies an ongoing business, product, or service available on the premises where the display or sign is located or where the building, business, or establishment to which the display or sign is related has ceased operation. For purposes of this definition, abandonment for the applicable period shall be deemed conclusive evidence of abandonment regardless of the property, business, or sign owner's intent.

A-Frame Sign. A sign made of wood, cardboard, plastic, or other lightweight and rigid material having the capability to stand on its own support(s) and being portable and movable. See Figure 17.100.040-1 (A-Frame Sign).

FIGURE 17.100.040-1 A-FRAME SIGN



Animated Sign. Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Attached Sign. A sign placed on a wall including, awning, canopy, bracket, painted, under-canopy or a window. Also see Wall Sign, Canopy Sign, Bracket Sign, Painted Sign, Under-Canopy or Window Sign.

Awning. A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

Bracket Sign. A small, pedestrian-oriented sign that projects perpendicular from a structure (bracket sign). See Figure 17.100.040-2 (Bracket Sign).

Building-Attached Sign. A sign placed on a wall, awning, canopy, parapet, or a blade bracket. Also see Wall Sign, Canopy Sign, or Bracket Sign.

Building Sign. A sign placed on a wall, awning, canopy, or parapet, or a projecting sign.

Canopy Sign. Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover (excluding a marquee) over a door, entrance, window, or outdoor service area.

Can Sign. A sign which contains all the text and/or logo symbols within a single enclosed cabinet that is mounted to a wall or other surface. See Figure 17.100.040-3 (Can Sign).

Changeable Copy Sign. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged manually without altering the face or surface of the sign. A sign on which the message or characters change more than 12 times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Title. See Figure 17.100.040-4 (Changeable Copy Sign).

FIGURE 17.100.040-2 BRACKET SIGN

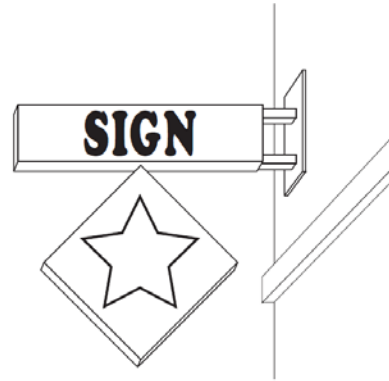


FIGURE 17.100.040-3 CAN SIGN



FIGURE 17.100.040-4
CHANGEABLE COPY SIGN



Channel Letter Sign. A sign comprising individual letters that are independently mounted to a wall or other surface and internally illuminated with a covered face. The “air space” between the letters is not part of the sign structure but rather of the building façade. A logo may also be considered a channel letter provided it is clearly distinguishable from other sign elements. See Figure 17.100.040-5 (Channel Letter Sign).

**FIGURE 17.100.040-5
CHANNEL LETTER SIGN**



Commercial Message. Any sign, wording, logo, or other representation that names or advertises a business, product, service, or other commercial activity.

Community Directional Sign. An off-premise sign located on a public street or public way that is part of a City-sponsored and coordinated program for the purpose of providing tourists, travelers, and others of the public ways in the City of Manteca with information and guidance concerning public accommodations, facilities, commercial services, and points of scenic, cultural, historic, educational, recreational, religious interest, and other local community destinations as designated and recognized by a City Community Directional Signs program.

Construction Sign. A temporary sign directly connected with a construction project; may include the construction company's name, addresses, and/or telephone number.

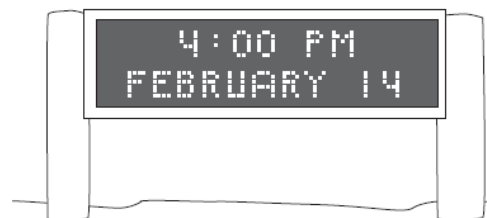
Copy. The words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign.

Directional Sign. Any sign intended to be permanently affixed and utilized only for the purpose of indicating the direction of any object, place, or area.

Directory Sign. A pedestrian-oriented sign that identifies or lists the names and locations of tenants at a multi-tenant site.

Electronic Message Sign. An electronic sign, typically comprising a liquid crystal diode (LCD), light-emitting diode (LED), plasma, or other digital illuminated display that contains one or more messages. An electronic message sign is different from an illuminated sign in that the illumination of the display creates the message, rather than an internal or external light source illuminating the message. See Figure 17.100.040-6 (Electronic Message Sign).

FIGURE 17.100.040-6 ELECTRONIC MESSAGE SIGN



Exempt Sign. A sign that is not subject to a Sign Permit.

Face Change (Sign). A change in color, material, copy, graphics, or visual image that requires the installation of a new or modified sign face, but which does not involve any change to an existing sign structure or mounting device.

Freestanding Sign. A permanent sign that is self-supporting in a fixed location and not attached to a building. A freestanding sign can be connected or attached to a sign structure, fence, or wall that is not an integral part of a building. Freestanding signs include, but are not limited to, monument signs, pole signs, and pylon signs.

Gas Pricing Signs. Signs identifying the brand, type, octane rating, etc., of gasoline for sale, as required by state law.

Illuminated Sign. A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign; includes signs made from neon or other gas tube(s) that are bent to form letters, symbols, or other shapes. An illuminated sign excludes electronic message signs, which are separately defined.

Inflatable Balloon Sign. A sign consisting of balloons and inflatables made of metallic and/or cloth material, regardless of the size that is used, for the purpose of attracting attention.

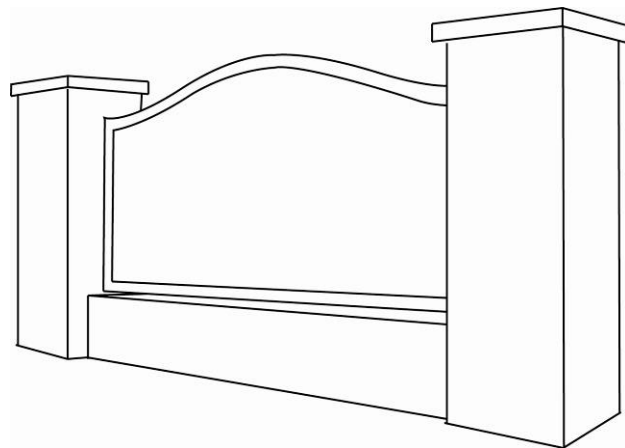
Logo. A proprietary graphic used as an identifying mark of a company, business, or organization. For purposes of this Title, logos shall be limited to registered trademarks.

Marquee. Any permanent roofed structure projecting over public property or right-of-way, attached to and supported by a building.

Monopole. A single pole support structure greater than 15 feet in height erected on the ground or on a structure to support antennas and related communications equipment.

Monument Sign. A freestanding sign that is detached from a building and having a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick. All other freestanding sign types not meeting the definition of a monument sign shall be either a pole sign or a pylon sign. See Figure 17.100.040-7 (Monument Sign).

FIGURE 17.100.040-7 MONUMENT SIGN



Mural. 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 (is noncommercial in nature), and is designed in a manner so as to serve as public art, to enhance public space, and to provide inspiration.

Noncommercial Sign. A sign that displays noncommercial speech, e.g., commentary or advocacy on topics of public debate and concern.

Nonconforming Sign. A sign lawfully erected that does not comply with the provisions of this Title.

Off-Site or Off-Premise Sign. A sign that directs attention to a business, profession, commodity, service, or entertainment conducted, sold, or offered at a location other than where the sign is located. This definition shall include, but is not limited to, billboards, posters, panels, painted

bulletins, and similar advertising displays. An off-site sign meets any one of the following criteria and includes only commercial messages:

- A permanent structure sign which is used for the display of off-site commercial messages;
- A permanent structure that constitutes a principal, separate, or secondary use, as opposed to an accessory use, of the parcel on which it is located; or
- An outdoor sign used as advertising for hire, e.g., on which display space is made available to parties other than the owner or operator of the sign or occupant of the parcel (not including those who rent space from the sign owner, when such space is on the same parcel or is the same development as the sign), in exchange for a rent, fee, or other consideration.

On-Site or On-Premise Sign. A sign that directs attention to a business, profession, commodity, service, or entertainment conducted, sold, or offered upon the lot or parcel on which the sign is placed. In the case of multiple-tenant commercial or industrial development, a sign is considered on-site whenever it is located anywhere within the development. In the case of a duly approved Uniform Sign Program, a sign anywhere in the area controlled by the program may be considered on-site when placed at any location within the area controlled by the program.

Painted Sign. A sign that comprises only paint applied on a building or structure.

Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, attached to a rope, wire, or string, usually in a series, designed to move in the wind and attract attention.

Permanent Sign. A sign that is entirely constructed out of durable materials, is fixed in place, and is intended to exist for more than 120 days.

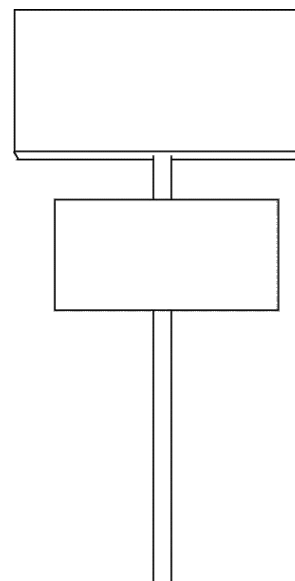
Permanent Window Sign. A sign painted, attached, glued, or otherwise affixed to a window or located within 3 feet of the interior side of a window or otherwise easily visible from the exterior of a building.

Pole Sign. A freestanding sign in excess of 6 feet in height that is detached from a building and is supported by one or more structural elements that are either: (a) architecturally dissimilar to the design of the sign; or (b) less than 1/4 the width of the sign face. See Figure 17.100.040-8 (Pole Sign).

Political Sign. A sign erected prior to (and may exist after) an election to advertise or identify a candidate, campaign issue, election proposition, or other related matters.

Portable Sign. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported. Portable signs include, but are not limited to, signs designed to be transported by means of wheels, A-frame signs, menu and sandwich board signs, and advertising flags. Clothing or other aspects of

FIGURE 17.100.040-8 POLE SIGN



personal appearance are not part of this definition unless otherwise fitting the definition of a human sign.

Projecting Sign. A sign attached to and extending outward from the face of a building. Includes, but is not limited to, a blade sign, bracket sign, or marquee sign.

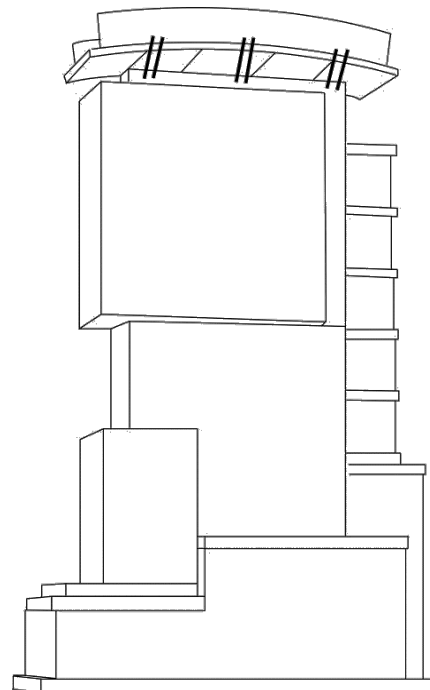
Pushpin Letter Sign. A sign comprising individual letters that are independently mounted to a wall or other surface. Such sign may be illuminated by an external light source, such as pendant lighting. The “air space” between the letters is not part of the sign structure but rather of the building façade. See Figure 17.100.040-9 (Pushpin Letter Sign).

FIGURE 17.100.040-9 PUSHPIN LETTER SIGN



Pylon Sign. A freestanding sign in excess of 8 feet in height that is detached from a building and is supported by one or more structural elements which are architecturally similar to the design of the sign. See Figure 17.100.040-10 (Pylon Sign).

FIGURE 17.100.040-10 PYLON SIGN



Real Estate Sign. A temporary sign advertising the sale or lease of real property. The sign may include the identification and contact information of the person and/or company handling such sale, lease, or rent.

Regional Recreation/Hospitality Center. A commercial complex providing regional recreation and hospitality opportunities, zoned Public, Quasi-Public, or Commercial, and near Highway 99 or State Route 120. The complex shall provide unique commercial services that are not located in nearby communities and/or provide recreational-oriented activities of a size and scope to constitute a regional draw. Examples include, but are not limited to, water parks, outlet malls, conference facilities, horse racing tracks, professional sports team complexes, gaming casinos, or large-format retail.

Reverse Channel Letter Sign. A sign comprising individual letters that are independently mounted to a wall or other surface, with lights mounted behind the letters that face the wall behind. Lights illuminate the space around the channel letters rather than the channel letters themselves, creating a “reverse” lighting effect (e.g., halo effect). The “air space” between the letters is not part of the sign structure but rather of the building façade.

Roof Sign. A sign erected, constructed, painted, or placed upon or over a roof or parapet wall of a building and which is wholly or partly supported by the building or roof structure.

Sign. Any device, structure, fixture, or placard displaying graphics, symbols, and/or written copy for the primary purpose of communicating with the public. Notwithstanding the foregoing, the following do not fall within the definition of a sign:

- Interior signs. Signs or other visual communicative devices that are located entirely within a building or other enclosed structure and are not visible from the exterior thereof or are located at least 3 feet from the window on the interior of the structure.
- Architectural features. Decorative or architectural features of buildings (not including lettering, trademarks, or moving parts).
- Symbols embedded in architecture. Symbols of noncommercial organizations or concepts, including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a building; the definition also includes foundation stones and cornerstones.
- Personal appearance. Items or devices of personal apparel, decoration, or appearance, including, but not limited to, tattoos, makeup, wigs, costumes, and masks (but not including including human signs).
- Human Sign. A sign held by or attached to a human for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service or product. This can also include a person dressed in costume for the purpose of advertising or drawing attention to an individual, business, commodity, service or product.
- Manufacturers' marks. Marks on tangible products that identify the maker, seller, provider, or product and which customarily remain attached to the product even after sale.
- Fireworks, candles, and artificial lighting. The legal use of fireworks, candles, and artificial lighting not otherwise regulated by this Title.
- Mass transit graphics. Graphic images mounted on trains or duly licensed mass transit vehicles that legally pass through the city.
- Vehicle and vessel insignia. As shown on street-legal vehicles and properly licensed watercraft: license plates, license plate frames, registration insignia, noncommercial messages, messages relating to the business of which the vehicle or vessel is an instrument or tool (not including general advertising), and messages relating to the proposed sale, lease, or exchange of the vehicle or vessel.
- Gravestones and grave markers.
- News racks and newsstands.
- Shopping carts, golf carts, and horse-drawn carriages.
- Vending machines that do not display off-site commercial messages or general advertising messages.
- Graphic images that are visible only from above, such as those visible only from airplanes or helicopters, but only if not visible from the street surface or public right-of-way.

- Holiday and cultural observance decorations that are on display for not more than 45 calendar days per year (per parcel or use) and which do not include commercial advertising messages.

Sign Face. That area or portion of a sign on which copy is intended to be placed.

Subdivision Directional Sign. A temporary or otherwise limited-term sign for the purpose of providing direction for vehicular and/or pedestrian traffic to the new home sale of multiple lots or dwelling units with a single builder within a master planned community, including both single-family and multi-family for-sale products. All other home sales signs are included in the definition of Real Estate Sign.

Subdivision, Permanent Identification Sign. A sign located at the entrance to the subdivision for the purpose of a permanent identification of the subdivision. Such signs are of a permanent nature, usually constructed of long-lasting, weather-resistant materials such as stone or metal.

Temporary Promotional Sign. Any flag displaying a commercial/promotional message, pennant, streamer, banner, beacon, bunting material, or other similar non-permanent sign made of paper, cloth, canvas, lightweight fabric, or other non-rigid material, with or without frames, whether displayed as freestanding, wall-mounted, pole-mounted, window-mounted, or painted, or any other method of attachment, or beacon, which is intended to be displayed for a limited period of time.

Temporary Sign. A structure or device used for the public display of visual messages or images, which is easily installed with or without common hand tools and which is not intended or suitable for long-term or permanent display (e.g., less than 120 days), due to lightweight or flimsy construction materials. Examples include, but are not limited to, A-frame signs, banners, pennants, streamers, or similar non-permanent signs made of paper, cloth, canvas, lightweight fabric, or other non-rigid material, with or without frames.

Under-Canopy Sign. A pedestrian-oriented sign hung from underneath a canopy. See Figure 17.100.040-11 (Under-Canopy Sign).

Void Rule. When the sign is composed of individual letters applied to the building without a distinctive background (e.g., channel letters), the area of the sign shall be measured as 75 percent of the area of the sign copy (height of the letters times the length of each line of letters, e.g., length x height x 75 percent). This practice shall be known as the void rule.

Wall Sign. A sign attached to or erected against the wall of a building or structure with the exposed face of the sign parallel to the plane of such wall.

Window Sign. Any sign, picture, letter, character, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed upon and/or inside and/or within 3 feet of a window for the purpose of being visible from the exterior of the window. (Ord. 1501 § 1, 2011)

FIGURE 17.100.040-11
UNDER-CANOPY SIGN



17.100.050 Wireless Telecommunication Definitions

Antenna. Any system of wires, poles, rods, panels, whips, cylinders, reflecting discs, or similar devices used for transmitting or receiving electromagnetic waves when such system is either external to or attached to the exterior of a structure or is portable or movable. Includes devices having active elements extending in any direction and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.

Antenna, Amateur Radio. Any antenna which is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.

Antenna, Directional (also known as a panel antenna). An antenna that transmits and/or receives radio frequency signals in a directional pattern of less than 360 degrees.

Antenna, Façade-Mounted (also known as building-mounted). Any antenna directly attached or affixed to the elevation of a building, tank, tower, or other structure.

Antenna, Ground-Mounted. Any antenna with its base, whether consisting of single or multiple posts, placed directly on the ground or a single mast less than 15 feet tall and 6 inches in diameter.

Antenna, Parabolic (also known as satellite dish). Any device incorporating a reflective surface that is solid, open mesh, or bar configured which is shallow dish, cone, horn, bowl, or cornucopia shaped and is used to transmit or receive electromagnetic or radio frequency communication/signals in a specific directional pattern.

Antenna, Receive-Only. An antenna for the reception of radio and television signals, without transmitting capabilities; may include pole or dish types of antennas.

Antenna Structure. Any structure, including a pole, mast, or tower, whether freestanding or mounted on another building or structure, which supports an antenna or an array of antennas.

Collocation. A wireless telecommunication facility owned and operated by a communication service provider that is located on the same tower, building, accessory structure, or property as another telecommunication facility owned or operated by a different communication service provider.

Electromagnetic Wave. An electrical wave propagated by an electrostatic and magnetic field of varying intensity.

NIER. Non-ionizing electromagnetic radiation (e.g., electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum).

Personal Wireless Services. Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined in the Telecommunications Act of 1996.

Satellite Antenna, Residential. An accessory structure capable of receiving, for the sole benefit of the principal 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.

Satellite Dish. A device that is designed to receive signals or communications from orbiting satellites.

Satellite Earth Station (SES). A facility consisting of more than a single satellite dish or parabolic antenna that transmits to and/or receives signals from an orbiting satellite.

Stealth Facility. Any wireless telecommunications facility that is not readily visible because it has been designed to blend into the surrounding environment and is visually unobtrusive. Examples may include architecturally screened roof-mounted antennas, building-mounted antennas that are painted and treated as an architectural element to blend with the existing building, and monopoles that are disguised as flagpoles or public art, or camouflaged using existing vegetation. A pole or tower with antennas that are flush with or do not protrude above or out from the pole or antenna is not considered a stealth facility unless the pole or tower is an existing pole or tower, existing utility pole or tower, or existing light standard or streetlight, or a replacement thereof.

Telecommunications. The transmission, between or among points specified by the user, of information of the user's choosing, without change in the content of the information as sent and received as defined in the Telecommunications Act of 1996.

Telecommunications Equipment. Equipment, other than customer premises equipment, used by a telecommunications carrier to provide telecommunications services. Includes software integral to such equipment (including upgrades) that is not located, in whole or in part, in, above, or below streets, public rights-of-way, or other public property.

Telecommunications Service. The offering of telecommunications for a fee directly or indirectly to any person as defined in the Telecommunications Act of 1996.

Telecommunications Tower or Structure. Any mast, pole, monopole, lattice tower, or other structure designed and primarily used to support antennas. A ground- or building-mounted mast greater than 15 feet tall and 6 inches in diameter supporting one or more antennas, dishes, arrays, etc., shall be considered a telecommunications tower.

Tower. A mast, pole, monopole, lattice tower, or other structure designed and primarily used to support antennas. Includes ground-mounted structures 12 feet or greater in height and building-mounted structures that extend above the roofline, parapet wall, or other roof screen with a mast greater than 6 inches in diameter supporting one or more antennas, dishes, arrays, or other associated equipment.

17.100.060 Universal Definitions

Abut. To physically touch, adjoin, or border upon or share a common lot line. Adjoining and contiguous mean the same thing as abut.

Accent Trees. Trees used to supplement the required street trees.

Accessible Parking. Parking or a parking space or stall devoted to use by vehicles operated by or for persons with mobility impairments.

Accessory Building. A detached building that is smaller in size than the main building on the same lot, the use of which is incidental to the primary use of the lot.

Accessory Structure. A detached, subordinate structure or building, the use of which is incidental to and subordinate to that of the main building, structure, or use on the same lot or to the use of the land. The types of accessory structures listed below shall have the meanings respectively ascribed to them:

- **Accessory structure.** A detached accessory structure that is either entirely enclosed by walls and a solid roof or is partially enclosed with a solid roof. Examples include, but are not limited to, garages, greenhouses, pool houses, sunrooms, workshops, storage sheds, barns, and other agricultural outbuildings, as well as carports, patio covers, gazebos, stables, and other agricultural outbuildings with solid roof construction. Accessory structures also include windmills, water towers, and other similar agricultural structures.
- **Landscape feature.** A detached decorative structure typically used in conjunction with plant materials for aesthetic enhancement, including, but not limited to, patio trellis covers, pergolas and gazebos with non-solid roof construction, arched trellises, vertical lattice structures, statues, fountains, and similar features.
- **Pool/spa.** Any structure intended for swimming or recreational bathing that contains water over 3 feet deep. Includes in-ground and aboveground structures and includes, but is not limited to, hot tubs, spas, portable spas, and non-portable wading pools.

Accessory Use. 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.

Acres, Gross. The area of a lot or site, including easements of right-of-way to be dedicated but excluding existing public rights-of-way.

Acres, Net. The area of a lot or site remaining after dedication of all required rights-of-way.

Addition. The creation of any new portion of a building that results in a vertical or horizontal extension of the building or results in any new gross floor area which was not present in the building prior to construction of the addition. The creation of a mezzanine or loft, or a conversion of a previously unused attic or under-floor space to usable floor area, shall also be considered an addition for the purposes of this Title.

Adjoining. 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 Day Care Facility. State-licensed facility that provides nonmedical care and supervision for more than six adults for periods of less than 24 hours, with no overnight stays.

Adult Day Care Home. Defined by state law as the provision of nonmedical care to six or fewer adults, including seniors, in the provider's own home, for a period of less than 24 hours at a time. Homes serving more than six adults are included in Adult Day Care Facility.

Agricultural Services. Services provided by a person, company, or other means to perform work or provide supplies of an agricultural nature to an unassociated agricultural land use.

Alley. Narrow drives serving commercial and residential development.

Alley Access Parking. Residential or commercial parking that is accessible from an alley.

Alter. To make a change in the exterior appearance or the supporting members of a structure, such as bearing walls, columns, beams, or girders, which will prolong the life of the structure.

Ambient Noise Level. 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 Device. Any machine or device that may be operated for use as a game, contest, or amusement upon the insertion of a coin, slug, or token in any slot or receptacle attached to such machine or connected therewith, which does not contain a payoff device for the return of slugs, money, coins, checks, tokens, or merchandise.

Appeal Authority. The decision-making body or person that has the authority to hear an appeal of a decision or action and make subsequent, if any, decisions or actions.

Approving Authority. The decision-making body or person that has the authority to approve an entitlement application.

Arcade. A continuously covered public space open on the sides, except for structural columns or piers, adjacent to and extending along the façade of a building. The space may be located between the façade and a sidewalk or another public space, or it may replace a sidewalk along a private street where no building setback is present.

Area (Lot, Parcel, or Site). The horizontal area within the exterior lines of the lot, parcel or site, exclusive of any area in a public or private way open to public uses.

Articulation. The manner in which portions of a building form are expressed (materials, color, texture, pattern, modulation, etc.).

Attic. The area located between the ceiling of the top story of a building and the building's roof and not usable as habitable or commercial space.

A-Weighted Sound Level. 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.

Backfilling. To refill an excavation, usually with excavated material.

Backflow Prevention Device. A safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

Back Yard. That portion of a parcel from the rear of the primary building structure to the back lot line.

Balcony. A horizontal platform extending from the exterior wall of a building, accessible from the building's interior and not directly accessible from the ground. A balcony is typically not covered by a roof or building overhang or enclosed on more than two sides by walls. However, railings shall not be considered enclosures.

Base District. A zoning district that includes use, height, bulk, space, and development standards for the regulation of development in a particular area (e.g., R-1, C-G, M-1).

Basement. A portion of a building wholly underground or in which more than one-half the distance from the floor to the ceiling is below the average adjoining grade, and as otherwise defined in the Building Code currently in effect.

Bay Window. A portion of a building cantilevered so as to project out from a wall and containing windows which cover at least 50 percent of the projection's surface.

Bedroom. That portion of a dwelling unit designed to be suitable for sleeping purposes, which may contain closets, may have access to a bathroom, and meets Uniform Building Code requirements for light and ventilation.

Block. An area designated on an official map of the city that is bounded on all sides by the public right-of-way, a railroad right-of-way, private streets, or a boundary line of unsubdivided acreage or any combination thereof.

Boarder. 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.

Buildable Portion of a Lot or Buildable Yard Area. That portion of a lot that is not in the required yard area. See Yard Area, Required, and Figure 17.100.060-4 (Yard Area).

Building. Any enclosed structure having a roof and supported by columns or walls.

Building Entry Space. A public space adjacent to a pedestrian building entrance.

Building Façade. 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. 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 sign computation purposes.

Building, Multi-Tenant. Three or more separate uses or tenancies located in a single building on a single site.

Canopy. A permanent roofed structure or covering extended along part or all of a building façade.

Carpport. A roofed structure for one or more automobiles that is enclosed by not more than two walls. A carport shall meet the minimum horizontal and vertical dimensions specified by the City's Traffic Engineer in order to be used for one or more legal parking spaces required under this Chapter.

Change of Use. Any change in the nature or character of the use of a building or structure. A residential change of use includes, but is not limited to, the elimination of any dwelling unit, the reduction in the floor area or habitability of a dwelling unit, or the reduction in the floor area or habitability of bedroom or sleeping quarters in a group living accommodation or residential hotel, when a new use is to replace a previous use. A residential change of use does not include the establishment of a home occupation in compliance with this Title. A commercial change of

use includes a change to a different category of commercial or manufacturing use but does not include changes between uses that are classified by the Uniform Building Code in the same category of commercial or manufacturing use.

Check Valve. A valve located under a sprinkler head or other location in the irrigation system to hold water in the system to prevent drainage from the sprinkler heads when the system is off. Also known as an anti-drain valve.

Child. A person who is under 18 years of age.

Child Care Facility. A facility installed, operated, and maintained for the nonresidential care of children as defined under applicable state licensing requirements for the facility. Such facilities include, but are not limited to, infant centers, preschools, extended day care facilities, or school-age child care centers as defined in this Title.

City. The City of Manteca.

City Council. The City Council of the City of Manteca.

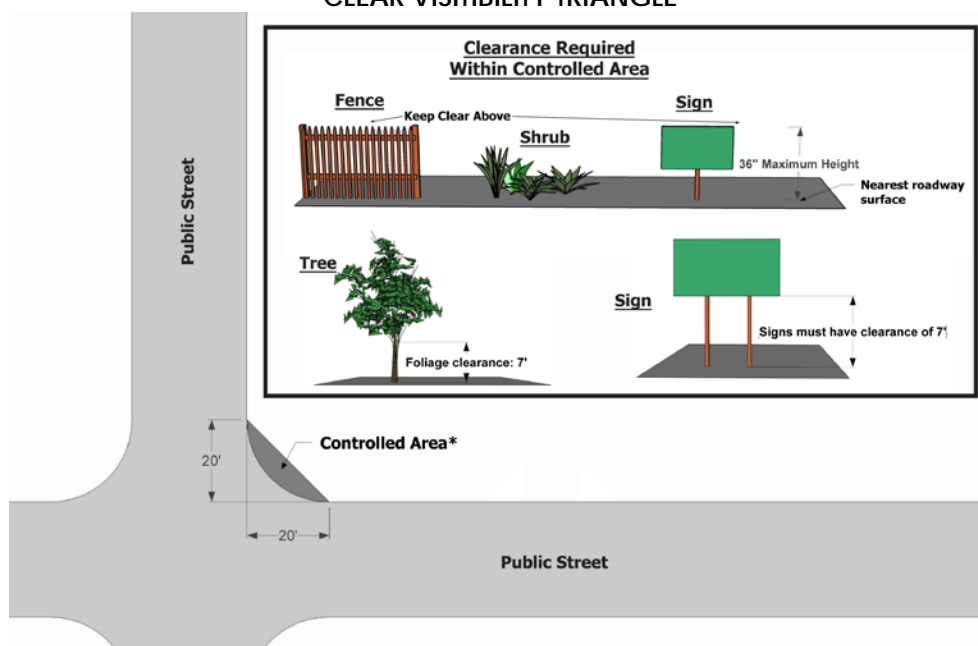
City Facility. Any building or property owned by the City of Manteca and open to the public. This definition includes, but is not limited to, City Hall and its various components.

City Manager. The City Manager of the City of Manteca or his or her or her designee.

City Property. Land or other property in which the City of Manteca holds a present right of possession and control, plus all public rights-of-way and public parks, regardless of ownership. Schools, even if publicly owned or operated, are not within this definition.

Clear Visibility Triangle. The required clear cross-visibility area unobstructed by any structure or landscape between 30 inches and 7 feet above the surface of the public sidewalk at any corner formed by the intersecting streets. The cross-visibility area shall be a triangle having two sides 20 feet long and running along each curb line, said length beginning at their intersection,

**Figure 17.100.060-1
CLEAR VISIBILITY TRIANGLE**



and the third side formed by a line connecting the two ends. See Figure 17.100.060-1 (Clear Visibility Triangle).

Columbarium. A structure of vaults lined with recesses for cinerary urns for the ashes of cremated bodies.

Combining District. A zoning district that modifies use, height, bulk, space, or other development standards of the base district with which it is combined.

Commission. The Planning Commission of the City of Manteca.

Commonly Owned Property Maintenance Association. A mechanism for maintaining commonly owned areas within a residential project. Also known as a homeowners association.

Community Development Director. The Community Development Director of the City of Manteca.

Community Noise Equivalent Level (CNEL). The average noise level during a 24-hour time period, in decibels, weighted to account for the lower tolerance of people to noise during evening (7:00 p.m. to 10:00 p.m.) and night (10:00 p.m. to 7:00 a.m.) hours relative to daytime hours.

Compatible. That which is harmonious with and will not adversely affect surrounding buildings and/or uses.

Composting. The process whereby a mixture of decaying organic matter is reduced to material used for fertilizers, land conditioners, or landscape material through natural processes.

Concertina Wire. A type of barbed wire or razor wire that is formed into large coils that usually sits atop another type of fencing.

Condition. A requirement attached to a permit or entitlement, the satisfaction of which is necessary for the validity and effectiveness of the permit or entitlement.

Condition of Use. 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 Allowed. Allowed subject to approval of a Use Permit.

Condominium. An estate in real property consisting of an undivided interest in common in a portion of a lot of real property together with a separate interest in space in a residential, industrial, or commercial building on such real property such as an apartment, office, or store. May include, in addition, a separate interest in other portions of such real property.

Construction. The placing of construction materials and their fastening in a permanent manner to the ground or to a structure or building for the purpose of creating or altering a structure or building, or excavation of a basement.

Contracting Services. Services provided by a person, company, or other means through a contract to perform work or provide supplies on a large scale.

Conversion, Commercial. The physical change of a building's walls separating lease spaces so as to change (1) the number of separate, individual commercial lease spaces for commercial businesses, or (2) the number of square feet of leasable floor area of any lease space.

Conversion, Residential. The physical change of the floor area and/or walls of a building that is used for dwelling unit, group living accommodation, or residential hotel room purposes, so as to change the number of dwelling units, sleeping rooms, or residential hotel rooms, or reduce the floor area and/or habitable space of any residential living quarters.

Corner Arcade. A small covered space adjoining the intersection of two streets at the same elevation as the adjoining sidewalk or sidewalk widening and directly accessible to the public at all times.

County. The County of San Joaquin.

Court. An unoccupied open space on the same site with a building, which is bounded on two or more sides by exterior building walls.

Coverage Area. All the area of a lot, as projected on a horizontal plane, that is enclosed by the exterior walls of buildings or enclosed accessory structures, or covered by decks, porches, stairs, and/or landings which cover an enclosed space or paved ground area. Eaves and uncovered decks located over a pervious surface, as well as paths, driveways, and improvements existing at grade only, do not constitute coverage of a lot.

Critical Gradient. 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). An additive period of time composed of individual time segments which may be continuous or interrupted.

Curbline. The line at the face of the curb nearest the roadway.

Decibel. A unit for measuring the amplitude of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals.

Deck. An unenclosed structure, usually made of wood, built to provide a solid continuous surface for outdoor use and/or access to a door, which is accessible from the ground level directly or from a connecting stairway and separated from the ground by an air space.

Demolition. A building or enclosed structure shall be considered demolished for the purposes of this Chapter when, within any continuous 12-month period, such building or enclosed structure is destroyed in whole or in part or is relocated from one lot to another. For purposes of this Title, destroyed in part means 50 percent or more of the enclosing exterior walls and 50 percent or more of the roof are removed.

Density. The number of dwelling units per unit of land.

Depth. The horizontal distance between the front and rear lot lines of a site measured along a line midway between the side lot lines.

Development. 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.

Diameter at Breast Height (DBH). A measurement calculation to determine diameter of a tree; measurement at 4.5 feet above ground level.

District. See Zoning District.

Driveway. A paved, vehicular access way connecting an off-street parking space or parking lot with a public or private street.

Dwelling, Primary Unit. In the context of second dwelling unit regulations, an existing single-family residential structure on a single parcel with provisions for living, sleeping, eating, a single kitchen for cooking, and sanitation facilities occupied and intended for one household.

Dwelling, Second Unit. In the context of second dwelling unit regulations, an attached or detached dwelling unit that provides complete independent living facilities for one or more persons, with permanent provisions for living, sleeping, eating, cooking, and sanitation sited on the same parcel as the primary dwelling unit. This definition includes granny flats, and efficiency units as defined by Section 179581 of the Health and Safety Code.

Easement. 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. The environment in which the interrelationship of living things to one another and the environment is repaired, restored, changed, or created.

Emergency Situation. Fire or structural damage to the primary on-site structure(s), rendering same unsafe for human occupancy.

Erect. Construct, place, relocate, enlarge, substantially alter, attach, suspend, paint, post, maintain, or display.

Established Landscape. The point at which plants in the landscape have developed significant root growth into the site. Typically, most plants are established after one or two years of growth.

Estimated Annual Water Use (EAWU). Estimated total water use per year.

Excavation for On-Site Construction. 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).

Façade. The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Family. One or more persons living together in a dwelling unit, with common access to and common use of all living, kitchen, and eating areas within the dwelling unit. See Household.

Fence. A structure made of wood, metal, masonry, or other material forming a physical barrier which supports no load other than its own weight, or a hedge that is designed to delineate, screen, or enclose a lot, yard, open space area, or other land area.

Field. The part of the sign with no letters or logos.

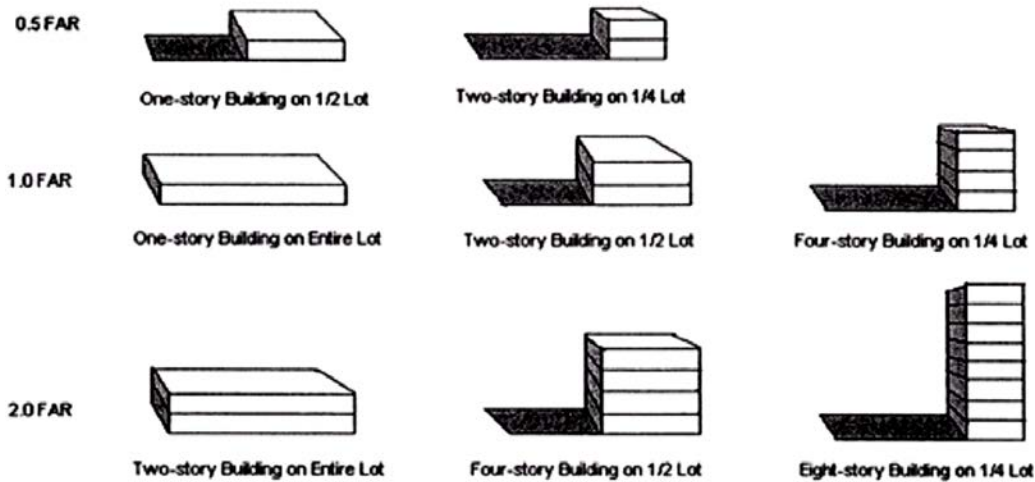
Fixed Noise Source. A device or machine that creates sounds while fixed or stationary, including, but not limited to, residential, agricultural, industrial, and commercial machinery and equipment, pumps, fans, compressors, air conditioners, and refrigeration equipment.

Floor Area, Gross. The sum of the horizontal areas of several stories of a building, measured from the exterior faces of exterior walls or, in the case of a common wall separating two buildings, from the centerline of such common wall. Gross floor area shall exclude basements and attics. The surface area of tennis courts, swimming pools, driveways, parking spaces, decks, and porches is not included in the total floor area.

Floor Area, Leasable. The total interior floor area of a commercial lease space available for use by a single business including all sales, customer, display, shelving, assembly, seating, counter, kitchen, storage, and office areas, but not including stairs, restrooms, and unenclosed walkways and those areas serving more than one lease space, including, but not limited to, common hallways, corridors, lobbies, maintenance areas, vestibules, and other common areas.

Floor Area Ratio (FAR). The gross floor area of all buildings on a lot divided by the building site area (see examples in Figure 17.100.060-2).

FIGURE 17.100.060-2
EXAMPLES OF FLOOR AREA RATIO



Foot-Candle. A unit of illumination produced on a surface, all points of which are 1 foot from a uniform point of one candle.

Freeway. State Route 99 and 120 bypass.

Frontage, Building. 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.

Frontage, Street. That portion of a lot or parcel of land that 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 porch that is open on three sides, located on the ground floor, a minimum 48 square feet in area, having a minimum depth of 6 feet and at least one porch entrance facing the street.

Full Shielding. A technique or method of construction which causes all light emitted from an outdoor light fixture to be projected below an imaginary horizontal plane passing through the lowest point on the fixtures from which light is emitted.

Future Tenant Identification Sign. A temporary sign not exceeding 32 square feet in area that identifies a future use of a site or building.

Garage. Parking space and shelter for automobiles or other vehicles, where the size of the parking space complies with the minimum parking space size. A garage is a completely enclosed attached or detached accessory structure with an operational door.

General Plan. The document of the same name, as prepared for and adopted by the City Council of the City of Manteca, and all elements thereof, in accordance with California Government Code Section 65300, et seq.

Glare. 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.

Grade, Existing. The elevation of the ground at any point on a lot as shown on the required survey submitted in conjunction with an application for a building permit or grading permit.

Grade, Finish. The lowest point of elevation of the finished surface of the ground between the exterior walls of a building and a point 5 feet distant from said wall, or the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and the property line if it is less than 5 feet distant from said wall. In the case of walls which are parallel to and within 5 feet of a public sidewalk, alley, or other public way, the grade shall be the elevation of the sidewalk, alley, or public way.

Graffiti. The 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. All or any part of the process involved in the removal by any method of sand, gravel, rock, or other earthen material from streambeds or stream channel bars normally subject to inundation during water flows. Include, but are not limited to:

- On-site processing of extracted material, including screening, washing, crushing, stockpiling, or batching.
- The production and disposal of mining waste.
- Prospecting and exploratory activities.

Ground Floor. The first floor of a building other than a cellar or basement.

Ground-Floor Street Frontage. The occupied floor space in a structure nearest to the public right-of-way and closest to sidewalk grade.

Habitable Space. Consistent with the Uniform Building Code, a space in a building which is used or designed to be used for living, sleeping, eating, or cooking, but not including garages, bathrooms, utility, storage and laundry rooms, halls, or closets.

Heat. Thermal energy of a radioactive, conductive, or convective nature.

Hedge. Any line or row of plants, trees, or shrubs planted in a continuous line to form a dense thicket or barrier.

Heritage Tree. Any natural woody plant rooted in the ground and having a diameter of 30 inches or more measured at 2 feet above the ground.

Historical Significant Sites. Pursuant to Section 21084.1 of the Public Resources 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 Section 5020.1(k) and Section 5024.1(g) of the Public Resources Code are presumed historically or culturally significant.

Homeowners Association. See Commonly Owned Property Maintenance Association.

Household. One or more persons, whether or not related by blood, marriage, or adoption, sharing a dwelling unit in a living arrangement usually characterized by sharing living expenses, such as rent or mortgage payments, food costs, and utilities, as well as maintaining a single lease or rental agreement for all members of the household and other similar characteristics indicative of a single household.

Housing Development. One or more groups of projects for residential units constructed in the city. For purposes of density bonus, also includes a subdivision or common interest development as defined in Section 1351 of the Civil Code, approved by the City, and consisting of residential units or unimproved residential lots and either a project to substantially rehabilitate or convert an existing commercial building to residential use or the substantial rehabilitation of an existing multi-family dwelling, where the result of the rehabilitation would be a net increase in available residential units. For purposes of calculating a density bonus, the residential units do not have to be based on individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower-income households are located.

Hydrozone. A portion of the landscaped area having plants with similar water needs. May be irrigated or non-irrigated.

Illegal Nonconforming Building or Use. A building or use that 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.

Impervious Surface. A solid and continuous ground covering that does not permit the seepage of liquid into the soil, including, but not limited to, concrete, asphalt, or brick.

Impulsive Noise. A noise of short duration, usually less than one second, with an abrupt onset and rapid decay.

Intersection, Street. The point or junction where two or more streets come together.

Intruding Noise Level. 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.

Invasive Species. Non-indigenous species (i.e., plants or animals) that adversely affect the habitats they invade economically, environmentally, or ecologically.

Kitchen. Any room or space within a building intended to be used for the cooking or preparation of food as defined in the Uniform Building Code.

Landscaped Area. An area of ground within the boundaries of a lot that consists of living plant material including, but not limited to, trees, shrubs, ground covers, grass, flowers, gardens, and vines. A landscaped area shall not include off-street parking spaces, driveways, paved walkways and paths, patios, and other surfaces covered by concrete or asphalt.

Landscape Feature. A detached decorative structure typically used in conjunction with plant materials for aesthetic enhancement, including, but not limited to, patio trellis covers, pergolas and gazebos with non-solid roof construction, arched trellises, vertical lattice structures, statues, and similar features.

Landscaping. 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.

Lattice Tower. A support structure erected on the ground that consists of metal crossed strips or bars to support antennas and related equipment.

Light Pollution. Artificial light that causes a detrimental effect on the environment, astronomical research, or enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent property.

Light Trespass. The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Loading Facilities, Off-Street. 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.

Loading Space, Off-Street. A covered or uncovered space for trucks or other delivery vehicles for the loading or unloading of freight, cargo, packages, containers or bundles of goods, and/or bulky goods.

Loft. See Mezzanine.

Lot. A separate legal subdivision of land, as recorded with the County Recorder. Lots are categorized as follows. See Figure 17.100.060-3 (Lot Types).

Abutting Lot. A lot having a common property line or separated by a public path or alley, private street, or easement to the subject lot.

Confronting Lot. A lot whose front property line is intersected by a line perpendicular to and intersecting the front property line of the subject lot.

Corner Lot. A lot located at the junction of two or more intersecting streets, with a boundary line thereof bordering on each of such streets. The shortest such street frontage shall constitute the front of the lot.

Double Frontage Lot. A lot having a frontage on two parallel or approximately parallel streets.

Flag Lot. A lot so shaped that the main portion of the lot area does not have direct street frontage, other than by a connection of a strip of land which is used for access purposes.

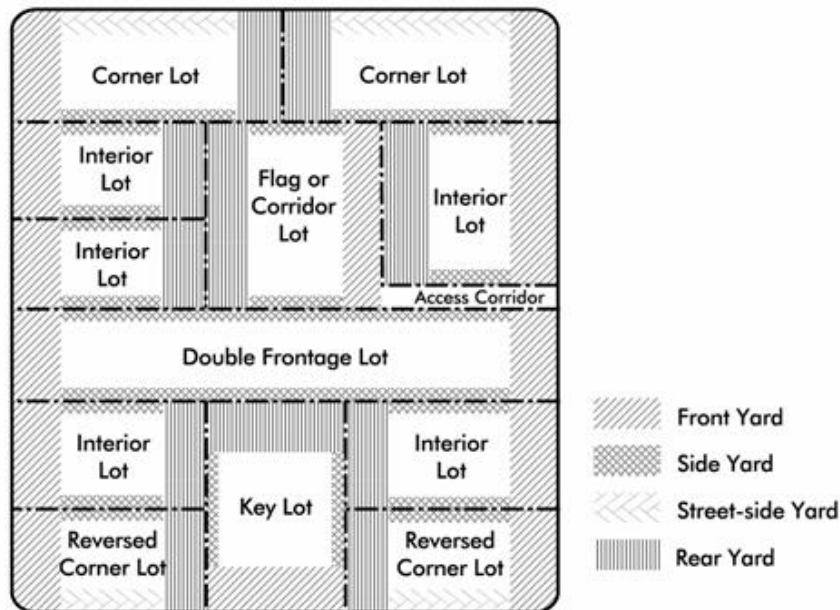
Interior Lot. A lot other than a corner lot.

Key Lot. Any interior lot that abuts the rear lot line of a corner lot.

Reversed Corner Lot. 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 that adjoins the rear lot line of such lot.

Through Lot. A lot having frontage on two parallel or approximately parallel highways and/or streets.

FIGURE 17.100.060-3 LOT TYPES



Lot Area. The total horizontal area within a lot’s boundary lines. The total area circumscribed by the boundaries of a lot, excluding any street rights-of-way.

Lot Coverage. That portion of a lot that is covered by roof area excluding eaves.

Lot Depth. The average distance from the front lot line to the rear lot line measured in the general direction of the side lines.

Lot Frontage. The portion of a property that abuts one side of a public street which allows primary access to the property. The public street frontage for lots fronting on a curved street, or on the curved portion of a cul-de-sac street, shall be measured along an arc located within the front 50 feet of the lot and based on a center point coincidental with the center point of the street curve. If such arc is farther than 20 feet from the right-of-way line of the street, that arc will be considered the front yard setback line of the lot.

Lot, Infill. Vacant land or property adjacent to developed land or property on at least two sides or adjacent to developed land or property on one side and adjacent to an area zoned for open space or parks and recreation.

Lot Line. The boundaries between a lot and other property or the public right-of-way.

Lot Line, Front. In the case of an interior lot, a line separating the lot from the street or place. In the case of a corner lot, a line separating the narrowest street frontage of the lot from the street. In the case of a square or nearly square-shaped corner lot, the owner may choose which street shall be designated as the front of the lot. Once the choice of frontage has been made, it cannot be changed unless all requirements for yard space are complied with.

Lot Line, Rear. A lot line which is opposite and most distant from the front lot line and, in case of an irregular, triangular, or gore-shaped lot, a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot Line, Side. Any lot boundary line that is not a front line or a rear lot line.

Lot Width. The average distance between the side lot lines measured at right angles to the lot depth.

Low-Volume Irrigation. The application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip to apply small volumes of water slowly at or near the root zone of plants.

Luminaire. 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.

Maintenance of Building. Those activities which preserve an existing building including, but not limited to, cleaning, painting, and refurbishing (but not altering) exterior and interior walls, equipment, facilities, and fixtures.

Massage Therapy, Certified. 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.

Master Plan. A plan for the overall utilization of a particular area, including its allocation of land uses and the corresponding environmental impacts.

Master Sign Program. An integrated, visual and/or written description of the signs to be placed on a building or grouping of buildings for the purpose of aesthetic uniformity in sign design, construction, and placement.

Maximum Allowable Residential Density. The maximum number of residential units permitted by the City's Zoning Code at the time of application.

Maximum Applied Water Allowance (MAWA). The upper limit of annual applied water allowed for the established landscaped area.

Mezzanine. An intermediate level of a building interior containing floor area without complete enclosing interior walls or partitions, placed in any story or room and not separated from the floor or level below by a wall. The floor area of any mezzanine shall be counted as part of the total floor area for any floor area or floor area ratio limitation. In addition, when the total floor area of any such mezzanine exceeds 33.3 percent of the total floor area in that room, it shall constitute an additional story. No more than one continuous mezzanine may be permitted in any one room.

Mined Lands. 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. 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 Buildings. The distance between the walls of buildings, measured at the nearest point to an adjacent building.

Mining Waste. 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.

Mixed Use. The use of a lot or building with two or more different land uses, including, but not limited to, residential, commercial retail, office, or manufacturing, in a single structure or a group of physically integrated structures.

Mobile Home. A structure transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length or, when erected, is 320 or more square feet in area, and that is built on a permanent chassis. The term "mobile home" includes manufactured housing units.

Mobile Noise Source. Any noise source other than a fixed noise source.

Mobile Transport Vehicle. A trailer, horse trailer, utility trailer, or other mobile device licensed to be lawfully used on public streets and which attaches to and is pulled or pushed by a powered vehicle and used for transporting or carrying a personal recreational vehicle, recreational home, watercraft, off-road vehicle or any other similar device, or any other types of items such as wood, dirt, building materials, etc.

Municipal Code. The City of Manteca Municipal Code as it now exists or may hereafter be amended.

Musical Instruments Plating. A process whereby a thin coating of metal is permanently applied to musical instruments.

Nonconforming Lot. 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 Site. A site that 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, Building, or Structure. A use, building, or structure that is not consistent with a provision or provisions of this Title but which was lawfully established or constructed prior to the effective date of the provision(s) with which it is inconsistent. A use shall not be considered nonconforming if it is only inconsistent with the Zoning Code with respect to the number of auto or bicycle parking spaces, their location on site, or screening.

Nuisance. Anything which is injurious to health, or is indecent or offensive to the senses, or is an obstruction to the free use and enjoyment of property, or is a violation of this Title.

Occupied. Any full-time or part-time habitation for any purpose.

On-Site. Located on the lot that is the subject of discussion.

Operator. Any person who is engaged in surface mining operations himself/herself or who contracts with others to conduct operations on his or her behalf.

Outdoor Dining. 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 Seating. Tables and/or chairs (including benches) and umbrellas associated with lawfully operating food service establishments and similar uses, in the sidewalk or courtyard area, which are not physically or structurally attached to a building, retaining wall, or fence.

Outdoor Storage. The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

Overhead Sprinkler Irrigation Systems. A system that delivers water through the air (e.g., pop-ups, impulse sprinklers, spray heads, and rotors).

Oversized Boat. Any boat which exceeds 42 feet in length measured from the two farthest points on the boat structure itself, including any portion of the trailer, or exceeds 102 inches in width or 154 inches in height.

Oversized Vehicle. Any vehicle which exceeds 42 feet in length or exceeds 102 inches in width, exclusive of such projecting lights or devices as are expressly allowed pursuant to the California Vehicle Code as it now exists or hereafter may be amended.

Owner. 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.

Parapet. A low wall or railing not exceeding 42 inches above the roof and along its perimeter, usually for fire containment and/or architectural purposes.

Parcel. A term used by the San Joaquin County Tax Collector to describe a lot, portion of a lot, or group of lots for property tax purposes. Also see Lot.

Parking Space. Space on an area of land, covered or uncovered, designed and intended to be used for parking a motor vehicle, which space is improved with a durable dustless surface suitable for use under all weather conditions, and which space shall not be located in any required front yard or any required side yard adjacent to a street.

Paseo. A public space that is located within a block's interior and that connects two streets that are parallel or within 45 degrees of being parallel to each other.

Path. A right-of-way used or designed for pedestrian access.

Patio, Covered. An accessory structure, including carports, not exceeding 15 feet in height, and enclosed on not more than three sides except for posts necessary for roof support.

Paving. A surface such as concrete or asphalt or other material or combination of materials that is impervious.

Penthouse, Mechanical. A room or enclosed structure attached to the roof level for the uppermost story, for purposes of sheltering mechanical equipment, water tanks, and/or vertical openings for stairwell and elevator shafts. Such a structure shall be considered a story if it contains usable floor area or habitable space.

Permanent Foundation System. 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. The storage of motor vehicles, trailers, airplanes, boats, parts thereof, or building materials for a period of 48 or more consecutive hours.

Permit. 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 Screening. A solid wall or fence made from wood, brick, block, or other permitted material that is a minimum of 6 feet in height above the adjoining grade. Chain-link fencing with slat inserts is permitted only behind the front yard setback.

Permitted Use. Any use allowed in a Zoning District and subject to the restrictions applicable to that Zoning District.

Person. Any individual, firm, association, corporation, organization, or partnership, or any city, county, district, or state or any department or agency thereof.

Personal Recreational Vehicle. Any motorized, human-powered, electrical-powered, or wind-powered vehicle used primarily for recreational purposes, including, but not limited to, such items as boats, sailboats, canoes, kayaks, motor bikes, off-road vehicles, or jet skis.

Physical Therapist. A person who treats physical dysfunction or injury by the use of therapeutic exercise and the application of modalities intended to restore or facilitate normal function or development. A physical therapist is not required to be a medical doctor by law.

Play Equipment. Structures and surfaces used for recreational purposes including play structures, jungle gyms, and sports courts such as tennis and basketball courts.

Plaza. An urban public space typically bounded by buildings, public rights-of-way, and other secondary public spaces.

Pool/Spa. Any structure intended for swimming or recreational bathing greater than 120 square feet with at least 2,000 gallons of water and a minimum depth of 3 feet.

Processing. A series of operations, usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner.

Project. 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, Nonresidential. All nonresidential-zoned real property and any building located on such property.

Property, Residential. 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. Includes any building located on such property.

Public and Quasi-Public. Institutional, academic, governmental, and community service uses, either publicly owned or operated by nonprofit organizations.

Public Property. All real property owned, operated, or controlled by the City, other than public right-of-way and any privately owned area within the City's jurisdiction which is not yet but is designated as a proposed public place on a tentative subdivision map approved by the City.

Public Right-of-Way. Any public street, public way, public place, or right-of-way, now laid out or dedicated, and the space on, above, or below it, and all extensions thereof and additions thereto, owned, operated, and/or controlled by the City or subject to an easement owned by the City and any privately owned area within the City's jurisdiction which is not yet but is designated as a proposed public place on a tentative subdivision map approved by the City.

R District. Any residential zone as shown on the official Zoning Map of the City as it now exists or as may hereafter be amended.

Reclamation. 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 usable 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, re-soiling, revegetation, soil compaction, stabilization, or other measures.

Recreational Home. Any enclosed mobile structure that can be used as temporary living accommodations, and which contains either built-in cooking facilities or lavatory facilities, and is self-motorized, placed on another vehicle for transport, or towed by another vehicle, including, but not limited to, items such as motor coaches, motor homes, fifth-wheelers, recreational vehicle, campers, or camper trailers.

Recreational Vehicle. As defined by the California Health and Safety Code, 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 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms.

Reference Evapotranspiration (ETo). A standard measurement of environmental parameters that affect the water use of plants. ETo is given in inches per day, month, or year. Reference evapotranspiration is used as the basis of determining the maximum applied water allowances so that regional differences in climate can be accommodated. Reference evapotranspiration numbers shall be taken from the most current Evapotranspiration Zones Map developed by the California Department of Water Resources. For geographic areas not covered by the Evapotranspiration Zones Map, data from nearby areas shall be used.

Rehabilitated Landscape. Any re-landscaping of a project that requires a discretionary permit.

Related Equipment. All equipment ancillary to the transmission and reception of voice and data by means of radio frequencies for or related to the provision of personal wireless services. Such equipment may include cable, conduit, connectors, equipment pads, equipment shelters, cabinets, buildings, and access ladders.

Residential Accessory Structures. Buildings and structures normally associated with a dwelling, such as detached garages, carports, greenhouses, storage buildings, and swimming pools, but excluding cargo containers.

Residential Property. A parcel of real property which is developed and used either in whole or in part for residential purposes.

Retaining Wall. A structure that holds back soil and rock from a building, structure, or area that helps to prevent erosion and the downward slide of such materials.

Retention/Detention Basins. 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. 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 Line. The future right-of-way line or plan lines of any highway or street as shown on the current Circulation Plan Roadway System and Sizing Map of the City's General Plan.

Roofline. The ridge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Room, Guest. A room that 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.

Screening. 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. A business operation consisting of the coating of seed with nutrients, fertilizers, and grasses which enhance its germination properties.

Senior Citizen Housing Development. A residential development developed, substantially rehabilitated, or substantially renovated for senior citizens that has at least 35 dwelling units and complies with the requirements of California Civil Code Section 51.3.

Setback. The minimum distance between by which any building or structure must be separated from a street right-of-way or lot line.

Setback Line. A line parallel to a specified lot line which defines a required yard area.

Shed, Garden and/or Tool. An accessory structure designed to store tools, lawn and garden care, or maintenance equipment or materials and which is not designed to contain any habitable space.

Shielding. 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.

Side Yard Appurtenances. Any item, whether structural or stand-alone, that extends from or is adjacent to a building structure in the side yard such as fireplaces and air conditioning units.

Sidewalk. A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

Sign Ordinance. Chapter 17.56 (Signs on City Property) of the Manteca Municipal Code.

Simple Tone Noise. Any noise which is distinctly audible as a single pitch (frequency) or set of pitches as determined by the enforcement officer.

Single Ownership. 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). 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. The percentage of total site area covered by structures, open or enclosed, excluding uncovered steps, uncovered patios, terraces, and swimming pools.

Slope. See Grade.

Solar Energy Device/Equipment. Any solar collector or other solar energy device or any structural design feature of a building of which the primary purpose is to provide for the collection, storage, or distribution of solar energy for space heating or cooling, water heating, or the generation of electricity.

Sound Level Meter. An instrument meeting the 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.

Special Landscape Area. As identified in the landscape irrigation standards, an area of landscaping dedicated to edible plants, areas irrigated with recycled water, and publicly accessible areas dedicated to active play such as parks, sports fields, and golf courses, where turf provides a playing field or where turf is needed for high traffic activities.

Specialized Services, Multiple Occupancy. 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 20 percent of the establishment floor space used for retail activity.

Specific Plan. A plan for a defined area that is consistent with the General Plan and with the provisions of California Government Code Section 65450 et seq.

State Geologist. The individual holding office as structured in Public Resources Code Section 2710 et seq.

Story. 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 between the floor of the topmost floor and the ceiling or roof above. If the finished floor level directly above the ceiling of a basement, garage structure, cellar, or unused under-floor space is more than 6 feet above existing grade at any point, such basement, cellar, or unused under-floor space shall be considered a story. Penthouses used for purposes other than shelter of mechanical equipment or shelter of vertical shaft openings in the roof shall be considered a story.

Street. A public or private thoroughfare which provides principal means of access to abutting lots including, but not limited to, avenue, place, way, manor, drive, circle, lane, court, boulevard, highway, road, and any other thoroughfare except an alley or a path as defined in this Chapter.

Street Banner. A temporary secured banner to be located along or over designated streets or displayed on a utility pole located in a public right-of-way as approved by the City.

Street Line. The boundary between a lot and an adjacent street.

Structural Alteration. Any physical change to or removal of the supporting members of a building, foundation or bearing walls, columns, beams or girders, or creation or enlargement of a window or door, or change of a roofline or roof shape, including creating, enlarging, or extending a dormer.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. A building is a structure for the purposes of this Chapter.

Structure, Main. A structure housing the principal use of a site or functioning as the principal use.

Structure Ridgeline. The line along the top of an existing roof or top of a structure, including existing parapets, penthouses, or mechanical equipment screens.

Structure, Temporary. 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.

Subterranean Structure. A roofed structure constructed underground, with no building stories aboveground, of which the roof does not exceed 3 feet above the pre-existing grade. Such structures are either separated from a building or connected to a building only by means of a passageway or hallway with no openings to finished grade except for a doorway.

Target Unit. A dwelling unit within a qualifying housing development which will be reserved for sale or rent to, and affordable to, a specific income household or qualifying senior residents.

Temporary Use Permit. A permit issued for a temporary use or a temporary structure.

Traditional Public Forum. The traditional public forum areas in the City of Manteca shall specifically be the area outside of City Hall and the Council Chambers including that portion of West Center Street in front of City Hall. In consultation with the City Attorney, the Community Development Director shall interpret this phrase in light of relevant court decisions.

Usable Open Space. Outdoor space, including natural and landscaped ground areas, pools, patios, decks, and balconies, designed for active or passive recreational use and accessible to the occupants of a building on the same lot.

Usable Space. Any portion of a building or structure which is designed to be or can be used as habitable space, which has finished walls (wallboard or plaster) and/or is heated with any fixed furnace or central heating system, including bathrooms, halls, garages, and laundry rooms. Storage areas with over 6 feet of vertical space shall also be considered usable space.

Utility. An entity which provides water, sewage collection, electricity, natural gas, telephone, cable television, or other public service or good to the public.

Variance. Permission to depart from the literal requirements of the Zoning Ordinance.

Water-Intensive Landscaping. A landscape with a WUCOLS plant factor of 0.7 or greater.

Wheel Stop. A physical barrier sufficient in size and shape to prevent the movement of automobiles or other vehicles over or past such barrier.

Width. 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.

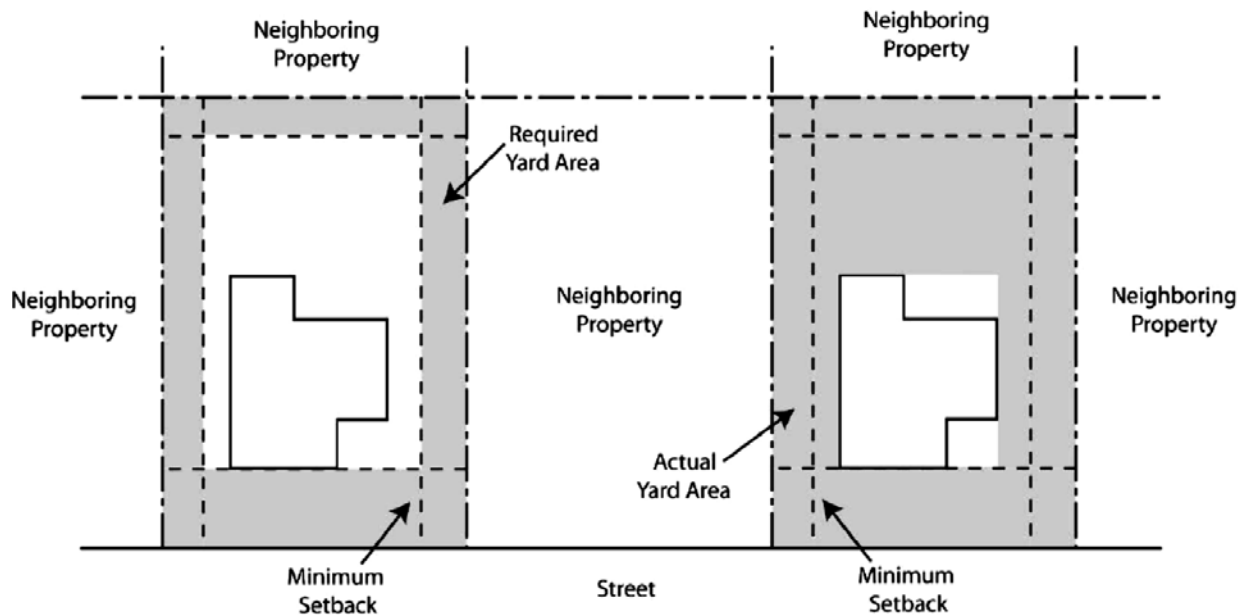
Windmill. A device that converts the kinetic energy of the wind to a usable form of electrical or mechanical energy, usually by means of rotating blades.

WUCOLS. The publication entitled "Water Use Classification of Landscape Species" by the University of California Cooperative Extension (1999 or most current version).

Yard Area, Actual. The actual yard area of a lot is the horizontal area between the property line and a parallel line along the nearest structure located outside of the required setback area. See Figure 17.100.060-4 (Yard Area).

Yard Area, Required. The required yard area (front, interior side, street side, and/or rear) of a lot is the horizontal area between the property line and the minimum setback distance for the respective yard. See Figure 17.100.060-4 (Yard Area).

FIGURE 17.100.060-4 YARD AREA



Yard, Front. That portion of a parcel from between the front property line and any building on the property.

Yard, Rear. An area extending the full width of the lot between a rear lot line and the required setback.

Yard, Street Side. The side yard of a corner lot that is along the secondary street side of the parcel.

Yard, Side. That portion of a parcel between the primary building structure and the side lot line.

Zoning Code. The Zoning Code of the City of Manteca, being Title 17 of the Manteca Municipal Code, 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)

Zoning District. 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.