

City of Roseville

ZONING ORDINANCE

ORDINANCE #3014 - July 26, 1996

Amended

November 6, 1996 Ordinance #3046
April 2, 1997 Ordinance #3088
September 17, 1997 Ordinance #3141
March 18, 1998 Ordinance #3190
September 16, 1998 Ordinance #3272
November 18, 1998 Ordinance #3286
April 16, 1999 Ordinance #3328
June 2, 1999 Ordinance #3353
December 15, 1999 Ordinance #3447
December 15, 1999 Ordinance #3450
December 13, 2000 Ordinance #3601
February 19, 2003 Ordinance #3922
May 28, 2003 Ordinance 3959
December 3, 2003 Ordinance #4008
February 23, 2004 Ordinance #4047
May 19, 2004 Ordinance #4082
June 2, 2004 Ordinance #4086
May 4, 2005 Ordinance #4215
June 7, 2006 Ordinance #4402
July 19, 2006 Ordinance #4422
August 2, 2006 Ordinance #4425
January 16, 2008 Ordinance #4624
May 21, 2008 Ordinance #4656
June 4, 2008 Ordinance #4662
June 18, 2008 Ordinance #4669
April 15, 2009 Ordinance #4728
November 4, 2009 Ordinance #4786
May 19, 2010 Ordinance #4829
September 15, 2010 Ordinance #4867
December 1, 2010 Ordinance #4897
December 18, 2013 Ordinance #5276
April 2, 2014 Ordinance #5321
November 19, 2014 Ordinance #5428
April 1, 2015 Ordinance #5481
March 16, 2016 Ordinance #5659
April 6, 2016 Ordinances #5662 and #5663

City of Roseville
Planning Division
311 Vernon Street
Roseville, CA 95678
916-774-5276
916-774-5129 Fax
planningdept@roseville.ca.us
www.roseville.ca.us

TABLE OF CONTENTS

ARTICLE I	1
GENERAL PROVISIONS	1
CHAPTER 19.02 - ENACTMENT AND APPLICABILITY	3
SECTION 19.02.010 - TITLE	3
SECTION 19.02.020 - PURPOSE	3
SECTION 19.02.030 - AUTHORITY AND RELATIONSHIP TO GENERAL PLAN	3
SECTION 19.02.040 - APPLICABILITY	3
SECTION 19.02.050 - SAVINGS CLAUSE	4
CHAPTER 19.04 - INTERPRETATIONS	5
SECTION 19.04.010 - PURPOSE	5
SECTION 19.04.020 - RULES OF INTERPRETATION	5
SECTION 19.04.030 - AUTHORITY FOR INTERPRETATIONS	6
CHAPTER 19.06 - ESTABLISHMENT OF ZONE DISTRICTS	7
SECTION 19.06.010 - ZONING DISTRICTS ESTABLISHED	7
SECTION 19.06.020 - ZONING MAP ADOPTED	8
ARTICLE II	9
REGULATIONS FOR THE PRINCIPAL AND SPECIAL PURPOSE ZONES	9
CHAPTER 19.08 - USE TYPE CLASSIFICATIONS	11
SECTION 19.08.010 - PURPOSE	11
SECTION 19.08.020 - PRIMARY AND ACCESSORY USES	11
SECTION 19.08.030 - LISTING OF USE CLASSIFICATIONS	11
SECTION 19.08.040 - CLASSIFICATION OF COMBINED USES	13
SECTION 19.08.050 - CLASSIFICATION OF USES NOT SPECIFICALLY LISTED	14
SECTION 19.08.060 - AGRICULTURE AND OPEN SPACE USE TYPES	14
SECTION 19.08.070 - CIVIC USE TYPES	15
SECTION 19.08.080 - RESIDENTIAL USE TYPES	17
SECTION 19.08.090 - COMMERCIAL USE TYPES	19
SECTION 19.08.100 - INDUSTRIAL USE TYPES	24
SECTION 19.08.110 - TRANSPORTATION AND COMMUNICATION USE TYPES	26
CHAPTER 19.10 - RESIDENTIAL ZONES	29
SECTION 19.10.010 - PURPOSE	29
SECTION 19.10.020 - PERMITTED USE TYPES	29
SECTION 19.10.030 - RESIDENTIAL ZONE GENERAL DEVELOPMENT STANDARDS	31
SECTION 19.10.040 - SUPPLEMENTAL DESIGN STANDARDS IN THE RESIDENTIAL SMALL LOT (RS) DISTRICT	34
SECTION 19.10.045 - DESIGN REVIEW REQUIRED FOR COMPACT RESIDENTIAL DEVELOPMENT	35
CHAPTER 19.12 - COMMERCIAL ZONES	37
SECTION 19.12.010 - PURPOSE	37
SECTION 19.12.020 - PERMITTED USE TYPES	38
SECTION 19.12.030 - COMMERCIAL ZONE GENERAL DEVELOPMENT STANDARDS	42
CHAPTER 19.14 - INDUSTRIAL AND MANUFACTURING ZONES	43
SECTION 19.14.010 - PURPOSE	43
SECTION 19.14.020 - PERMITTED USE TYPES	43
SECTION 19.14.030 - INDUSTRIAL ZONE GENERAL DEVELOPMENT STANDARDS	47

CHAPTER 19.16 - CIVIC AND RESOURCE PROTECTION ZONES	49
SECTION 19.16.010 - PURPOSE	49
SECTION 19.16.020 - PERMITTED USE TYPES	49
SECTION 19.16.030 - CIVIC AND RESOURCE PROTECTION ZONE GENERAL DEVELOPMENT STANDARDS	51
CHAPTER 19.18 - OVERLAY AND SPECIAL PURPOSE ZONES	53
SECTION 19.18.010 - PURPOSE	53
SECTION 19.18.020 - DEVELOPMENT STANDARD (DS) DISTRICT	53
SECTION 19.18.030 - SPECIAL AREA (SA) DISTRICT	54
SECTION 19.18.040 - FLOODWAY (FW) AND FLOODWAY FRINGE (FF) ZONES	55
SECTION 19.18.050 - PLANNED DEVELOPMENT (PD) DISTRICT	62
 ARTICLE III	 65
 GENERAL DEVELOPMENT REGULATIONS	 65
CHAPTER 19.20 - GENERAL DEVELOPMENT STANDARDS	67
SECTION 19.20.010 - PURPOSE	67
CHAPTER 19.22 - ACCESSORY USES AND STRUCTURES	69
SECTION 19.22.010 - PURPOSE	69
SECTION 19.22.020 - ACCESSORY USES	69
SECTION 19.22.030 - ACCESSORY STRUCTURES	70
CHAPTER 19.24 - NONCONFORMING USES, STRUCTURES AND PARCELS	79
SECTION 19.24.010 - PURPOSE	79
SECTION 19.24.020 - NONCONFORMING USES AND STRUCTURES	79
SECTION 19.24.030 - NONCONFORMING PARCELS	81
CHAPTER 19.26 - OFF-STREET PARKING AND LOADING	83
SECTION 19.26.010 - PURPOSE	83
SECTION 19.26.020 - GENERAL OFF-STREET PARKING REQUIREMENT	83
SECTION 19.26.030 - PARKING SPACE REQUIREMENTS BY USE TYPE	84
SECTION 19.26.040 - DESIGN AND IMPROVEMENT OF PARKING	93
CHAPTER 19.28 - RESIDENTIAL DENSITY BONUS	97
SECTION 19.28.010 - PURPOSE	97
SECTION 19.28.020 - DEFINITIONS	97
SECTION 19.28.030 – APPLICATION REQUIREMENTS	98
SECTION 19.28.040 – ELIGIBILITY FOR BONUS	99
SECTION 19.28.050 - DENSITY BONUS CALCULATION AND ALLOWANCE	99
SECTION 19.28.060 – ELIGIBILITY AND APPLICATION REQUIREMENTS FOR INCENTIVES	101
SECTION 19.28.070 – CHILD CARE FACILITIES	102
SECTION 19.28.080 –DONATION OF LAND	103
SECTION 19.28.090 – GENERAL GUIDELINES	104
SECTION 19.28.100 - FINDINGS FOR APPROVAL FOR DENSITY BONUS AND OR INCENTIVE(s).	104
SECTION 19.28.110 - AFFORDABLE HOUSING AGREEMENT REQUIRED.	105
 ARTICLE IV	 107
 SPECIAL AREA AND SPECIFIC USE REQUIREMENTS	 107
CHAPTER 19.30 - SPECIAL AREA AND SPECIFIC USE REQUIREMENTS	111
SECTION 19.30.010 - PURPOSE	111
CHAPTER 19.31 - DOWNTOWN SPECIFIC PLAN DOWNTOWN CODE	113
SECTION 19.31.010 - PURPOSE	113
SECTION 19.31.020 - DEFINITION	113

SECTION 19.31.030 – DOWNTOWN CODE – ADOPTED	113
SECTION 19.31.040 - CONFLICTS	114
SECTION 19.31.050 - VIOLATIONS	114
CHAPTER 19.32 - LOCATION AND AMORTIZATION OF ADULT-ORIENTED BUSINESSES	115
SECTION 19.32.010 - PURPOSE	115
SECTION 19.32.020 - DEFINITIONS	115
SECTION 19.32.030 - MINIMUM PROXIMITY REQUIREMENTS	115
SECTION 19.32.040 - AMORTIZATION OF NONCONFORMING ADULT-ORIENTED BUSINESS USES	116
SECTION 19.32.050 - EXTENSION OF TIME FOR TERMINATION OF NONCONFORMING USE	116
CHAPTER 19.34 - ANTENNAS AND COMMUNICATIONS FACILITIES	119
SECTION 19.34.010 - PURPOSE	119
SECTION 19.34.020 - PERMIT REQUIREMENTS	119
SECTION 19.34.030 - GENERAL STANDARDS	120
SECTION 19.34.040 - SATELLITE DISH ANTENNAS	121
CHAPTER 19.36 - BUS DEPOTS	123
SECTION 19.36.010 - PURPOSE	123
SECTION 19.36.020 - MANDATORY STANDARDS	123
SECTION 19.36.030 - OPTIONAL STANDARDS	123
CHAPTER 19.37 - CORPORATE CENTERS	125
SECTION 19.37.010 – PURPOSE	125
SECTION 19.37.020 – DEFINITION	125
SECTION 19.37.030 – PERMIT REQUIREMENTS	125
SECTION 19.37.040 – DEVELOPMENT STANDARDS	125
CHAPTER 19.38 - EMERGENCY SHELTER	127
SECTION 19.38.010 - EMERGENCY SHELTER	127
SECTION 19.38.020 - PERMIT REQUIREMENTS	127
SECTION 19.38.040 - CESSATION OF OPERATION	128
SECTION 19.38.050 - NONCONFORMING EMERGENCY SHELTER	128
CHAPTER 19.39 - FOOD SERVICE FACILITY	129
SECTION 19.39.010 - FOOD SERVICE FACILITY	129
SECTION 19.39.020 - PERMIT REQUIRED; GENERAL REQUIREMENTS	129
SECTION 19.39.030 - MAINTENANCE OF FOOD SERVICE FACILITY	130
SECTION 19.39.040 - CESSATION OF OPERATION	130
SECTION 19.39.050 - NONCONFORMING FOOD SERVICE FACILITY	130
CHAPTER 19.40 - FOOD DISTRIBUTION	131
SECTION 19.40.010 - FOOD DISTRIBUTION	131
SECTION 19.40.020 - PERMIT REQUIRED; GENERAL REQUIREMENTS	131
SECTION 19.40.030 - MAINTENANCE OF FOOD DISTRIBUTION FACILITY	132
SECTION 19.40.040 - CESSATION OF OPERATION	132
SECTION 19.40.050 - NONCONFORMING FOOD DISTRIBUTION FACILITY	132
CHAPTER 19.42 - HOME OCCUPATION	133
SECTION 19.42.010 - PURPOSE	133
SECTION 19.42.020 - HOME OCCUPATION DEFINED	133
SECTION 19.42.030 - LIMITATION ON USE	133
SECTION 19.42.040 - PERMIT REQUIREMENTS	133
SECTION 19.42.050 - PERFORMANCE STANDARDS	134
CHAPTER 19.44 - LARGE AMUSEMENT COMPLEXES	137
SECTION 19.44.010 - PURPOSE	137
SECTION 19.44.020 - REGULATIONS	137
CHAPTER 19.46 - LARGE FAMILY DAY CARE	139
SECTION 19.46.010 - PURPOSE	139
SECTION 19.46.020 - GENERAL REQUIREMENTS	139

SECTION 19.46.030 - APPLICATION PROCEDURES	139
SECTION 19.46.040 - PRE-EXISTING LARGE FAMILY DAY CARE HOMES	140
CHAPTER 19.48 - MOBILE HOME PARKS	141
SECTION 19.48.010 – PURPOSE	141
SECTION 19.48.020 - PERMIT PROCEDURES AND DEVELOPMENT STANDARDS	141
CHAPTER 19.49 - NIGHTCLUBS	143
SECTION 19.49.010 - PURPOSE	143
SECTION 19.49.020 - PERMIT REQUIREMENTS	143
SECTION 19.49.030 - GENERAL STANDARDS	143
SECTION 19.49.040 - PUBLIC NOTICE	143
CHAPTER 19.50 - OPEN AIR VENDING FACILITIES	145
SECTION 19.50.010 - PURPOSE	145
SECTION 19.50.020 - PERMITS REQUIRED	145
SECTION 19.50.030 - DEVELOPMENT STANDARDS	145
SECTION 19.50.040 - FINDINGS FOR APPROVAL	146
SECTION 19.50.050 - APPEAL PROCEDURE	146
SECTION 19.50.060 - LAPSE OF PERMIT	146
SECTION 19.50.070 - DISPLAY OF PERMIT	146
CHAPTER 19.52 - OUTDOOR RESTAURANT SEATING	147
SECTION 19.52.010 - PURPOSE	147
SECTION 19.52.020 - REGULATIONS	147
SECTION 19.52.030 – APPROVAL	148
CHAPTER 19.54 - PERSONAL STORAGE FACILITIES	149
SECTION 19.54.010 - PURPOSE	149
SECTION 19.54.020 - LIMITATIONS ON USE	149
SECTION 19.54.030 - DESIGN STANDARDS	149
CHAPTER 19.55 - POWER GENERATING FACILITIES	151
SECTION 19.55.010 - PURPOSE	151
SECTION 19.55.020 - GENERAL REQUIREMENTS	151
CHAPTER 19.56 - RECYCLING COLLECTION CENTERS	153
SECTION 19.56.010 - PURPOSE	153
SECTION 19.56.020 - PERMIT REQUIRED	153
SECTION 19.56.030 - OPERATION AND MAINTENANCE	153
SECTION 19.56.040 - SCAVENGING PROHIBITED	153
CHAPTER 19.57 - RELOCATION OF DWELLINGS (SINGLE OR TWO-FAMILY)	155
SECTION 19.57.010 - PURPOSE	155
SECTION 19.57.020 - PERMITS REQUIRED	155
SECTION 19.57.030 - GENERAL REQUIREMENTS	155
SECTION 19.57.040 - FINDINGS FOR APPROVAL	156
SECTION 19.57.050 - APPEAL PROCEDURE	156
CHAPTER 19.58 - RESIDENTIAL CONDOMINIUM CONVERSION	157
SECTION 19.58.010 - MITIGATION MEASURES	157
SECTION 19.58.020 - CONDOMINIUM CONVERSION DEFINED	157
SECTION 19.58.030 - LIMITATIONS ON CONVERSIONS	157
SECTION 19.58.040 - PROCESSING OF CONVERSION, NOTICE TO TENANTS	158
SECTION 19.58.050 - APPLICATION REQUIRED	159
SECTION 19.58.060 - RETROFITTING OF UNITS REQUIRED	159
SECTION 19.58.070 - TENANT RELOCATION ASSISTANCE PLAN	159
SECTION 19.58.080 - NOTICE TO NEW TENANTS	160
SECTION 19.58.090 – RESIDENT MEETING	160
CHAPTER 19.59 - REASONABLE ACCOMMODATION	161
SECTION 19.59.010 - PURPOSE	161

SECTION 19.59.020 - REQUESTING REASONABLE ACCOMMODATION	161
SECTION 19.59.030 - REQUIRED INFORMATION	161
SECTION 19.59.040 - APPROVING AUTHORITY	162
SECTION 19.59.050 - GROUP HOMES	162
SECTION 19.59.060 - REQUIRED FINDINGS	163
SECTION 19.59.070 - APPEALS	163
 CHAPTER 19.60 - SECOND DWELLING UNITS	 165
SECTION 19.60.010 - PURPOSE	165
SECTION 19.60.020 - SECOND DWELLING UNIT DEFINED	165
SECTION 19.60.030 - DESIGNATED AREA	165
SECTION 19.60.040 - DESIGN AND DEVELOPMENT STANDARDS	165
 Chapter 19.61 - SIGNIFICANT BUILDINGS	 167
SECTION 19.61.010 – PURPOSE	167
SECTION 19.61.020 – DEFINITIONS	167
SECTION 19.61.030 – APPLICABILITY	167
SECTION 19.61.040 – DEMOLITION OF SIGNIFICANT BUILDINGS	168
 Chapter 19.62 - MEDICAL MARIJUANA DISPENSARIES	 169
SECTION 19.62.010 - FINDINGS	169
SECTION 19.62.020 - DEFINITIONS	169
SECTION 19.62.030 - MEDICAL MARIJUANA DISPENSARIES, PROCESSING FACILITIES, AND TESTING	
LABORATORIES PROHIBITED	170
SECTION 19.62.040 - DELIVERY OF MARIJUANA PROHIBITED	170
SECTION 19.62.050 - ENFORCEMENT	170
SECTION 19.62.060 - SEVERABILITY.	171
 Chapter 19.63 - MARIJUANA CULTIVATION	 173
SECTION 19.63.010 – PURPOSE AND APPLICABILITY	173
SECTION 19.63.020 – DEFINITIONS	173
SECTION 19.63.030 – OUTDOOR CULTIVATION	174
SECTION 19.63.040 – CULTIVATION OF MARIJUANA – REGULATIONS FOR RESIDENTIAL ZONES	174
SECTION 19.63.050 – INDOOR CULTIVATION OF MARIJUANA RESTRICTED TO AUTHORIZED GROWER	176
SECTION 19.63.060 – PUBLIC NUISANCE PROHIBITED	176
SECTION 19.63.070 – VIOLATION	176
SECTION 19.63.080 – ENFORCEMENT	176
SECTION 19.63.090 - PENALTIES NOT EXCLUSIVE	178
SECTION 19.63.100 - SEVERABILITY	178
 CHAPTER 19.64 - TEMPORARY USES	 179
SECTION 19.64.010 - PURPOSE	179
SECTION 19.64.020 - PERMITTED TEMPORARY USES	179
SECTION 19.64.030 - TEMPORARY USES PERMITTED WITH A ZONING CLEARANCE CERTIFICATE	179
SECTION 19.64.040 - TEMPORARY USES PERMITTED WITH AN ADMINISTRATIVE PERMIT	180
SECTION 19.64.050 - CONDITIONS OF APPROVAL	181
SECTION 19.64.060 - STANDARDS FOR A MODEL HOME COMPLEX AND TEMPORARY SALES TRAILER	181
 CHAPTER 19.66 - TREE PRESERVATION	 183
SECTION 19.66.010 - PURPOSE	183
SECTION 19.66.020 - DEFINITIONS	183
SECTION 19.66.030 - TREE PERMITS	185
SECTION 19.66.040 - TREE PERMIT APPLICATION PROCESSING	186
SECTION 19.66.050 - ARBORIST’S REPORT	188
SECTION 19.66.060 - STANDARD POLICIES AND PROCEDURES FOR APPROVED WORK	189
SECTION 19.66.070 - OAK TREE PLANTING AND REPLACEMENT PROGRAM	192
SECTION 19.66.080 - VIOLATIONS AND ENFORCEMENT	193
 CHAPTER 19.67 – REPEALED	 195

CHAPTER 19.68 - USED GOODS COLLECTION CENTERS	197
SECTION 19.68.010 - PURPOSE	197
SECTION 19.68.020 - PERMIT REQUIREMENTS	197
SECTION 19.68.030 - DEVELOPMENT AND PERFORMANCE STANDARDS	197
 ARTICLE V	 199
 ADMINISTRATION AND PROCEDURES	 199
CHAPTER - 19.70 - AUTHORITY TO ADMINISTER TITLE	201
SECTION 19.70.010 - GENERAL	201
SECTION 19.70.020 - PLANNING MANAGER AND PLANNING DIVISION	201
SECTION 19.70.030 - PLANNING COMMISSION	201
SECTION 19.70.040 - DESIGN COMMITTEE	201
 CHAPTER 19.72 - ZONING CLEARANCE CERTIFICATION	 203
SECTION 19.72.010 - PURPOSE	203
SECTION 19.72.020 - ZONING CLEARANCE REQUIRED	203
SECTION 19.72.030 - APPLICATION FILING AND PROCESSING	203
 CHAPTER 19.74 - PERMIT AND VARIANCE REQUIREMENTS	 205
SECTION 19.74.010 - PERMIT REQUIREMENTS	205
SECTION 19.74.020 - VARIANCE TO DEVELOPMENT AND PARKING STANDARDS	209
SECTION 19.74.030 - CONCURRENT PROCESSING	209
 CHAPTER - 19.76 - APPLICATION PROCESSING PROCEDURES	 211
SECTION 19.76.010 - PURPOSE	211
SECTION 19.76.020 - APPLICATION SUBMITTAL	211
SECTION 19.76.030 - ELIGIBLE APPLICANTS	211
SECTION 19.76.040 - SUBMITTAL REQUIREMENTS	211
SECTION 19.76.050 - APPLICATION ACCEPTANCE AND INITIAL REVIEW	212
SECTION 19.76.060 - PROJECT REFERRAL	212
SECTION 19.76.070 - PROJECT EVALUATION MEETING	212
SECTION 19.76.080 - ACCEPTANCE AS COMPLETE	213
SECTION 19.76.090 - APPLICATION REVIEW	213
SECTION 19.76.100 - APPROVING AUTHORITY ACTION	213
SECTION 19.76.110 - NOTICE OF ACTION	213
SECTION 19.76.120 - EFFECTIVE DATE	214
SECTION 19.76.130 - EFFECT OF PERMIT	214
SECTION 19.76.140 - EXPIRATION	214
SECTION 19.76.150 - LAND USE PERMIT EFFECTUATION	214
SECTION 19.76.160 - DILIGENT PURSUIT REQUIRED AFTER EFFECTUATION	215
SECTION 19.76.170 - PHASED CONSTRUCTION	215
SECTION 19.76.180 - MODIFICATIONS	215
SECTION 19.76.190 - RECONSIDERATION	216
SECTION 19.76.200 - REAPPLICATION	216
SECTION 19.76.210 - EXTENSION	216
SECTION 19.76.220 - PERMIT TO RUN WITH LAND	216
 CHAPTER 19.78 - PUBLIC REVIEW PROVISIONS AND APPROVAL STANDARDS	 217
SECTION 19.78.010 - PURPOSE	217
SECTION 19.78.020 - REQUIRED PUBLIC HEARINGS, AUTHORIZED APPROVING AUTHORITY AND PUBLIC NOTICE	217
SECTION 19.78.030 - CONTENTS OF PUBLIC NOTICE WHEN A PUBLIC HEARING MAY BE WAIVED	219
SECTION 19.78.040 - CONTENTS OF PUBLIC NOTICE WHEN A PUBLIC HEARING IS REQUIRED	219
SECTION 19.78.050 - REQUESTS FOR NOTIFICATION	220
SECTION 19.78.060 - REQUIRED FINDINGS FOR APPROVAL OR CONDITIONAL APPROVAL OF PERMITS AND VARIANCES	220
 CHAPTER - 19.80 - APPEALS	 223

SECTION 19.80.010 - PURPOSE	223
SECTION 19.80.020 - APPEAL OF DECISION OR FINDINGS	223
SECTION 19.80.030 - FILING AN APPEAL OF THE PLANNING MANAGER'S ACTION OR DECISION	223
SECTION 19.80.040 - FILING AN APPEAL OF THE DESIGN COMMITTEE'S OR PLANNING COMMISSION'S ACTION OR DECISION	224
SECTION 19.80.050 - EFFECT OF FILING AN APPEAL	224
SECTION 19.80.060 - HEARINGS AND NOTICES	224
SECTION 19.80.070 - ACTION ON APPEAL	224
SECTION 19.80.080 - REFERRALS	224
SECTION 19.80.090 - ACTION BY COUNCIL IS FINAL	224
CHAPTER - 19.82 - MAJOR PROJECTS PERMIT PROCESSING	225
SECTION 19.82.010 - PURPOSE	225
SECTION 19.82.020 - APPLICABILITY	225
SECTION 19.82.030 - PROCEDURE	225
SECTION 19.82.040 - AMENDMENTS TO AN APPROVED MAJOR PROJECT	230
CHAPTER 19.84 - DEVELOPMENT AGREEMENTS	233
SECTION 19.84.010 - PURPOSE	233
SECTION 19.84.020 - APPLICATION REQUIREMENTS	233
SECTION 19.84.030 - HEARING NOTICE	233
SECTION 19.84.040 - REVIEW BY PLANNING COMMISSION	233
SECTION 19.84.050 - COUNCIL HEARING	234
SECTION 19.84.060 - AMENDMENT OR CANCELLATION	234
SECTION 19.84.070 - RECORDATION OF AGREEMENT, AMENDMENT OR CANCELLATION	234
SECTION 19.84.080 - PERIODIC REVIEW	234
CHAPTER - 19.86 - ZONING ORDINANCE AMENDMENTS	237
SECTION 19.86.010 - PURPOSE	237
SECTION 19.86.020 - INITIATION OF AMENDMENT	237
SECTION 19.86.030 - APPLICATION FORM, FEES AND PROCESSING	237
SECTION 19.86.040 - PLANNING MANAGER REPORT	237
SECTION 19.86.050 - RECOMMENDATION ON AMENDMENT	238
SECTION 19.86.060 - CITY COUNCIL ACTION	238
CHAPTER 19.88 - REVOCATION PROCEDURE	239
SECTION 19.88.010 - PURPOSE	239
SECTION 19.88.020 - AUTOMATIC REVOCATION OF A PERMIT	239
SECTION 19.88.030 - REVOCATION OR MODIFICATION OF A PERMIT FOR CAUSE	239
SECTION 19.88.040 - REVOCATION HEARING	239
CHAPTER 19.90 - ENFORCEMENT	241
SECTION 19.90.010 - PURPOSE	241
SECTION 19.90.020 - ENFORCEMENT	241
SECTION 19.90.030 - PENALTY FOR VIOLATION	241
SECTION 19.90.040 - NUISANCES DECLARED -- ABATEMENT	242
SECTION 19.90.050 - REVOCATIONS	242
SECTION 19.90.060 - REMEDIES CUMULATIVE	242
ARTICLE VI	243
DEFINITIONS	243
CHAPTER - 19.95 - DEFINITIONS OF TERMS AND PHRASES	245
SECTION 19.95.010 - PURPOSE	245
SECTION 19.95.020 - GENERAL RULES FOR CONSTRUCTION OF LANGUAGE	245
SECTION 19.95.030 - DEFINITIONS - (A - Z)	246

ARTICLE I

GENERAL PROVISIONS

ARTICLE I

GENERAL PROVISIONS

CHAPTER 19.02 – ENACTMENT AND APPLICABILITY

- 19.02.010 – Title
- 19.02.020 – Purpose
- 19.02.030 – Authority and Relationship to General Plan
- 19.02.040 – Applicability
- 19.02.050 – Savings Clause

CHAPTER 19.04 – INTERPRETATIONS

- 19.04.010 – Purpose
- 19.04.020 – Rules of Interpretation
- 19.04.030 – Authority for Interpretations

CHAPTER 19.06 – ESTABLISHMENT OF ZONE DISTRICTS

- 19.06.010 – Zoning Districts Established
- 19.06.020 – Zoning Map Adopted

CHAPTER 19.02 - ENACTMENT AND APPLICABILITY

Section 19.02.010 - Title

This title shall be cited as the Zoning Ordinance of the City of Roseville.

(Ord. 3014 (part), 1996.)

Section 19.02.020 - Purpose

The purpose of this Title is to protect and promote the public health, safety, and welfare of the City and to provide the economic and social advantages which result from an orderly, planned use of the environment.

(Ord. 3014 (part), 1996.)

Section 19.02.030 - Authority and Relationship to General Plan

- A. This Title is enacted based on the authority vested in the City of Roseville by the State of California.
- B. It is the policy of the City of Roseville to eliminate any inconsistencies between this Title and the General Plan adopted by the City. It is intended that each parcel shall be zoned consistent with the General Plan and any applicable Specific Plan. Where an inconsistency exists between the General Plan and the zoning designation for a parcel, the zoning designation shall govern.

(Ord. 3014 (part), 1996.)

Section 19.02.040 - Applicability

- A. **Continuation of an Existing Land Use or Structure.** It is unlawful and a violation of the Roseville Municipal Code for anyone to maintain the use of a parcel that violates any provision of this Title; provided, 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, provided no expansion or modification to said pre-existing nonconforming uses or structures shall be permitted, except as allowed by Chapter 19.24 (Nonconforming Uses, Structures and Parcels).
- B. **Effect of Ordinance Changes on Applications in Progress.** The enactment of this Title, or an amendment hereto, may have the effect of imposing a different standard on development or a new land use, from that which previously applied to a parcel.

Following the effective date of this Title, or any amendment of this Article, the following provisions shall apply:

1. **Pending Applications.** Applications which have been determined by the Planning Division to be complete pursuant to Government Code Section 65943 before the effective date of this Title, or any amendment hereto, shall comply with the provision of this Title as effective on the date of approval of the application.

2. **Approved Applications.** Applications approved prior to the effective date of this Ordinance, or any amendment hereto, may be constructed or used in accordance with the conditions of approval therefore; provided, however, approval of any extension shall be governed by the provisions of Section 19.02.040 (B)(3), below.
 3. **Time Extensions.** An approval of an extension of time may be conditioned to comply with the provisions of this Title in effect when the application for time extension is deemed complete pursuant to Government Code Section 65943.
- C. **Other Requirements May Apply.** Nothing in this Title shall eliminate requirements to obtain any other permit, license, approval or entitlement required by other provisions of this Code, or by the regulations of any City department, or by any county, regional, state, or federal agency.
- D. **Effective Date.** This Ordinance shall be effective July 26, 1996 and as of that date shall supersede City Ordinance Number 802, Municipal Code Chapter 16.24, Municipal Code Chapter 19.04 and Municipal Code Chapter 16.10; provided, however, adoption of this Title shall not affect any pending prosecution of, or action to abate, a violation of City Ordinance Number 802, Municipal Code Chapter 16.24, Municipal Code Chapter 19.04 or Municipal Code Chapter 16.10, if the violation is also a violation of this Ordinance.

(Ord. 3014 (part), 1996; Ord. 5428 (part), 2014.)

Section 19.02.050 - Savings Clause

If any part of these regulations is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of these regulations. It is hereby expressly declared that this Title and each part would have been adopted irrespective of the fact that any part might be declared invalid or unconstitutional.

(Ord. 3014 (part), 1996.)

CHAPTER 19.04 - INTERPRETATIONS

Section 19.04.010 - Purpose

This Chapter specifies the authority and procedures to insure the consistent interpretation and application of the requirements of this Title.

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008)

Section 19.04.020 - Rules of Interpretation

- A. Minimum Requirements.** The provisions of this Title shall be deemed to be the minimum standards required for the protection of the public health, safety, and welfare.
- B. Conflicting Requirements.** Where the provisions of this Ordinance impose a more stringent development requirement or a greater restriction upon the use of buildings or land than are imposed or required by other laws, rules, and regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern.
- C. Conflicts Between Provisions.** In the event of any conflict between Article II (Zoning District and Permitted Uses) and Article III (General Development Regulations), the provisions of Article III shall govern.
- D. Single Lot in Multiple Zoning Districts.** In the event two or more lots are merged through the approval of a lot line adjustment, parcel or tentative map in compliance with Title 18 of this Code (Subdivisions), such that a single lot is covered by two or more zoning districts, the uses of that parcel shall be consistent with the zoning district as shown for the portion of the lot on which the use is proposed to be placed.
- E. Uncertainties in Zoning District Boundaries.** Where the boundary of any zoning district shown on the zoning maps is uncertain, the Manager shall apply the following rules to resolve such uncertainty:
 - 1. Where a zoning district boundary approximately follows a lot, alley, or street line, such lot line, or center line of such street and alley shall be construed to be the boundary.
 - 2. If a zoning district boundary divides a lot, and the boundary line location is not otherwise designated, the location of the boundary shall be determined by the use of the scale appearing on the Zoning Map.
 - 3. Where a public street or alley is officially vacated by the City, the property within the vacated portion of the street or alley shall be the zoning on the adjoining property. Where the vacated street or alley was the boundary of two or more districts, the new district boundary shall be determined at the time of abandonment.
 - 4. The "Floodway" overlay zone refers to those areas in and along Dry, Linda, Cirby and Antelope Creeks as shown in those certain aerial photographic maps designated as "Official Floodplain Maps" dated October 1973 of the City of Roseville and kept and maintained in the Office of the Manager of Public Works.
 - 5. The "Floodway Fringe" overlay zone refers to those areas in and along Dry, Linda, Cirby and Antelope Creeks as shown in those certain aerial photographic maps designated as "Official Floodplain Maps" dated October 1973 of the City of Roseville and kept and maintained in the Office of the Manager of Public Works.

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008; Ord. 5428 (part), 2014)

Section 19.04.030 - Authority for Interpretations

The Manager shall have the authority to issue administrative interpretations of the provisions of this Title to resolve ambiguities.

- A. Record of Interpretations.** Whenever the Planning Manager determines that the applicability or meaning of any of the standards of this Title are ambiguous, the Planning Manager may issue an official interpretation. Official interpretations shall be in writing, and shall cite the provisions being interpreted, together with an explanation of their meaning or applicability in the particular or general circumstances that caused the need for interpretation.

Any provision of this Title that is determined by the Planning Manager to be ambiguous shall be clarified by amendment as soon as is practical. The Planning Manager shall maintain a complete record of all official interpretations available for public review, indexed by the section number of this Title that is the subject of the interpretation.

- B. Appeal.** Interpretations by the Manager may be appealed to the Planning Commission pursuant to Chapter 19.80.

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008; Ord. 5428 (part), 2014)

CHAPTER 19.06 - ESTABLISHMENT OF ZONE DISTRICTS

Section 19.06.010 - Zoning Districts Established

- A.** The following primary zone districts are established and shall be shown on the Zoning Map as established by Section 19.06.020:

	Map Symbol
Single-Family Residential	R1
Small Lot Residential	RS
Two-Family Residential	R2
Attached Housing	R3
Residential Mixed Use	RMU
Business Professional	BP
Neighborhood Commercial	NC
Community Commercial	CC
General Commercial	GC
Highway Commercial	HC
Regional Commercial	RC
Central Business District	CBD
Commercial Mixed Use	CMU
Old Town Historic District	HD
Industrial/Business Park	MP
Light Industrial	M1
General Industrial	M2
Industrial Mixed Use	MMU
Open Space	OS
Park and Recreation	PR
Public/Quasi-Public	P/QP
Urban Reserve	UR

- B.** In addition to the primary zone districts established pursuant to subsection (A) above, the following overlay and special purpose zones are established:

Design Standards	/DS
Floodway	/FW
Floodway Fringe	/FF
Planned Development	PD
Special Area	/SA

(Ord. 3014 (part), 1996.)

Section 19.06.020 - Zoning Map Adopted

- A.** The boundaries of the zoning districts established by Section 19.06.010 shall be shown upon the map designated as the "City of Roseville Zoning Map" (referred to herein as the "Zoning Map"), which shall be placed on file with the City Clerk and available for public review.
- B.** The Zoning Map has been adopted by the Council in compliance with applicable law, and is hereby incorporated into this Title by reference as though it were fully set forth herein.
- C.** Zoning Ordinance Amendments approved by the City Council shall be incorporated herein. In the course of updates, it is the goal to eliminate inconsistencies or inadvertent errors and insure internal consistency. Such updates shall be documented with a reference to this Section and the original City Council amendment that resulted in the change.

(Ord. 4662 (part), 2008)

ARTICLE II

REGULATIONS FOR THE PRINCIPAL AND SPECIAL PURPOSE ZONES

ARTICLE II

REGULATIONS FOR THE PRINCIPAL AND SPECIAL PURPOSE ZONES

CHAPTER 19.08 – USE TYPE CLASSIFICATIONS

- 19.08.010 – Purpose
- 19.08.020 – Primary and Accessory Uses
- 19.08.030 – Listing of Use Classifications
- 19.08.040 – Classification of Combined Uses
- 19.08.050 – Classification of Uses Not Specifically Listed
- 19.08.060 – Agriculture and Open Space Use Types
- 19.08.070 – Civic Use Types
- 19.08.080 – Residential Use Types
- 19.09.090 – Commercial Use Types
- 19.09.100 – Industrial Use Types
- 19.08.110 – Transportation and Communication Use Types

CHAPTER 19.10 – RESIDENTIAL ZONES

- 19.10.010 – Purpose
- 19.10.020 – Permitted Use Types
- 19.10.030 – Residential Zone General Development Standards
- 19.10.040 – Supplemental Design Standards in the Residential Small Lot (RS) District
- 19.10.045 – Design Review Required for Compact Residential Development

CHAPTER 19.12 – COMMERCIAL ZONES

- 19.12.010 – Purpose
- 19.12.020 – Permitted Use Types
- 19.12.030 – Commercial Zone General Development Standards

CHAPTER 19.14 – INDUSTRIAL AND MANUFACTURING ZONES

- 19.14.010 – Purpose
- 19.14.020 – Permitted Use Types
- 19.14.030 – Industrial Zone General Development Standards

CHAPTER 19.16 – CIVIC AND RESOURCE PROTECTION ZONES

- 19.16.010 – Purpose
- 19.16.020 – Permitted Use Types
- 19.16.030 – Civic and Resource Protection Zone General Development Standards

CHAPTER 19.18 – OVERLAY AND SPECIAL PURPOSE ZONES

- 19.18.010 – Purpose
- 19.18.020 – Development Standard (DS) District
- 19.18.030 – Special Area (SA) District
- 19.18.040 – Floodway (FW) and Floodway Fringe (FF) Zones
- 19.18.050 – Planned Development (PD) District

CHAPTER 19.08 - USE TYPE CLASSIFICATIONS

Section 19.08.010 - Purpose

The purpose of this Chapter is to classify land uses according to use types on the basis of common functional, product, or compatibility characteristics.

(Ord. 3014 (part), 1996.)

Section 19.08.020 - Primary and Accessory Uses

- A. Primary Uses.** Primary uses shall be defined as either principal, conditional, or administrative uses. A principally permitted use is allowed in a zoning district and subject to the restrictions applicable to that district. A conditionally permitted use is a use permitted in a particular zone district upon showing that such use will comply with all the conditions and standards as specified in the zoning ordinance and authorized in the Conditional Use Permit. An administratively permitted use may be permitted in a zone district upon administrative approval by the Planning Manager. Primary uses are established and regulated by this Article II.
- B. Accessory Uses.** Accessory uses are uses accessory and incidental to the primary use of a parcel and are regulated by Chapter 19.22 (Accessory Uses and Structures).

(Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.08.030 - Listing of Use Classifications

All primary uses are classified into the following use types. The following primary use types are more fully described in Sections 19.08.060 through Section 19.08.110, inclusive.

A. Agricultural and Open Space Use Types

Agricultural
Animal Keeping
Resource Protection and Restoration
Resource Related Recreation

B. Civic Use Types

Community Assembly
Community Services
Essential Services
Hospital Services
 General Hospital Services
 Psychiatric Hospital Services
Intensive Public Facilities
Libraries and Museums, Private
Power Generating Facilities
Public Parking Services
Schools
 College and University
 Elementary and Secondary
 Private Elementary and Secondary
Social Services
 Emergency Shelter
 Food Distribution
 Food Service

C. Residential Use Types

Caretaker/Employee Housing
 Community Care Facility, Small
 Community Care Facility, Large
 Dwelling
 Multi-Family
 Single Family
 Two-Family
 Efficiency Units
 Family Day Care Homes, Small
 Family Day Care Homes, Large
 Live/Work
 Mobile Home Park
 Rooming and Boarding Houses
 Second Dwelling Unit
 Single Room Occupant
 Supportive Housing
 Transitional Housing

D. Commercial Use Types

Adult Oriented Business
 Animal Sales and Service
 Grooming and Pet Stores
 Kennels
 Veterinary Clinic
 Veterinary Hospital
 Automotive and Equipment
 Automotive Body and Equipment Repair
 Automotive Rentals
 Automotive Repairs
 Automotive Sales
 Car Wash and Detailing
 Commercial Parking
 Heavy Equipment Rental and Sales
 Gasoline Sales
 Banks and Financial Services
 Bars and Drinking Places
 Broadcasting and Recording Studios
 Building Material Stores
 Business Support Services
 Commercial Recreation
 Amusement Center
 Indoor Entertainment
 Indoor Sports and Recreation
 Outdoor Entertainment
 Outdoor Sports and Recreation
 Residential Recreation Facilities
 Large Amusement Complexes
 Community Care Facility
 Day-Care Centers
 Eating and Drinking Establishments
 Convenience
 Fast Food with Drive Through
 Full Service
 Food and Beverage Retail Sales
 Funeral and Interment Services
 Lodging Services
 Long Term Care Facility

Maintenance and Repair
 Medical Services, General
 Neighborhood Commercial
 Nightclubs
 Nursery, Retail
 Offices, Professional
 Personal Services
 Retail Sales and Services
 Single Room Occupant
 Specialized Education and Training
 Vocational Schools
 Specialty Schools
 Storage, Personal Storage Facility

E. Industrial Use Types

Day Care Center, Secondary (employees only)
 Equipment and Materials Storage Yards
 General Industrial
 Hazardous Materials Handling
 Impound Yards
 Laundries, Commercial
 Light Manufacturing
 Printing and Publishing
 Recycling, Scrap and Dismantling
 Enclosed
 Unenclosed
 Research Services
 Specialized Industrial
 Wholesale and Distribution
 Light
 Heavy

F. Transportation and Communication Use Types

Antennas and Communications Facilities
 Developed Lot
 Undeveloped Lot
 Heliport
 Intermodal Facilities

(Ord. 4897(part), 2010; Ord. 4728 § 4 (part), 2009; Ord. 4662 (part), 2008; Ord. 3450 § 1 (part), 1999; Ord. 3447 § 2, 1999; Ord. 3270 § 1 (part), 1998; Ord. 3014 (part), 1996.)

Section 19.08.040 - Classification of Combined Uses

The following rules shall apply where a use of a parcel resembles two or more different primary use types, and none of the uses are accessory uses regulated pursuant to Chapter 19.22 (Accessory Uses and Structures).

- A. Separate Classifications of Multiple Establishments.** If two (2) or more individual establishments or businesses conduct separate primary uses on a single parcel, each use shall be considered a separate and distinct primary use of that parcel.
- B. Separate Classification of Different Major Categories of Uses Conducted by Individual Establishment.** If an individual establishment, or business conducts more than one primary use, which use appears to fit under more than one different use type as described in this chapter, each primary use shall be considered a separate and distinct primary use; provided, however, when the primary uses have the characteristics of one of

the following listed use types, all such primary uses shall be classified as one (1) of the use types on the list:

- General Industrial;
- Hazardous Materials Handling; or
- Intensive Public Facilities.

If the primary uses resemble more than one (1) of the use types on the above list, the uses shall be classified in the most appropriate use type, except that any industrial uses shall be classified within the Hazardous Materials Handling Use Type if they so qualify under Section 19.08.100(D) (Hazardous Materials Handling Use Type).

(Ord. 3014 (part), 1996.)

Section 19.08.050 - Classification of Uses Not Specifically Listed

If a proposed primary use is not specifically listed or identified as a use type in this Article II, the use shall not be allowed, except as follows:

- A. The Manager may determine that a proposed use not listed is permitted if:
 - 1. The common functional, product or compatibility characteristics and activities associated with the proposed use are consistent with one of the use types identified in Chapter 19.08 listed as a permitted use type within the zoning district;
 - 2. The proposed use is compatible with the purpose of the zoning district that applies to the parcel; and
 - 3. The proposed use will be consistent with the goals, objectives and policies of the General Plan.
- B. If the Manager determines that an unlisted proposed use is encompassed within a listed use type, the proposed use shall be subject to the same use regulations as the listed use type.
- C. The Manager may forward questions about permitted uses directly to the Planning Commission for an interpretation at a public hearing. The public hearing shall be scheduled as required in Chapter 19.80 for an Appeal. The Planning Commission shall make a determination based on the criteria of Section 19.08.050(A) as to which use type the proposed use fits into. The decision of the Planning Commission may be appealed to the Council pursuant to Chapter 19.80.
- D. The Manager shall maintain a written record of all such determinations.

(Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.08.060 - Agriculture and Open Space Use Types

Agriculture and Open Space Use Types include on-site structures, development, and management activities which are necessary to conduct agricultural operations and which are compatible with the protection and enhancement of open space resources. Specific Agriculture and Open Space Use Types referred to in this Title are:

- A. **Agricultural**, includes uses commonly associated with a farm or ranch for the production of grazing and feeding of livestock.
- B. **Animal Keeping**, includes the keeping, feeding or raising of common farm animals or small animal specialties as an avocation, hobby or school project in association with a residential use as may be permitted in Title 7 of this Code.
- C. **Resource Protection and Restoration**, includes activities and management of an area to preserve, recreate and enhance natural resource values such as fish and wildlife habitat, rare and endangered plants, erosion control, and floodwater conveyance.

- D. Resource Related Recreation**, includes facilities related to passive recreation of open space areas including bike and pedestrian trails, picnic areas, parking areas, and interpretive centers.

(Ord. 3270 § 1 (part), 1998; Ord. 3014 (part), 1996.)

Section 19.08.070 - Civic Use Types

Civic Use Types include governmental and quasi-governmental agencies providing utility, educational, cultural, major medical, protective, governmental, and other uses which are strongly vested with public or social importance. Specific Civic Use Types referred to in this Title are:

- A. Community Assembly**, includes the activities typically performed by, or at, the following institutions or installations:
- Churches, temples, synagogues, and other places of worship;
 - Public and private non-profit clubs, lodges, and meeting halls; and
 - Public community recreation facilities including; community centers, amphitheaters and museums.
- B. Community Services**, includes uses provided by public agencies which are necessary to support the community's health, safety and welfare. Typical Community Services include:
- Cemeteries;
 - Community water storage, wells and associated treatment facilities;
 - Corporation yards, including storage, repair and processing of materials and equipment, and vehicles operated by governmental entities;
 - Detention/Retention basins;
 - Electrical substations (up to 60kV);
 - Intermodal Facilities;
 - Libraries;
 - Park and Ride Lots;
 - Police and Fire Stations (including antennas, antenna towers and communication facilities);
 - Post Offices, excluding major processing centers;
 - Public Parks and Golf Courses; and
 - Satellite Government Facilities.
- C. Essential Services**, includes services which are necessary to support development and involve only minor structures such as bus stops, gas distribution pipelines, electrical distribution lines (up to and including 60kV), utility poles, transformers (12kV or less), water and sanitary sewer, drainage facilities, communication facilities for community services provided by a public agency, and neighborhood parks.
- D. Reserved.**
- E. Hospital Services.**
- 1. General Hospital Services**, includes medical, or surgical services for sick or injured persons primarily on an in-patient basis, and includes accessory facilities for out-patient and emergency medical services, diagnostic services, training, research, administration, and services to patients, employees, or visitors.
 - 2. Psychiatric Hospital Services**, includes psychiatric services for persons primarily on an in-patient basis, and includes accessory facilities for out-patient and diagnostic services, training, research, administration, and services to patients, employees, or visitors.
- F. Intensive Public Facilities**, includes public services and utilities which because of location are objectionable due to production of offensive odor, dust, noise, bright lights, vibration or

the storage of hazardous materials or products. Typical uses are electric receiving stations (60kV to 230kV), sanitary landfills, public airports and heliports, or correctional institutions.

- G. Libraries and Museums, Private,** includes permanent, public and quasi-public facilities generally of a non-commercial nature such as libraries, museums, art exhibitions, planetariums, aquariums, botanical gardens, and arboretums. Also includes historic sites, exhibits, and zoos located in a public park.
- H. Power Generating Facilities,** These facilities consist of temporary support facilities used to supply electrical power on an interim basis when power outages occur, or facilities that are used on a permanent basis to generate a power supply for a single use or multiple users if connected to a power grid. Power generating facilities generally include technologies that produce electricity from fossil fuels, natural gas, solar, wind, hydro- or biomass fuels in order to provide back-up power, augment utility power supplies or if grid-connected, to sell power. Power generating facilities may include, but are not limited to, the following specifically defined facilities:
 - 1. General Power Production Facility,** a facility whose sole purpose is for the resale and production of power which may consist of a natural gas fired facility, co-generating facility, solar, wind, waste, photovoltaic, geothermal operated, or other alternative fuel source, that produces electricity primarily for the transmission of electricity associated with the overall power grid. This type of facility may be a peak load facility that only operates during the period in which the power demand for the overall power grid is at its peak usage.
 - 2. Supplemental/Individual Use Power Facility,** a facility that is utilized to provide electrical power as either a supplement to power supplied by the existing grid or as a permanent power source for an individual user and does not provide off-site sale to the power grid. For commercial and industrial developments these types of facilities may consist of a natural gas fired facility, co-generating facility, solar, wind, waste, photovoltaic, geothermal operated, or other alternative fuel source, that produces electricity. Residential uses will be restricted to facilities which do not materially change the character of the zone district or impact adjacent residential uses (i.e. solar and photovoltaic).
 - 3. Emergency Power Facility,** a facility that acts as a stand-by generator used to supply electric power during the event of a power outage by the local electric utility. These types of facilities may be permanent in nature or temporary portable gas/diesel generators.
 - 4. Passive Power Facility,** These facilities are considered to produce power when using clean fuel such as sunlight or other similar natural resource to generate power. Typical facilities would be solar or photovoltaic power generators. Residential zones will be restricted to these types of facilities for power generation on a permanent basis.
- I. Public Parking Services,** includes parking services involving buildings or lots which are publicly owned or operated.
- J. Schools**
 - 1. College and University,** includes community colleges, public or private colleges, universities and professional schools granting associate degrees, certificates, undergraduate and graduate degrees and requiring for admission at least a high school diploma or equivalent general academic training.
 - 2. Elementary and Secondary,** includes public elementary, middle, junior high and high schools serving grades K through 12.

3. **Private Elementary and Secondary**, includes private and religious schools. It does not include schools included within Commercial, Schools Specialized Education and Training Use Type.
- K. Social Services**, generally include those services which help people become more self-sufficient, prevent dependency, strengthen family relationships, and restore individuals, families, groups or communities to successful social functioning. Such social services may include, but are not limited to, the following specifically defined services:
1. **Emergency Shelter (Health & Safety Code Section 50801(e))**, 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.
 2. **Food Distribution Facility**, A facility or use which distributes food on a not for profit basis.
 3. **Food Service Facility**, A facility or use where food is served on-site on a not for profit basis.

(Ord. 4897(part), 2010; Ord. 4662 (part), 2008; Ord. 3922 § 1 (part), 2003; Ord. 3447 § 1, 3, 1999; Ord. 3088 § 1 (part), 1997; Ord. 3014 (part), 1996.)

Section 19.08.080 - Residential Use Types

Residential Use Types include the occupancy of living accommodations on a wholly or primarily non-transient basis and includes uses which are typically associated with and provide support to residential areas, but exclude institutional living arrangements providing twenty-four (24) hour skilled nursing or medical care and those providing forced residence, such as asylums and prisons. Transitional Housing and Supportive Housing are considered residential uses. Specific Residential Use Types referred to in this Title are:

- A. Caretaker/Employee Housing**, includes permanent or temporary housing that is secondary or accessory to the primary use of the property. Such housing is used for caretakers employed on the site of a non-residential use where a caretaker is needed for security or to provide twenty-four (24) hour care or monitoring of facilities, equipment, or other conditions on the site.
- B. Community Care Facility, Small**, a dwelling where non-medical care is provided to six or fewer persons on a twenty-four (24) hour basis. Small Community Care Facilities shall be licensed by the State Department of Social Services.
- C. Community Care Facility, Large**, a dwelling where non-medical care is provided to no less than seven (7) and no more than twelve (12) persons on a twenty-four (24) hour basis and which is operated and occupied by the owners. Large Community care facilities shall be licensed by the State Department of Social Services, shall permit no more than two (2) persons per bedroom and shall be designed so as to be compatible with the residential character of the neighborhood.
- D. Efficiency Units**, includes a room or group of internally connected rooms that have independent sleeping, cooking, eating and sanitation facilities, which constitutes as independent housekeeping unit, occupied by or intended for one household on a long-term basis.
- E. Dwelling**, includes a room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen, which constitutes an independent housekeeping unit, occupied by or intended for one household on a long-

term basis. Types of dwellings include single-family dwellings, duplexes, multi-family dwellings, mobile homes, condominiums, and townhouses, all of which are separately defined.

1. **Multi-Family**, includes a building designed and intended for occupancy by three or more families living independently of each other, each in a separate dwelling unit, which may be owned individually or by a single landlord. Includes apartments, townhomes, rowhouses, triplexes and fourplexes.
 2. **Single Family**, includes a detached building designed exclusively for occupancy by one family.
 3. **Two-Family**, includes a duplex, or other buildings designed for occupancy by two families living independently of each other, where both dwellings are located on a single lot.
- F. **Family Day Care Homes, Small**, includes a private single family dwelling where care, protection and supervision of seven (7) or fewer minor children is provided for periods of less than twenty-four (24) hours or as otherwise provided by state law.
- G. **Family Day Care Homes, Large**, includes a private single family dwelling where care, protection and supervision of eight (8) and up to, and including, fourteen (14) children is provided for periods of less than twenty-four (24) hours or as otherwise provided by state law. (Also see Chapter 19.46.)
- H. **Live/Work**, includes units that are occupied by business operators who live in the same structure that contains commercial activity. The units functions primarily as a workspace with incidental residential accommodations.
- I. **Mobile Home Park**, includes 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. (Also see Chapter 19.48.)
- J. **Rooming and Boarding Houses**, includes the renting of individual bedrooms within a dwelling by a property owner or other manager in residence to three or more people, whether or not meals are provided; or a single-family dwelling occupied by six (6) or more unrelated people, living together as a single housekeeping unit; by prearrangement for definite periods, with compensation.
- K. **Second Dwelling Unit**, a dwelling unit, attached or detached, with permanent provisions for independent living, sleeping, eating, cooking and sanitation within the unit and includes a separate entrance from the primary unit. (Also see Chapter 19.60.)
- L. **Single Room Occupant**, lodging establishments providing a room(s) which does not include a kitchen or bathroom. These establishments include a communal bathroom and may have a communal kitchen and/or living area. This is not a temporary or transitional housing type and is typically found on the second story above a retail use.
- M. **Supportive Housing** “Supportive Housing” means housing with no limit on length of stay, that is occupied by the target population as defined in Health and Safety Code § 53260(d), and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live, and when possible, work in the community. **(CA H&S Section 50675.14(b))**,
- a. **Target Population** Adults with low-income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health

conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people. **(CA H&S Section 53260(d)),**

- N. Transitional Housing** “Transitional housing” and “transitional housing development” means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. **(CA H&S Section 50675.2(h)),**

(Ord. 4897 (part), 2010; Ord. 4728 § 4 (part), 2009; Ord. 4662 (part), 2008; Ord. 3922 § 1 (part), 2003; Ord. 3450 § 1 (part), 1999; Ord. 3947 § 4, 1999; Ord. 3270 § 1 (part), 1998; Ord. 3014 (part), 1996.)

Section 19.08.090 - Commercial Use Types

Commercial Use Types include the distribution, sale and rental of goods, and the provision of services other than those classified as Civic or Industrial use types. Specific Commercial Use Types referred to in this Title are:

- A. Adult-Oriented Businesses**, include those uses specifically referred to in Chapters 9.11 and 19.32 of this code and include any Adult Arcade, Adult Bookstore, Adult Cabaret, Adult Hotel/Motel, Adult Motion Picture Theater, Adult Theater or Modeling Studio defined therein. Any reference in this code to "Adult Business Establishment" shall mean Adult-Oriented Business, as provided herein.

Ord. 3601 § 5 (part), 2000; Ord. 4662 (part), 2008.)

- B. Animal Sales and Services**, includes establishments primarily engaged in animal-related sales and services. The following are Animal Sales and Services Use Types:

1. **Grooming and Pet Stores**, includes grooming or selling of dogs, cats, and similar small animals with limited indoor boarding. Typical uses include dog bathing and clipping salons, pet grooming shops, and pet stores.
2. **Kennels**, includes indoor and outdoor kennel services for dogs, cats, and similar small animals. Typical uses include boarding kennels, pet motels, and dog training centers.
3. **Veterinary Clinic**, includes a fully enclosed veterinary facility containing only enough cage arrangements as necessary to provide services for small animals requiring acute medical or surgical care, as well as boarding and grooming.
4. **Veterinary Hospital**, includes a veterinary facility conducted in an enclosed building and in the open which provides long-term medical care, boarding and grooming.

- C. Automotive and Equipment**, includes establishments primarily engaged in automotive-related or heavy equipment sales or services. The following are Automotive and Equipment Use Types:

1. **Automotive Body and Equipment Repair**, includes automobile body repair and painting; repair of equipment such as aircraft, boats, recreational vehicles, and trucks; and the installation and servicing of tractor-trailer, semi-trucks and heavy construction equipment.

2. **Automotive Rentals**, includes rental from the premises of automobiles, light trucks, and recreational vehicles. Typical uses include car rental agencies.
 3. **Automotive Repairs**, includes repair of automobiles and the sale, installation, and servicing of automobile equipment and parts completely within an enclosed building, but excluding body repair and painting. Typical uses include muffler shops, automobile repair garages, automobile glass shops, and minor services including oil change, tuneup/lube shops, tire installation, and stereo and car accessory installation.
 4. **Automotive Sales**, includes the sale, retail or wholesale, of automobiles, light trucks, boats, recreational vehicles, motorcycles, motor homes, and trailers together with associated enclosed repair services and parts sales, but excluding body repair and painting. Typical uses include automobile dealers and recreational vehicle sales agencies.
 5. **Car Wash and Detailing**, includes washing and polishing of automobiles. Typical uses include automobile detailing services and car washes.
 6. **Commercial Parking**, includes parking of operable motor vehicles on a temporary basis within a privately owned off-street parking area with or without a fee. Typical uses include commercial parking lots and garages.
 7. **Heavy Equipment Rental and Sales**, includes rental and sales of heavy equipment such as aircraft, trucks, tractor-trailer, semi-trucks and heavy construction equipment.
 8. **Gasoline Sales**, includes establishments primarily engaged in the retail sale, from the premises, of petroleum products with the incidental sale of tires, batteries, and replacement items, lubricating services, minor repair services and may include drive through car washes, convenience eating places and neighborhood commercial. Typical uses include automobile service stations, filling stations and neighborhood commercial uses with gas sales.
- D. **Banks and Financial Services**, includes financial institutions including: banks and trust companies; lending and thrift institutions, credit agencies; brokers and dealers in securities and commodity contracts; security and commodity exchanges; holding, (but not predominantly operating) companies; and other investment companies; vehicle finance leasing agencies. Automated teller machines (ATMs) located away from banks are included under the definition of "Personal Services."
- E. **Bars and Drinking Places**, includes establishments within a building where alcoholic beverages are sold for on-site consumption, that are not part of a restaurant. Includes bars, taverns, pubs, brew pubs, wine bars and similar establishments where any food service is subordinate to the sale of alcoholic beverages. Dance floors are not permitted.
- F. **Broadcasting and Recording Studios**, includes commercial and public communications uses including telegraph, telephone, radio and television broadcasting and receiving stations and studios, and television production and sound recording studios, with facilities entirely within buildings. Private transmission and receiving apparatus, such as towers, reflectors and antennas are included under the definition of "Antennas, Communications Facilities."
- G. **Building Material Stores**, includes retail establishments selling lumber (which may include the cutting of pre-cut lumber) and other large building materials, and also including paint, wallpaper, glass, fixtures, nursery stock, lawn and garden supplies (which may also be sold in hardware stores, included under the definition of "Retail Sales and Services"). Includes all such stores selling to the general public, even if contractor sales account for a larger proportion of total sales.

H. Business Support Services, includes establishments within buildings, providing other businesses with services including maintenance, repair and service, testing, rental, etc., also includes:

- blueprinting,
- business equipment repair services,(except vehicle repair, see "Automotive Repair"),
- commercial art and design (production),
- computer-related services (rental, repair, maintenance),
- equipment rental businesses within buildings,
- film processing laboratories,
- mail advertising services (reproduction and shipping),
- outdoor advertising services,
- photocopying, and
- photo-finishing.

I. Commercial Recreation, includes establishments primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. The following are Commercial Recreation Use Types:

1. **Amusement Center**, includes public places of amusement or public places of business in which four (4) or more coin-operated amusement devices are installed and includes any place open to the public, whether or not the primary use of the premises is devoted to the operation of such devices.
2. **Indoor Entertainment**, includes predominantly spectator uses conducted within an enclosed building, excluding uses classified under Adult Oriented Businesses. (See Chapter 19.32). Typical uses include motion picture theaters, and live theater.
3. **Indoor Sports and Recreation**, includes predominantly participant sports and health activities conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks, indoor racquetball courts, soccer arenas, athletic clubs, and health clubs.
4. **Outdoor Entertainment**, includes predominantly spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include outdoor amphitheaters, concert halls and sports arenas, BMX tracks, racing facilities, drive in theaters, and zoos.
5. **Outdoor Sports and Recreation**, includes predominantly participant sports conducted in open or partially enclosed or screened facilities. Typical uses include amusement parks, driving ranges, miniature golf courses, golf courses, swimming pools, and tennis courts.
6. **Residential Recreation Facilities**, includes predominantly participant sports which are normally associated with a country club, or private residential community. Typical uses include country clubs, racquet clubs, golf courses, swimming pools, tennis courts, and other secondary uses including restaurants, and retail sales.
7. **Large Amusement Complexes**, includes a theme park or similar complex open to the public which exceeds 100,000 square feet and which:
 - a. Includes outdoor amusement attractions such as mechanized or carnival-type rides or water slides; and
 - b. Meets any two of the following three criteria:

The complex has a maximum daily capacity of more than 500 users per day;

- (ii) The complex is required to provide off-street parking for more than 200 vehicles; or
 - (iii) The complex operates during any part of the year during the hours after 6:00 p.m. This does not apply to publicly owned or operated parks or facilities.
- J. **Community Care Facility**, includes any facility serving as a residence where non-medical care is provided on a twenty-four (24) hour basis with central or private kitchen facilities, dining, recreational and other facilities. Typical uses include assisted living facilities and facilities licensed by the State Department of Social Services. Does not include Long Term Care Facilities.
- K. **Day Care Centers**, includes commercial or non-profit facilities that provide care, protection and supervision of thirteen (13) or more minor children or adults in need of assistance for periods of less than twenty-four (24) hours per day, typically while parents or family are working, and/or before or after daily attendance at an elementary school, as defined by Chapter 3.6 of the Health and Safety Code, commencing with Section 1597.30 includes preschools.
- L. **Eating and Drinking Establishments**, includes establishments primarily engaged in the sale of prepared food and beverages for on-premise consumption, but excludes those uses classified under the "Bars and Drinking Places" and "Nightclubs." An Eating and Drinking Establishment that provides amplified live or recorded music and that provides space(s) for dancing or hold public dances under Municipal Code Section 9.40.030.H. shall be considered a Nightclub per Chapter 19.080.090.T. of the Zoning Ordinance. Eating and Drinking Establishment use types include:
 - 1. **Fast Food with Drive Through**, includes establishments primarily engaged in the preparation and retail sale of food and beverages at a walk up counter and at a drive through window, and may include seating.
 - 2. **Convenience**, includes establishments primarily engaged in the preparation and retail sale of food and beverages, at a walk up counter and which does not include a drive through or provide for ordering at the tables, if any. Typical uses include pizza parlors, ice cream parlors, and sandwich shops.
 - 3. **Full Service**, includes establishments primarily engaged in the preparation and retail sale of food and beverages, where food is ordered and served at a table, and which may include sales of alcoholic beverages as an accessory or secondary service. Fixed seating or tables and chairs are provided for the seating of each patron or customer at all times. Typical uses include full service restaurants.
- M. **Food and Beverage Retail Sales**, includes establishments primarily engaged in the retail sale of food and beverages for home consumption. Typical uses include groceries, liquor stores, and delicatessens.
- N. **Funeral and Interment Services**, includes establishments primarily engaged in the provision of services involving the care, preparation, or disposition of human remains other than in cemeteries.
- O. **Lodging Services**, includes establishments primarily engaged in the provision of commercial lodging on a less than monthly basis to the general public. Lodging Services includes incidental food, drink, and other sales and services intended for the convenience of guests. Typical uses include hotels, motels, and bed-and-breakfasts.
- P. **Long Term Care Facility**, includes an institution or a portion of an institution that is licensed or approved to provide health care under medical supervision for twenty-four or more consecutive hours. Typical uses include Extended Care Facilities, Intermediate Care

Facilities, Skilled Nursing Facilities, Hospices and other facilities licensed by the State Department of Health Services.

- Q. Maintenance and Repair**, includes all uses that provide maintenance and repair services for furniture, appliances and equipment normally used within a building. Typical uses include sewing machine and appliance repair.
- R. Medical Services, General**, includes establishments primarily engaged in the provision of personal health services on an outpatient basis ranging from prevention, diagnosis and treatment, or rehabilitation services provided by physicians, dentists, nurses, and other health personnel as well as the provision of medical testing and analysis-services, but excludes uses classified under any Civic Use Type. Typical uses include medical offices, dental laboratories, medical laboratories, health maintenance organizations, substance abuse treatment clinics, immediate care facilities and offices for physical therapists, chiropractors, and acupuncturists.
- S. Neighborhood Commercial**, includes establishments primarily engaged in the provision of frequently or recurrently needed small personal items or services for residents within a reasonable walking distance. These uses are compatible with residential development due to low traffic and noise generation and include various retail sales and personal services of an appropriate size and scale to meet the above criteria. Typical uses include neighborhood grocery stores, drug stores, beauty salons, and offices, but do not include drive through restaurants, bars and drinking places, or liquor stores.
- T. Nightclubs**, includes establishments or places of entertainment within a building, open primarily at night, usually but not necessarily serving alcohol, and providing floor space for amplified live or recorded music, or having spaces for “public dances” as per Chapter 9.40.030 of the Roseville Municipal Code. Fixed seating or chairs are not provided for the seating of each patron or customer. Meals or refreshments may be served and an admission may be charged. Excludes uses classified under Chapter 19.08.090 Commercial Use Types as “Eating or Drinking Establishments”, “Commercial Recreation”, and Chapter 19.32, “Adult Oriented Businesses”. Additional requirements are contained in Chapter 19.49.
- U. Nursery, Retail**, includes establishments primarily engaged in the sale of nursery goods, landscaping materials, chips, rocks, sand, soil and merchandise. This use type is typically conducted primarily outdoors. The sale of nursery goods, landscaping materials, chips, rocks, sand, soil and merchandise indoors is permitted under Retail Sales and Services.
- V. Offices, Professional**, includes professional or government offices including:
 - Accounting, auditing and bookkeeping services;
 - Advertising agencies;
 - Architectural, engineering, interior design, and surveying services;
 - Attorneys;
 - Call and telemarketing centers;
 - Computer software designers;
 - Court reporting services;
 - Data processing and computer services;
 - Detective agencies and similar services;
 - Secretarial and word processing services;
 - Government offices including agency and administrative office facilities;
 - Insurance agencies;
 - Management, public relations and consulting services;
 - Real estate agencies; and
 - Writers, photographers and artists offices outside the home.

- W. Personal Services**, includes establishments primarily engaged in the provision of personal improvement or appearance, and similar non-business related or non-professional services, but excludes services classified under other use types. Typical uses include barber shops, beauty salons, tailors, shoe repair shops, massage therapist, tattoo studios, and dry cleaning pick up stations.
- X. Retail Sales and Services**, includes establishments primarily engaged in the sale of goods and merchandise, but excludes those classified under Animal Sales and Services, Automotive and Equipment, Business Support Services, Building Materials Stores, Neighborhood Commercial, Food and Beverage Retail Sales, and Gasoline Sales. Typical uses include:
- Auto parts;
 - Bakeries, retail;
 - Bicycle sales;
 - Department stores;
 - Drug and discount stores;
 - Furniture stores;
 - Hardware;
 - Orthopedic supplies;
 - Photography studios;
 - Self service laundries/dry cleaning stores; and
 - Sporting goods and equipment.
- Y. Specialized Education and Training**, includes private establishments providing training or educational programs. Typical uses include:
1. **Vocational Schools**, includes businesses, secretarial schools and vocational schools offering specialized trade and commercial courses and establishments furnishing educational courses by mail or on-line. Facilities, institutions and conference centers are included that offer specialized programs in personal growth and development (including fitness, environmental awareness, arts, communications, and management, as examples).
 2. **Specialty Schools**, includes specialized non-degree granting schools such as: music schools; dramatic schools; language schools; driver education schools; martial arts studios; ballet and other dance studios.
- Z. Storage, Personal Storage Facility**, includes a structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces. This use type does not include the outdoor storage of boats, cars, recreational vehicles, or equipment, and does not include the rental of trucks or other equipment. (Also see Chapter 19.54.)

(Ord. 4867 § 2 (part), 2010; Ord. 4728 § 4 (part), 2009; Ord. 4662 (part), 2008; Ord. 3922 § 1 (part), 2003; Ord. 3601 § 3, 2000; Ord. 3450 § 1 (part), 1999; Ord. 3270 § 1 (part), 1998; Ord. 3088 § 1 (part), 1997; Ord. 3014 (part), 1996.)

Section 19.08.100 - Industrial Use Types

Industrial Use Types include the on-site production and storage of goods, equipment and materials, including certain associated accessory uses. Specific Industrial Use Types referred to in this Title are:

- A. Day Care Centers, Secondary**, includes commercial or non-profit facilities that provide care, protection and supervision of thirteen (13) or more minor children or adults in need of assistance for periods of less than twenty-four (24) hours per day, while parents or family are working on-site, and/or before or after daily attendance at an elementary school, as

defined by Chapter 3.6 of the Health and Safety Code, commencing with Section 1597.30 includes preschools. Secondary Day Care Centers are incidental and accessory to the primary industrial use of the property and are only for on-site employees. Does not include Day Care Centers as defined for Commercial use.

- B. Equipment and Materials Storage Yards**, includes all uses related to outdoor storage of large construction equipment or machinery, company vehicles, or large quantities of other materials. It does not include any of the commercial use types identified under "Automotive and Equipment." Typical uses include contractor's storage yards, and corporation yards.
- C. General Industrial**, includes any manufacturing, processing, assembling, or fabrication of materials and products from raw materials, and also includes any industrial use involving an incinerator, blast furnace or other similar industrial process, including any industrial production conducted either wholly or partially outdoors. Typical uses include drum manufacturing and remanufacturing, batch plants, truss manufacturing, breweries, canneries and co-generation plants.
- D. Hazardous Materials Handling**, includes all industrial uses engaged in the handling of substances subject to the maintenance of a "Risk Management Prevention Program" under California Health and Safety Code, Section 25534. Typical uses include semi-conductor manufacturing.
- E. Impound Yards**, includes the storage of operable and inoperable vehicles for limited periods of time, within a secured enclosure. Does not include the dismantling of wrecked or inoperable vehicles which is "Recycling, Scrap and Dismantling."
- F. Laundries, Commercial**, includes establishments primarily engaged in high volume laundry and garment services, including family and commercial laundries, garment pressing and dry cleaning, linen supply, diaper service, industrial laundries, carpet and upholstery cleaners. Does not include coin-operated laundries.
- G. Light Manufacturing**, includes the manufacture, assembly or packaging of products from previously prepared materials, such as cloth, plastic, paper, leather, precious or semi-precious metals or stones, but does not include such operations as saw and planing mills, or any manufacturing uses involving primary production of wood, metal or chemical products from raw materials. Typical uses include electronic equipment assembly, and computer component assembly.
- H. Printing & Publishing**, establishments primarily engaged in printing by letterpress, lithography, engraving, screen, offset or other common process including electrostatic (xerographic) copying and other "quick printing" services; and establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving, and electrotyping. This also includes establishments that publish newspapers, books and periodicals, whether or not they do their own printing; and establishments manufacturing business forms and binding devices.
- I. Recycling, Scrap and Dismantling**, includes uses engaged in the assembling, breaking up, sorting, temporary storage, and distribution of recyclable or reusable scrap and waste materials, including the dismantling or wrecking of automobiles or other motor vehicles, or the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking. The presence on any lot or parcel of land of five or more motor vehicles which for a period exceeding thirty (30) days have not been capable of operating under their own power, and from which parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of an automobile wrecking yard. Does not include landfills or other terminal waste disposal sites.
 - 1. Enclosed**, includes recycling, scrap and dismantling within enclosed building.
 - 2. Unenclosed**, includes recycling, scrap and dismantling not within a building.

- J. Research Services**, includes establishments primarily engaged in providing research, testing, or other scientific analysis. Typical uses include soils and materials testing laboratories, electronics research firms and pharmaceutical research laboratories.
- K. Specialized Industrial**, includes establishments engaged in activities that generate noise, vibration, odor, dust, or smoke similar to other industrial uses, but that do not clearly fit within another industrial use classification. This use type involves uses which are appropriately located with other industrial development and are not classified under either a Commercial or Civic use type. The Manager shall determine that a use is classified within this use type as prescribed in Section 19.08.050.
- L. Wholesaling and Distribution**, includes establishments engaged in wholesaling, storage, warehousing and bulk sale distribution, including, but not limited to open-air handling of materials and equipment other than live animals. Does not include the outdoor storage of material which is classified under "Equipment and Materials Storage Yards." The following are Wholesaling and Distribution use types:
 - 1. Light**, includes wholesaling, storage, and warehousing within enclosed structures. Typical uses include wholesale distributors, storage warehouses and moving and storage firms.
 - 2. Heavy**, includes wholesaling, storage, distribution and handling of materials and equipment. Also includes uses engaged in the outdoor or indoor, long term or short term storage of large vehicles, and minor repair and maintenance of vehicles stored on the premises. Typical uses include truck terminal yards.

(Ord. 3270 § 1 (part), 1998); Ord. 3014 (part), 1996; Ord. 4662 (part), 2008; Ord. 5428 (part), 2014)

Section 19.08.110 - Transportation and Communication Use Types

Transportation and Communication Use Types include the transfer of information and people by various means. Specific Transportation and Communication Use Types referred to in this Title are:

- A. Antennas and Telecommunications Facilities**, includes commercial and private electromagnetic and photoelectric transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, cellular telephone, microwave communications and data network communications; including commercial earth stations for satellite-based communications. Includes antenna's (dish and satellite), telecommunication towers, monopole, and equipment buildings. (Also see Chapter 19.34.)
 - 1. Developed Lot**, located on a building or on the same lot developed with a permitted use.
 - 2. Undeveloped Lot**, located on a vacant lot or lot not developed with a permitted use.
- Does not include:**
- a.** Home television and radio receiving antennas and HAM radio antennas, which are included under "Residential Accessory Structures."
 - b.** Telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections, which are included under Essential Facilities use type.
 - c.** Satellite dishes, which are included under Accessory Structures regulations and subject to the standards of Section 19.34.020.
 - d.** Communications facilities for community services provided by a public agency.

- B. Heliport**, includes land improved and intended to be used for the landing and taking off of helicopters or vertical take-off and landing (VTOL) aircraft. Includes facilities for private non-emergency landings and take offs, and permanent life safety facilities. It does not include landing of helicopters or VTOL for emergency purposes, pursuant to the Public Utilities Code, Section 21001, et seq.
- C. Intermodal Facilities**, includes private establishments engaged in the provision of transportation of persons. Typical uses include bus stations and train depots.

(Ord. 3922 § 1 (part), 2003; Ord. 3014 (part), 1996; Ord. 4662 (part), 2008.)

CHAPTER 19.10 - RESIDENTIAL ZONES

Section 19.10.010 - Purpose

This Chapter provides regulations applicable to primary uses in the Residential zoning districts established by Section 19.06.010 (Zoning Districts Established). The Residential zoning districts are as follows:

- A. Single-Family Residential (R1) District.** The R-1, Single-Family Residential district is intended for detached, single-family homes and similar and related uses inclusive of half-plexes.
- B. Small Lot Residential (RS) District.** The R-S, Small Lot Residential district is intended to allow either attached or detached single-family dwellings, and similar and related compatible uses.
- C. Two-Family Residential (R2) District.** The R-2, Two-Family Residential district is intended to allow two dwellings per lot, either detached single-family dwellings or duplexes, and similar and related compatible uses.
- D. Attached Housing (R3) District.** The R-3, Attached Housing district is intended for multiple-family housing. The types of land use intended for the R-3 zoning district include apartments, condominiums, townhomes, and similar and related compatible uses.
- E. Residential Mixed Use (RMU) District.** The Residential Mixed-Use district is intended to promote a variety of residential uses/dwelling types and the flexible citing of uses that are typically considered to be compatible with residential development. The RMU zoning district establishes a mix of uses, through the use of overlay zones, to ensure that different residential uses and densities will be successfully integrated into desirable, cohesive residential neighborhoods. The RMU zoning district shall always be applied in conjunction with either the -DS (Development Standards) or -SA (Special Area) overlay zones. (Also see Chapter 19.18.)

(Ord. 3270 § 2 (part), 1998; Ord. 3014 (part), 1996)

Section 19.10.020 – Permitted Use Types

Primary uses are permitted in residential zones subject to the requirements of this Title as designated below:

- A.** Principally permitted use, designated as "P";
- B.** Conditionally permitted use, designated as "CUP"; and
- C.** Administratively permitted use, designated as "A".

Primary use types not listed or designated by a dash (-) are not permitted in that zone district.

AGRICULTURE AND OPEN SPACE USE TYPES	R1	RS	R2	R3	RMU
Animal Keeping	P	P	P	P	P
Resource Protection and Restoration	P	P	P	P	P
Resource Related Recreation	P	P	P	P	P

CIVIC USE TYPES	R1	RS	R2	R3	RMU
Community Assembly	CUP	CUP	CUP	P	P
Community Services	CUP	CUP	CUP	CUP	P
Essential Services	P	P	P	P	P
Schools, Elementary and Secondary	P	P	P	P	P
Schools, Private Elementary and Secondary	CUP	CUP	CUP	CUP	P
Power Generating Facilities ⁽³⁾					
Emergency	P	P	P	P	P
Passive Power	P	P	P	P	P

RESIDENTIAL USE TYPES	R1	RS	R2	R3	RMU
Community Care Facilities, Small	P	P	P	P	P
Community Care Facilities, Large	CUP	CUP	CUP	P	P
Dwelling ⁽⁵⁾					
Multi-Family	-	-	-	P	P
Single-Family	P	P	P	P	P
Two-Family	-	-	P	P	P
Family Day Care Homes, Small	P	P	P	P	P
Family Day Care Homes, Large ⁽²⁾	A	A	A	A	P
Mobile Home Park	CUP	CUP	CUP	CUP	P
Rooming and Boarding House	-	-	-	P	P
Second Dwelling Unit ⁽¹⁾	P	P	-	-	P

COMMERCIAL USE TYPES	R1	RS	R2	R3	RMU
Commercial Recreation, Residential Recreation Facilities	CUP	CUP	CUP	CUP	P
Community Care Facility	-	-	-	P	P
Day Care Center	CUP	CUP	CUP	CUP	P
Long Term Care Facility	-	-	-	CUP	P
Neighborhood Commercial	-	-	-	CUP	P

TRANSPORTATION AND COMMUNICATION USE TYPES	R1	RS	R2	R3	RMU
Telecommunication Facilities ⁽⁴⁾	AP/ CUP	AP/ CUP	AP/ CUP	AP/ CUP	AP/ CUP

Notes:

- (1) See Chapter 19.60 for Second Dwelling Unit regulations.
- (2) See Chapter 19.46 for Large Family Day Care Home regulations.
- (3) See Chapter 19.55 for Power Generating Facilities Requirements.
- (4) See Chapter 19.34 for Antennas and Communications Facilities Requirements.
- (5) Transitional Housing and Supportive Housing are considered residential use types.

(Ord. 4897 (part), 2010; Ord. 4662 (part), 2008; Ord. 3922 § 2 (part), 2003; Ord. 3014 (part), 1996.)

Section 19.10.030 - Residential Zone General Development Standards

- A. Residential Development Standards.** Permitted uses and associated structures shall comply with the following development standards, in addition to any other applicable requirements of this Title:

RESIDENTIAL ZONE GENERAL DEVELOPMENT STANDARDS

	Requirement by Zoning District					
	R1	RS with attached sidewalk ⁽¹⁰⁾	RS with separated sidewalk ⁽⁸⁾ ⁽¹⁰⁾	R2	R3 ⁽²⁾	RMU
Area, interior lot	6,000 sq ft	4,500 sq ft	4,275 sq ft	6,000 sq ft	6,000 sq ft	None ⁽⁷⁾
Area, corner lot	7,500 sq ft	5,500 sq ft	4,710 sq ft	7,500 sq ft	7,500 sq ft	
Width, interior	60 ft	45 ft	45 ft	60 ft	60 ft	
Width, corner	75 ft	55 ft	50 ft	75 ft	75 ft	
Residential Density (maximum per lot)	1 dwelling 1 second unit	1 dwelling 1 second unit	1 dwelling 1 second unit	2 dwellings ⁽¹⁾	As provided by General Plan	As provided by General Plan

Setbacks (minimum) See Chapter 19.22 for setbacks for accessory structures.						
Front ⁽⁹⁾	20 ft for interior lots; 15 ft for corner lots; 20 ft minimum driveway depth	15 ft to living space or side wall of garage 12.5 ft to porch 18 ft minimum driveway depth ⁽⁶⁾	10 ft to first floor living space or side wall of garage; 7.5 ft to porch, but in no case may encroach into a PUE;	20 ft for interior lots; 15 ft for corner lots; 20 ft minimum driveways depth	20 ft minimum on all street frontages	None ⁽⁷⁾

			15 ft to second floor living space; 18 ft minimum driveway depth ⁽⁶⁾			
Sides ⁽⁹⁾	5 ft interior; 15 ft street side on corner	5 ft interior; 12.5 ft street side on first floor 15 ft street side on second floor	5 ft interior; 10 ft street side on first floor 13 ft street side on second floor	5 ft interior; 15 ft street side on corner	5 ft interior; 20 ft minimum on all street frontages	None ⁽⁷⁾
Rear	20% of lot depth; need not exceed 20 ft; 10 ft minimum ⁽³⁾	10 ft minimum with minimum useable open space of 700 sq ft or 500 sq ft where a usable front porch is provided ⁽⁴⁾	10 ft minimum with minimum useable open space of 500 sq ft ⁽⁴⁾	20% of lot depth; need not exceed 20 ft; 10 ft minimum	20 ft; 20 ft minimum on all street frontages	None ⁽⁷⁾
Site Coverage	35% for 2 story; 45% for 1 story	None ⁽⁴⁾	None ⁽⁴⁾	40%	50%	None ⁽⁷⁾
Height Limits	35 ft	35 ft	35 ft	35 ft	45 ft ⁽⁵⁾	None ⁽⁷⁾
Additions greater than 700 square feet in area	May only be permitted upon approval of an administrative permit					

Notes:

- (1) Attached or detached. Detached dwelling units must maintain a minimum ten (10) foot building separation.
- (2) The general development standards for the R3 District may be modified through approval of a Design Review Permit.
- (3) On corner lots, the minimum rear setback may be determined by using an average of three measurements taken at the ends of the structure and a point midway between the ends of the structure. The measurements shall be made perpendicular to the rear lot line.
- (4) The rear and side yards may be utilized to meet the minimum usable open space provided the minimum dimension, measured perpendicular to the applicable rear or side yard is ten (10) feet. Maximum coverage is a function of lot size, required setbacks and usable open space. A minimum usable open space of 500 sq ft may be applied where a front porch is provided with minimum dimensions of 6 ft x 10 ft exclusive of entry way.
- (5) Except for units immediately adjacent to the R-1 and RS zone districts, where the height limit shall be 35 feet.
- (6) Minimum driveway depth of 18 feet requires a roll-up garage door.
- (7) As provided in development standard overlay or special area overlay district.
- (8) Sidewalk separated from back of curb by 5-foot planter strip.

- (9) Front setback (and side setback where adjacent to street) measured from back of walk. Fence side yard setback is 5 ft from back of walk where facing a street. In the absence of sidewalk, setbacks measured from the edge of right-of-way.
- (10) Variations to the standards and other housing product types may be permitted subject to processing of a Design Review Permit for Residential Subdivision (DRRS) concurrent with the approval of a tentative subdivision map and review of product type.

B. Clear Vision Triangle, Residential. The following standards shall apply to the installation of structures on corner parcels:

- 1. On a corner parcel, no fence, wall, sign or other structure, mounds of earth, or other visual obstruction over thirty-six (36) inches in height above the top of the existing or planned curb elevation shall be erected, or placed within a residential clear vision triangle (see Section 19.95 Definitions).
- 2. The foregoing provision shall not apply to public utility poles; trees trimmed (to the trunk) to a line at least eight (8) feet above the elevation of the intersection; saplings or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave, at all seasons, a clear and unobstructed cross view; supporting members of appurtenances to permanent structures existing on the date that this Ordinance becomes effective; and official warning signs or signals.

C. Exceptions to Height Limits. Notwithstanding the requirements of Section 19.10.030 (A), the following structures are permitted to exceed the maximum height limits, as follows:

Architectural features, mechanical equipment. Chimneys, vents, and other architectural or mechanical appurtenances on buildings may be a maximum of fifteen (15) percent higher than the height limit of the applicable zone.

D. Exceptions to Setbacks. Notwithstanding the requirements of Section 19.10.030 (A), the following structures are permitted to encroach into the required development setbacks, as follows:

- 1. Architectural features, such as but not limited to: cornices, eaves, canopies fireplaces and similar features, but not any flat wall or addition creating living space, may encroach up to two (2) feet into any required setback.
- 2. Covered, unenclosed projections attached to the primary structure may encroach up to six (6) feet into any front yard setback.

E. Manufactured Homes. Manufactured homes are permitted in residential zones provided they meet the following architectural standards:

- 1. The Manufactured home shall be covered with exterior material customarily used on conventional dwellings within the subdivision. The exterior covering material shall extend to the ground as close to grade as allowed by the manufacturer's recommendation;
- 2. The Manufactured home shall have a minimum of 16-inch roof overhangs and roofing material on the manufactured home shall be compatible with other dwellings existing in the area and shall consist of materials customarily used on conventional dwellings. The roof shall have a minimum 2 1/2 in 12 pitch.

F. Landscaping Requirements in Setback Areas.

- 1. Single-Family and Two-Family dwellings—Front-yard and street side-yard setbacks.
 - a. Setback area paving restrictions. A maximum of fifty percent (50%) of the required front-yard setback may be paved for off-street parking, driveways, walkways, or uncovered patio use. A maximum of fifty percent (50%) of

the required street side-yard setback may be paved for off-street parking, driveways, walkways, or uncovered patio use; however, this maximum limitation does not apply to that portion of the street side-yard located behind a fence that is in compliance with the street side fence requirements set forth in Chapter 19.22 of this code. These requirements may be modified with approval of a Design Review Permit for Residential Subdivision (DRRS), as provided for in Article V of this title.

- b. Landscape and maintenance requirements. The unpaved portion of a front-yard setback and street side-yard setback shall be landscaped, irrigated, and maintained. The landscape shall include grass, annuals, perennials, groundcover, shrubs, trees, or other living vegetation. Synthetic grass or artificial turf may be used if it is permeable and has a minimum pile height of 1.25 inches. Design elements like planters, rocks, mulch, or similar elements are permitted when integrated as part of the landscape. All landscaping materials shall be mowed, trimmed, and maintained as often as necessary to prevent overgrowth and blight. No junk, debris, or other similar materials shall be stored in the landscaped setback area.
 - c. Height restrictions for landscaping located in the clear vision triangle. All landscaping located within the clear vision triangle for driveways and corner lots, as defined in Section 19.95.030 of this code, shall not exceed two (2) feet in height, except that trees exceeding two (2) feet in height are allowed if the tree is maintained free of branches eight (8) feet above the curb grade.
 - d. Vehicle parking requirements. Vehicles, including without limitation, automobiles, boats, campers, trailers, and other recreational vehicles, must be parked on a paved surface, as provided for in Section 11.20.110 of this code. Vehicles shall not be parked within the landscaped setback area.
2. Multi-Family dwellings (three or more units)—Front-yard and street side-yard setbacks. All minimum front-yard and street side-yard setbacks shall be landscaped, irrigated and maintained with primarily low ground cover or turf. The landscape shall include grass, annuals, perennials, groundcover, shrubs, trees, or other living vegetation. Synthetic grass or artificial turf may be used if it is permeable and has a minimum pile height of 1.25 inches. Design elements like planters, rocks, mulch, or similar elements are permitted when integrated as part of the landscape. All landscaping materials shall be mowed, trimmed, and maintained as often as necessary to prevent overgrowth and blight. No junk, debris, or other similar materials shall be stored in the landscaped setback area. Driveways and uncovered walkways are permitted to cross over the required front-yard and street side-yard setback. The required front-yard and street side-yard setbacks may not be paved for parking or patio areas.

(Ord. 4829 § 1, 2010; Ord. 4662 (part), 2008; Ord. 3922 § 2 (part), 2003; Ord. 3450 § 2, 1999; Ord. 3328 § 1, 1999; Ord. 3270 § 2 (part), 1998; Ord. 3088 § 2, 1997; Ord. 3014 (part), 1996; Ord. 5428 (part), 2014; Ord. 5663 (part), 2016)

Section 19.10.040 - Supplemental Design Standards in the Residential Small Lot (RS) District

- A. **Residential Design Standards.** In addition to the Residential Zone Development Standards listed above, the following supplemental design standards apply in all Residential Small Lot (RS) districts:

- 1. **Front Yard Stagger:** None required, but optional per unit design.

2. **Stagger For Third Car Garage:** Two feet between third car bay and two-car garage.
 3. **Two Story Unit Mix:** No limit.
 4. **Separation Between Second Story Elements.** A minimum of ten feet shall be provided between second story elements of adjacent two story dwellings.
 5. **Building Exterior:** Architectural treatment shall be applied to all elevations of a building. At a minimum, all doors, windows and other wall openings shall be trimmed consistent with the architectural style. Panelized windows or other architectural treatment shall be used on all garage doors.
- B. Exceptions.** The supplemental design standards as listed above may be modified, expanded or eliminated through the approval of a Design Review Permit for Residential Subdivision (DRRS), as provided for in Article V of this Title.
- C. Expiration of Supplemental Design Standards Requirements.** Supplemental design standards requirements do not apply to any residential dwelling unit that has received a final occupancy permit, unless a Design Review Permit for Residential Subdivision specifies a different (longer) term.

(Ord. 4829 § 2, 2010; Ord. 3014 (part), 1996)

Section 19.10.045 - Design Review Required for Compact Residential Development

- A. Applicability.** Design review shall be required for Compact Residential Development projects that qualify under either of the following:
1. Attached or detached single-family housing units on property with a General Plan land use designation of Medium Density Residential or higher (seven dwelling units per acre or higher, as depicted on the General Plan Land Use Map) (except for properties within the Downtown Specific Plan area), or
 2. Residential projects of any density on a parcel or parcels zoned Small Lot Residential (RS) where modifications to the RS Supplemental Design Standards are requested.
- B. Approvals Required.** Compact Residential Development projects shall require approval of a Design Review Permit for Residential Subdivision (DRRS). The approving authority for a DRRS shall be the Planning Commission or as otherwise provided in Section 19.74.010. D.
- C. Exceptions.** The Residential Development Standards identified in Section 19.10.030.A applying to Compact Residential Development projects may be modified, expanded, or eliminated through the approval of a Design Review Permit for Residential Subdivision (DRRS), as provided for in Article V of this Title.
- D. Modification.** Modifications to a DRRS previously approved by the Planning Commission may be approved by the Planning Manager, pursuant to the requirements of Section 19.76.180.

(Ord. 4728 § 5 (part), 2009; Ord. 4656 (part), 2008; Ord. 5428 (part), 2014)

CHAPTER 19.12 - COMMERCIAL ZONES

Section 19.12.010 - Purpose

This Chapter provides regulations applicable to primary uses in the Commercial zoning districts established by Section 19.06.010 (Zoning Districts Established). The Commercial zoning districts are as follows:

- A. **Business Professional (BP) District.** The Business Professional district is intended to provide locations for a wide variety of office uses and other uses which are related to and supportive of office uses.
- B. **Neighborhood Commercial (NC) District.** The Neighborhood Commercial district is intended to be applied to properties in close proximity to residential areas providing for convenient retail and personal service facilities.
- C. **Community Commercial (CC) District.** The Community Commercial district is intended to serve the principal retail shopping needs of the entire community by providing areas for shopping centers, and other retail and service uses.
- D. **General Commercial (GC) District.** The General Commercial district is intended to serve the entire community by providing areas for commercial facilities that are more of a service or heavy commercial character than are permitted in the Community Commercial District, and may involve outdoor display, storage or activity areas.
- E. **Highway Commercial (HC) District.** The Highway Commercial district is intended to be applied where commercial facilities serving the traveling public are necessary or desirable.
- F. **Regional Commercial (RC) District.** The Regional Commercial district is intended to provide for commercial facilities serving Roseville and the greater South Placer Area.
- G. **Central Business (CBD) District.** The Central Business district is intended to be applied to the older portions of the downtown area to provide flexibility in the types of uses typically found in the traditional downtown where a range of business and service, residential, and mixed use uses can be located to support the entire community. *(This former district is now part of the Downtown Specific Plan and subject to the Downtown Code.)*
- H. **Commercial Mixed Use (CMU) District.** The Commercial Mixed Use district is intended to promote a variety of commercial uses types and the flexible citing of other uses that are typically considered to be compatible with commercial development. It is the intent of the CMU zoning district to establish a mix of uses, which will be accompanied by overlay zones, to ensure that different commercial uses will be successfully integrated into desirable, cohesive commercial districts. The CMU zoning district shall always be applied in conjunction with either the DS (Development Standards) or SA (Special Area) overlay zones. (Also see Chapter 19.18.)
- I. **Old Town Historic (HD) District.** The Old Town Historic district is intended to be applied to the original commercial core of Roseville to acknowledge its historic and architectural significance. The HD zoning district is intended to ensure that new land uses and development within the district further the rehabilitation, revitalization, and preservation of the architectural, aesthetic, historic and economic health of the district. Each parcel within the Historic District shall be subject to the specific Historic District design guidelines contained within the Downtown Code which has been adopted in Chapter 19.31 of the Roseville Municipal Code. *(This former district is now part of the Downtown Specific Plan and subject to the Downtown Code.)*

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008; Ord. 4728 § 6 (part), 2009.)

Section 19.12.020 - Permitted Use Types

Primary uses are permitted in commercial zones subject to the requirements of this Title as designated below:

- A. Principally permitted use, designated as "P";
- B. Conditionally permitted use, designated as "CUP"; and
- C. Administratively permitted use, designated as "A".

Refer to the Downtown Code for permitted uses within the CBD and HD zones.

COMMERCIAL ZONE DISTRICTS PERMITTED USES

AGRICULTURE AND OPEN SPACE USE TYPES	BP	NC	CC	GC	HC	RC	CMU
Resource Protection and Restoration	CUP	CUP	CUP	CUP	CUP	CUP	P
Resource Related Recreation	P	P	P	P	P	CUP	P

CIVIC USE TYPES	BP	NC	CC	GC	HC	RC	CMU
Community Assembly	CUP	P	P	P	-	-	P
Community Services	P	CUP	P	P	P	P	P
Essential Services	P	P	P	P	P	P	P
Hospital Services							
General Hospital Services	-	-	CUP	CUP	-	-	P
Psychiatric Hospital Services	-	-	CUP	CUP	-	-	P
Libraries and Museums, Private	-	CUP	P	P	P	P	-
Public Parking Services	P	P	P	P	P	P	P
Schools							
College and University	A	-	P	P	-	P	P
Elementary and Secondary	P	P	P	P	P	P	P
Private Elementary and Secondary	-	CUP	CUP	CUP	-	-	P
Social Services							
Emergency Shelter ⁽⁵⁾	-	-	-	CUP	CUP	-	CUP
Food Distribution ⁽³⁾	-	-	-	A/CUP	A/CUP	-	A/CUP
Food Service ⁽⁴⁾	-	-	-	A/CUP	A/CUP	-	A/CUP

Power Generating Facilities ⁽⁹⁾							
Emergency	A	A	A	A	A	A	A
Supplemental / Individual Use	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Passive Power	P	P	P	P	P	P	P

RESIDENTIAL USE TYPES	BP	NC	CC	GC	HC	RC	CMU
Caretaker/Employee Housing	-	CUP	CUP	CUP	CUP	CUP	P
Dwelling ⁽¹⁰⁾							
Multi-Family ⁽¹⁾	-	CUP	CUP	-	-	-	P
Single-Family ⁽¹⁾	-	CUP	CUP	CUP	CUP	-	P
Two-Family	-	CUP	CUP	CUP	CUP	-	P
Family Day Care Home, Small	P	P	P	P	-	P	P
Family Day Care Home, Large	CUP	CUP	CUP	CUP	-	CUP	P
Single Room Occupant ⁽¹⁾	-	-	-	-	-	-	CUP

COMMERCIAL USE TYPES	BP	NC	CC	GC	HC	RC	CMU
Adult Oriented Businesses ⁽²⁾	-	-	-	P	-	P	P
Animal Sales and Service							
Grooming and Pet Stores	-	P	P	P	-	P	P
Kennels	-	-	-	-	-	-	P
Veterinary Clinic	-	CUP	P	P	-	-	P
Veterinary Hospital	-	-	CUP	CUP	-	-	P
Automotive and Equipment							
Automotive Body and Equipment Repair	-	-	-	CUP	-	CUP	CUP
Automotive Rentals	-	-	-	P	P	P	P
Automotive Repairs	-	-	CUP	P	P	P	P
Automotive Sales	-	-	CUP	P	-	P	P
Car Wash and Detailing	-	-	CUP	P	-	P	P
Commercial Parking	P	-	-	P	P	-	P

Heavy Equipment Rental and Sales	-	-	-	P	-	P	P
Gasoline Sales	CUP	P	P	P	P	P	P

COMMERCIAL USE TYPES	BP	NC	CC	GC	HC	RC	CMU
Banks and Financial Services	P	P	P	P	-	P	P
Bars and Drinking Places	-	-	P	P	-	P	P
Broadcasting and Recording Studios	P	-	-	P	-	-	P
Building Material Stores	-	-	CUP	P	-	P	P
Business Support Services	P	-	P	P	-	-	P
Commercial Recreation							
Amusement Center	-	CUP	P	P	-	P	P
Indoor Entertainment	-	-	P	P	-	P	P
Indoor Sports and Recreation	-	-	P	P	-	P	P
Outdoor Entertainment	-	-	-	CUP	-	CUP	P
Outdoor Sports and Recreation	-	-	CUP	P	CUP	P	P
Large Amusement Complexes	-	-	-	CUP	CUP	P	P
Community Care Facility	P	P	P	P	-	-	P
Day Care Center	P	P	P	P	-	P	P
Eating and Drinking Establishments							
Fast Food with Drive Through	-	-	P	P	P	P	P
Convenience	P	P	P	P	P	P	P
Full Service	P	P	P	P	P	P	P
Food and Beverage Retail Sales	-	-	P	P	-	-	P
Funeral and Internment Services	-	-	P	P	-	-	P
Lodging Services	-	-	P	P	P	P	P
Long Term Care Facility	CUP	CUP	P	P	-	-	P
Maintenance and Repair	-	P	P	P	-	-	P
Medical Services, General	P	P	P	P	P	P	P

Neighborhood Commercial	P	P	-	-	-	-	P
Nightclubs ⁽⁶⁾	-	-	CUP	CUP	-	CUP	CUP
Nursery, Retail	-	-	-	P	-	P	P

COMMERCIAL USE TYPES	BP	NC	CC	GC	HC	RC	CMU
Offices, Professional	P	P	P	P	-	P	P
Personal Services	P	P	P	P	P	P	P
Retail Sales and Services	-	-	P	P	P	P	P
Specialized Education and Training							
Vocational Schools	-	-	P	P	-	-	P
Specialty Schools	-	CUP	P	P	-	P	P
Storage, Personal Storage Facility	-	-	CUP	P	-	-	P

INDUSTRIAL USE TYPES	BP	NC	CC	GC	HC	RC	CMU
Laundries, Commercial	-	-	CUP	CUP	-	-	P
Printing & Publishing	-	-	-	CUP	-	-	P
Research Services	-	-	-	P	-	-	P
Wholesaling and Distribution, Light	-	-	-	P	-	-	P

TRANSPORTATION AND COMMUNICATION USE TYPES	BP	NC	CC	GC	HC	RC	CMU
Telecommunication Facilities ⁽⁷⁾	P/A/ CUP	P/A/ CUP	P/A/ CUP	P/A/ CUP	P/A/ CUP	P/A/ CUP	P/A/ CUP
Heliport	CUP	CUP	CUP	CUP	CUP	CUP	P
Intermodal Facilities ⁽⁸⁾	CUP	CUP	CUP	CUP	CUP	CUP	P

Notes:

- (1) This note applied to CBD and HD uses which are now in the Downtown Code only.
- (2) Additional Requirements are contained in Chapter 19.32.
- (3) Additional Requirements are contained in Chapter 19.40.
- (4) Additional Requirements are contained in Chapter 19.39.
- (5) Additional Requirements are contained in Chapter 19.38.
- (6) Additional Requirements are contained in Chapter 19.49.
- (7) Additional Requirements are contained in Chapter 19.34.
- (8) Additional Requirements are contained in Chapter 19.36.
- (9) Additional Requirements are contained in Chapter 19.55.
- (10) Transitional Housing and Supportive Housing are considered residential use types.

(Ord. 4897 (part), 2010; Ord. 4728 § 6 (part), 2009; Ord. 4662 (part), 2008; Ord. 3922 § 3, 2003; Ord. 3601 § 4 (part), 2000; Ord. 3450 § 3, 1999; Ord. 3447 § 5, 1999; Ord. 3270 § 3, 1998; Ord. 3088 § 3 (part), 1997; Ord. 3046 § 1, 1996; Ord. 3014 (part), 1996.)

Section 19.12.030 - Commercial Zone General Development Standards

- A. General.** Permitted uses and structures shall comply with the City's adopted Community Design Guidelines, applicable Specific Plans, approved Design Review Permit and any other applicable requirements of this Title.
- B. Maximum Height.** Notwithstanding the requirements referred to in A, maximum height limits in the Commercial zoning districts are as follows unless otherwise modified by an approved Design Review Permit or Specific Plan:

Zoning District	Height Limit
Business Professional (BP)	50'
Neighborhood Commercial (NC)	35'
Community Commercial (CC)	50'
General Commercial (GC)	50'
Highway Commercial (HC)	50'
Regional Commercial (RC)	50'
Central Business District (CBD)	50'
Commercial Mixed Use (CMU)	50'
Historic District (HD)	50'

- C. Clear Vision Triangle, Nonresidential.** The following standards shall apply to the installation of structures on corner parcels:

- On a corner parcel, no fence, wall, hedge, sign or other structure, shrubbery, mounds of earth, or other visual obstruction over thirty-six (36) inches in height above the top of the existing or planned curb elevation shall be erected, placed, planted, or allowed to grow within a commercial clear vision triangle (see Section 19.95 Definitions).

The foregoing provision shall not apply to public utility poles; trees trimmed (to the trunk) to a line at least eight (8) feet above the elevation of the intersection; saplings or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave, at all seasons, a clear and unobstructed crossview; supporting members of appurtenances to permanent structures existing on the date that this Ordinance becomes effective; and official warning signs or signals.

(Ord. 3088 § 3 (part), 1997; Ord. 3014 (part), 1996; Ord. 4662 (part), 2008; Ord. 4728 § 6 (part), 2009.)

CHAPTER 19.14 - INDUSTRIAL AND MANUFACTURING ZONES

Section 19.14.010 - Purpose

This Chapter provides regulations applicable to primary uses in the Industrial zoning districts established by Section 19.06.010 (Zoning Districts Established). The Industrial districts are as follows:

- A. Industrial/Business Park (MP) District.** The Industrial/Business Park district is intended to designate areas appropriate for the development of a mixture of light industrial, office and commercial land uses. The use types permitted within the MP district do not include outdoor manufacturing but may include limited outdoor storage. These use types do not result in the emission of any appreciable amount of visible gasses, particulates, steam, heat odor, vibration, glare, dust, or excessive noise and can be conditioned to be compatible when operating in close proximity to commercial and residential uses.
- B. Light Industrial (M1) District.** The Light Industrial district is intended to designate areas appropriate for light industrial uses such as manufacturing, processing, assembly, high technology, research and development and storage uses. The use types permitted within the M-1 district do not include outdoor manufacturing but may include limited outdoor storage and the emission of limited amount of visible gasses, particulates, steam, heat, odor, vibration, glare, dust, and noise. These uses may be compatible operating in relatively close proximity to commercial and residential uses.
- C. General Industrial (M2) District.** The General Industrial district is intended to designate areas suitable for a broad range of industrial uses including manufacturing, assembly, wholesale distribution, and warehousing.
- D. Industrial Mixed Use (MMU) District.** This district is intended to promote a variety of industrial use types and the flexible citing of uses that are typically considered to be compatible with industrial development. It is the intent of the MMU zoning district to establish a mix of uses, which will be accompanied by overlay zones, to ensure that different industrial uses will be successfully integrated into desirable, cohesive industrial districts. The MMU zoning district shall always be applied in conjunction with either the -DS (Development Standards) or -SA (Special Area) overlay zones as described in Chapter 19.18.

(Ord. 3014 (part), 1996.)

Section 19.14.020 - Permitted Use Types

Primary uses are permitted in industrial zones subject to the requirements of this Title as designated below:

- A.** Principally permitted use, designated as "P";
- B.** Conditionally permitted use, designated as "CUP"; and
- C.** Administratively permitted use, designated as "A".

Primary use types not listed or designated by a dash (-) are not permitted in that zone district.

INDUSTRIAL ZONE DISTRICTS PERMITTED USES

AGRICULTURAL AND OPEN SPACE USE TYPES	MP	M1	M2	MMU
Agricultural	-	P	P	P
Resource Protection and Restoration	P	P	P	P
Resource Protection and Restoration	P	P	P	P

CIVIC USE TYPES	MP	M1	M2	MMU
Community Assembly	CUP	CUP	CUP	P
Community Services	P	P	P	P
Essential Services	P	P	P	P
Intensive Public Facilities	-	-	CUP	P
Power Generating Facilities ⁽⁷⁾				
Emergency	A	A	A	A
Supplemental/Individual Use	CUP	CUP	CUP	CUP
General Power Production	CUP	CUP	CUP	CUP
Passive Power	P	P	P	P
Public Parking Services	P	P	P	P
Schools				
College and University	P	P	CUP	P
Private Elementary and Secondary	CUP	-	-	P
Social Services				
Emergency Shelter ⁽⁴⁾	P	CUP	CUP	CUP
Food Distribution ⁽²⁾	-	A/CUP	A/CUP	A/CUP
Food Service ⁽³⁾	-	A/CUP	A/CUP	A/CUP

RESIDENTIAL USE TYPES	MP	M1	M2	MMU
Caretaker/Employee Housing	CUP	A	A	P

COMMERCIAL USE TYPES	MP	M1	M2	MMU
Adult Oriented Businesses	-	P	P	P
Animal Sales and Service				
Kennels	-	P	P	P
Veterinary Clinic	P	P	P	P
Veterinary Hospital	-	P	P	P
Automotive and Equipment				
Automotive Body and Equipment Repair	CUP	P	P	P
Automotive Rental	CUP	CUP	-	P
Automotive Repairs	P	P	CUP	P
Automotive Sales	CUP	-	-	P
Car Wash and Detailing	P	P	CUP	P
Commercial Parking	P	P	P	P
Heavy Equipment Rental and Sales	CUP	P	P	P
Gasoline Sales	P	P	P	P
Impound Yards	CUP	CUP	P	P
Broadcasting and Recording Studios	P	P	P	P
Building Material Stores	P	P	P	P
Business Support Services	P	P	CUP	P
Commercial Recreation				
Indoor Entertainment	CUP	CUP	CUP	P
Indoor Sports and Recreation	P	P	P	P
Outdoor Entertainment	-	CUP	CUP	P
Outdoor Sports and Recreation	CUP	P	P	P
Large Amusement Complexes	-	CUP	CUP	P

COMMERCIAL USE TYPES	MP	M1	M2	MMU
Eating and Drinking Establishments, Convenience	P	P	P	P
Maintenance and Repair	P	CUP	CUP	P
Medical, General	-	-	-	-
Neighborhood Commercial	P	CUP	CUP	P

Nightclubs⁽¹⁾	CUP	CUP	CUP	P
Nursery, Retail	CUP	P	P	P
Offices, Professional	P	P	P	P
Personal Services	P	CUP	CUP	P
Retail Sales and Services	P	-	-	P
Specialized Education and Training				
Vocational Schools	P	P	CUP	P
Specialty Schools	P	P	CUP	P
Storage, Personal Storage Facility	P	P	P	P

INDUSTRIAL USE TYPES	MP	M1	M2	MMU
Day Care Center, Secondary (employees only)	CUP	CUP	-	CUP
Equipment and Materials Storage Yards	-	CUP	P	P
General Industrial	-	CUP	P	P
Hazardous Materials Handling	-	CUP	P	P
Laundries, Commercial	P	P	P	P
Light Manufacturing	P	P	P	P
Printing & Publishing	P	P	P	P
Recycling, Scrap and Dismantling				
Enclosed	P	P	P	P
Unenclosed	-	CUP	P	P
Research Services	P	P	P	P
Specialized Industrial	CUP	CUP	CUP	P
Wholesale and Distribution				
Light	P	P	P	P
Heavy	-	CUP	P	P

TRANSPORTATION AND COMMUNICATION USE TYPES	MP	M1	M2	MMU
Antennas and Communications Facilities⁽⁵⁾				

Developed Lot	P	P	P	P
Undeveloped Lot	CUP	CUP	CUP	CUP
Heliport	-	CUP	CUP	P
Intermodal Facilities ⁽⁶⁾	P	P	P	P
Telecommunication Facilities ⁽⁵⁾	P AP CUP	P AP CUP	P AP CUP	P AP CUP

Notes:

- (1) Additional Requirements are contained in Chapter 19.49.
- (2) Additional Requirements are contained in Chapter 19.40.
- (3) Additional Requirements are contained in Chapter 19.39.
- (4) Additional Requirements are contained in Chapter 19.38.
- (5) Additional Requirements are contained in Chapter 19.34.
- (6) Additional Requirements are contained in Chapter 19.36.
- (7) Additional Requirements are contained in Chapter 19.55.

(Ord. 4897 (part), 2010; Ord. 4662 (part), 2008; Ord. 3922 § 4, 2003; Ord. 3601 § 4 (part), 2000; Ord. 3601 § 4 (part), 2000; Ord. 3450 § 4, 1999; Ord. 3447 § 6, 1999; Ord. 3270 § 4, 1998; Ord. 3088 § 4, 1997; Ord. 3046 § 2 (part), 1999; Ord. 3014 (part), 1996.)

Section 19.14.030 - Industrial Zone General Development Standards

- A. General.** Permitted uses and structures shall comply with the City's adopted Community Design Guidelines, applicable Specific Plans, and any other applicable requirements of this Title.
- B. Maximum Height.** Notwithstanding these requirements, maximum height limits in the Industrial/Business Park (MP), Light Industrial (M1), and General Industrial (M2) are:

Zoning District	Height Limit
Industrial/Business Park (MP)	35'
Light Industrial (M1)	50'
General Industrial (M2)	50'

(Ord. 3046 § 2 (part), 1996; Ord. 3014 (part), 1996.)

CHAPTER 19.16 - CIVIC AND RESOURCE PROTECTION ZONES

Section 19.16.010 - Purpose

This Chapter provides regulations applicable to primary uses in the Civic and Resource Protection zoning districts established by Section 19.06.010 (Zoning Districts Established). The Civic and Resource Protection districts are as follows:

Open Space (OS) District. The Open Space district is applied to public and private lands that are environmentally sensitive or otherwise significant due to wildlife habitat, flood hazard, or other natural features.

Park and Recreation (PR) District. The Park and Recreation district may be applied to both public and private recreation facilities. It is intended to be applied to larger parks especially community wide facilities, but may also be applied to smaller neighborhood facilities when it is important, due to the planned facilities or natural features, to designate the site for park and recreation uses.

Public/Quasi-Public (P/QP) District. The Public/Quasi-Public district is applied to land intended for education, religious assembly, governmental offices, municipal corporation yards, water treatment plants, power generating facilities (including privately owned facilities), and other publicly-owned facilities.

Urban Reserve (UR) District. The Urban Reserve District is applied to lands that are anticipated to receive urban land use entitlements, but are constrained on an interim basis by growth management policies, availability of services, or other limitations.

(Ord. 3922 § 5 (part), 2003; Ord. 3014 (part), 1996; Ord. 4662 (part), 2008; Ord. 5428 (part), 2014)

Section 19.16.020 - Permitted Use Types

Primary uses are permitted in Civic and Resource Protection zones subject to the requirements of this Title as designated below:

- A. Principally permitted use, designated as "P";
- B. Conditionally permitted use, designated as "CUP"; and
- C. Administratively permitted use, designated as "A".

Primary use types not listed or designated by a dash (-) are not permitted in that zone district.

CIVIC AND RESOURCE PROTECTION ZONE DISTRICTS PERMITTED USES

AGRICULTURAL AND OPEN SPACE USE TYPES	PR	OS	P/QP	UR
Agricultural	-	P	-	P
Animal Keeping	-	-	-	P
Resource Protection and Restoration	P	P	P	P
Resource Related Recreation	P	P	P	P

CIVIC USE TYPES	PR	OS	P/QP	UR
Community Assembly	P	CUP	P	-
Community Services	P	P	P	-
Essential Services	P	P	P	P
Hospital Services				
General	-	-	P	-
Psychiatric	-	-	P	-
Intensive Public Facilities	-	-	P	-
Libraries and Museums, Private	P	CUP	P	-
Power Generating Facilities ⁽¹⁾				
Emergency	-	-	P	-
Supplemental / Individual Use	-	-	CUP	-
General Power Production	-	-	CUP	-
Passive Power	-	-	P	-
Public Parking Services	-	-	P	-
Schools				
College and University	-	-	P	-
Elementary and Secondary	P	-	P	-
Private Elementary and Secondary	-	-	CUP	-

RESIDENTIAL USE TYPES	PR	OS	P/QP	UR
Caretaker/Employee Housing	A	-	A	A
Dwelling, Single-Family ⁽³⁾	CUP	-	CUP	A
Commercial Recreation				
Indoor Sports and Recreation	P	-	P	-
Outdoor Entertainment	CUP	-	CUP	-
Outdoor Sports and Recreation	CUP	-	CUP	-
Large Amusement Complex	CUP	-	-	
Day Care Center	P	-	P	-

TRANSPORTATION AND COMMUNICATION USE TYPES	PR	OS	P/QP	UR
Telecommunication Facilities ⁽²⁾	P/A/CUP	A/CUP	P/A/CUP	A/CUP

Notes:

- (1) Additional Requirements are contained in Chapter 19.55.
- (2) Additional Requirements are contained in Chapter 19.34.
- (3) Transitional Housing and Supportive Housing are considered residential use types.

(Ord. 4897 (part), 2010; Ord. 4662 (part), 2008; Ord. 3922 § 5 (part), 2003; Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.16.030 - Civic and Resource Protection Zone General Development Standards

- A. General.** Permitted uses and structures shall comply with the City's adopted Community Design Guidelines, applicable Specific Plans, and any other applicable requirements of this Title.
- B. Single-Family/Caretaker.** Development standards shall be determined as part of an Administrative Permit or Conditional Use Permit.

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008.)

CHAPTER 19.18 - OVERLAY AND SPECIAL PURPOSE ZONES

Section 19.18.010 - Purpose

The Overlay and Special Purpose Zone districts established by this Title provide guidance for development and new land uses in addition to the standards and regulations of the applicable zoning districts, where important site, neighborhood, or area characteristics require particular attention in project planning.

(Ord. 3014 (part), 1996.)

Section 19.18.020 - Development Standard (DS) District

A. Purpose. The Development Standard (DS) district is an overlay district which allows modification of the specified development standards in general zone districts.

B. Application of Development Standard District. The City Council, in approving a zoning reclassification, may combine the Development Standard (DS) district with any zone district to establish, or modify, any or all of the following development standards:

1. Minimum lot size.
2. Minimum lot width.
3. Maximum lot depth.
4. Minimum yard setbacks.
5. Maximum coverage.
6. Minimum useable open space.
7. Maximum building height.
8. Principal building types.
9. Minimum landscaping setbacks.
10. Minimum parking ratios.

The modification shall be specifically stated in the ordinance. If a standard is not specifically addressed in the DS, it shall be governed by the requirements contained in the underlying zone district.

C. Application of Development Standard District in an Adopted Specific Plan. Notwithstanding the provisions of Sub-section B, above, an adopted Specific Plan may provide for designating the following standards with the approval of a Design Review Permit for Residential Subdivision (DRRS):

1. Minimum lot size.
2. Minimum lot width.
3. Maximum lot depth.
4. Minimum yard setbacks.
5. Maximum coverage.

6. Minimum useable open space.

The Specific Plan shall identify areas where this provision applies and, if applicable, minimum development standards. The Design Review Permit for Residential Subdivision shall be approved concurrently with the approval of a Tentative Subdivision Map.

- D. Notice of Hearings Shall Include Modifications.** Any notice of hearing for a reclassification to DS, Development Standard, shall include those standards proposed to be modified and the modifications proposed to be made. Provided, however, that the Planning Commission or City Council, as the case may be, may further modify or decline to modify said standards. The exception shall be where an adopted Specific Plan anticipates deviation and identifies the locations for anticipated deviations within the Plan. In such cases, no development standards need be specified for a DS until processing a Design Review Permit for Residential Subdivisions (DRRS) concurrently with a Tentative Subdivision Map.
- E. Designation on the Zoning Map.** A DS district shall be established with approval of a Zoning Ordinance Amendment as specified in Chapter 19.86, and shall be designated on the Zoning Map following the underlying zoning district by the symbol "/DS," and the ordinance number. The ordinance number shall refer to the ordinance which adopted the DS district.

(Ord. 3128 § 1, 1997; Ord. 3014 (part), 1996; Ord. 4662 (part), 2008.)

Section 19.18.030 - Special Area (SA) District

- A. Purpose.** The SA, Special Area district is an overlay district which allows modification of the underlying general district regulations (including both permitted Use Types and Development Standards) by reference to regulations adopted either in a Specific Plan, which applies to the property so classified, or in the ordinance rezoning the property so classified.
- B. Application of Special Area District.** The City Council, in approving a zoning reclassification may combine the SA, Special Area district with any residential, commercial, industrial or urban reserve district. In combining the SA, Special Area district, the City Council may: delete Principally Permitted or Conditionally Permitted uses, may designate Conditionally Permitted uses as Principally Permitted uses, or may require Conditionally Use Permits for Principally Permitted uses. Provided, however, in all cases in which the SA, Special Area district is utilized, the Permitted and Conditionally Permitted uses shall be consistent with any applicable Specific Plan.
- C. Development Standards.** Where property is zoned SA, Special Area district, development standards provided in the applicable adopted Specific Plan or the ordinance reclassifying the property shall supersede development standards contained in this Title for the underlying zone district. If a standard is not addressed within the applicable Specific Plan or the ordinance reclassifying the property, it shall be governed by the standards established by the underlying zone district.
- D. Designation on the Zoning Map.** A SA, Special Area district shall be established with approval of a Zoning Ordinance Amendment as specified in Chapter 19.86, and shall be designated on the Zoning Map with the underlying zone district by the symbol "/SA," followed by the ordinance number. The ordinance number shall refer to the ordinance which adopted the SA district. If a SA is within a Specific Plan, no ordinance number need be specified provided however, a reference to that Specific Plan is identified as follows: -SE (Southeast Roseville Specific Plan); -NE (Northeast Roseville Specific Plan); -NW (Northwest Roseville Specific Plan); -NC (North Central Roseville Specific Plan); -DW (Del Webb Specific Plan), -NR (North Roseville Specific Plan), -HR (Highland Reserve Specific Plan), -SR (Stoneridge Specific Plan), -WR (West Roseville Specific Plan), -RG (Riverside Gateway Specific Plan), and -DT (Downtown Specific Plan).

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008; Ord. 4728 § 7 (part), 2009.)

Section 19.18.040 - Floodway (FW) and Floodway Fringe (FF) Zones

A. Purpose. It is the purpose of this section to promote the public health, safety, and general welfare, and to minimize those losses described in subsection (B) of this section by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flood, or cause increases in flood heights or velocities.
2. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction.
3. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
4. Avoid unnecessary expenditures of public funds to remedy flood hazards resulting from imprudent uses of lands vulnerable to floods.
5. Maintain and preserve the existing stream channels and stream vegetation in as nearly natural condition as possible in order to preserve wildlife and fish habitat as well as to avoid the expenditure of public funds to remedy or avoid flood hazards, unnatural watercourse diversion, erosion, or situations caused by piecemeal alterations of natural watercourses and flood carrying areas, while balancing this need against the need to reduce the physical area of the floodplain.
6. Have individual property owners assume responsibility for their actions.

B. Findings of Fact:

1. The areas of special flood hazard of the City of Roseville are subject to periodic inundation which results in property, health, and safety hazards; disruption of commerce and governmental services; extraordinary public expenditures for flood protection and relief; and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and, when structures are inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.
2. Regulation of areas of special flood hazard is necessary because of the compelling need to insure safety and the availability of flood insurance to the residents of the City of Roseville, in that the government of the United States, through the Federal Emergency Management Agency and the Federal Insurance Agency, requires that these regulations be adopted before flood insurance can be obtained by residents.

C. Definitions.

Area of Special Flood Hazard. Land subject to a one percent or greater chance of flooding in any given year.

Base Flood. The flood level having a one percent chance of being equaled or exceeded in any given year.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land area lying outside normal stream channel as result of one or more of the following occurrences or conditions - the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance. The insurance coverage provided under the National Flood Insurance Program.

Flood Insurance Rate Map (FIRM). An official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones, on file in the office of the Director of Public Works.

Flood, 100-year. A flood estimated to occur at an average of once in 100 years (one percent frequency of occurrence), determined from an analysis of historical flood and rainfall records and computed in accordance with accepted methodology to the satisfaction of the Public Works Director.

Floodproofing. Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water, and sanitary facilities, structures, and their contents.

Floodway. The "Floodway" refers to those areas in and along Dry, Linda, Cirby and Antelope Creeks as shown in those certain aerial photographic maps designated as "Official Floodplain Maps" of the City of Roseville, dated October 1973 and kept and maintained in the Office of the Director of Public Works.

Floodway Fringe. The "Floodway Fringe" refers to those areas in and along Dry, Linda, Cirby and Antelope Creeks as shown in those certain aerial photographic maps designated as "Official Floodplain Maps" of the City of Roseville, dated October 1973 and kept and maintained in the Office of the Director of Public Works.

Freeboard. The vertical height distance between the water surface elevation of the 100-year flood and typically the lowest habitable floor of a building or accessory structure. Freeboard represents a safety factor for flood protection and, as such, is also used in the design of levees and altered stream channels.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement) of a structure. An unfurnished or flood resistant enclosure, usable solely for vehicular parking, building access, or storage, in an area other than a basement area, is not considered a structure's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of any applicable non-elevation design requirements of this Title.

Regulatory Floodway. The channel of a river, creek, or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. The regulatory floodway is delineated on the FIRM.

D. Establishment of Flood Hazard Overlay Districts: That portion of the Official Zoning Map known as the Floodplain Map, which shall be kept on file in the office of the Public Works Director. The map is broken into two districts: the "Floodway (/FW) District" and the "Floodway Fringe (/FF) District."

E. Applicability of Standards. In any district with which is combined a Floodway (FW) District or a Floodway Fringe (FF) District, the regulations of this section shall apply in addition to those specified elsewhere in this Title for such districts. Provided, however, that in the event of conflict between this section and other provisions in this Title, the regulations of this section shall govern, and all uses that are not permitted uses or permissible as flood encroachment uses within the Floodway (FW) and Floodway Fringe (FF) districts are prohibited.

F. Floodway District (FW) Permitted Uses. The following uses, having a low flood damage potential and not obstructing flood flows, are permitted within the Floodway (FW) District. Provided, however, that no such use shall include structures, fill, or storage of materials or equipment. And further provided, however, that no such use shall adversely affect the capacity of the channels or floodways, or of any tributary to the main stream, drainage ditch, or any other drainage facility or system, nor shall any use increase the water surface elevation of the base flood:

1. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
2. Accessory industrial-commercial uses such as loading areas, parking areas, airport landing strips.
3. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, park, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and hiking and horseback riding trails.
4. Accessory residential uses such as lawns, gardens, parking areas and play areas.

G. Floodway District (FW) Flood Encroachment Uses. The following uses, which may involve structures (temporary or permanent), fill, or storage of materials or equipment, may be permitted within the Floodway (FW) District only upon the issuance of a flood encroachment permit:

1. Uses or structures accessory to uses permitted by Article II (Zoning Districts and Allowable Land Uses), but not including any structure designed or used for human residence.
2. Circuses, carnivals, and similar temporary or transient amusement enterprises.
3. Drive-in theaters, new and used car lots, temporary roadside stands, and freestanding signs or billboards (where permitted by the Sign Ordinance of the City of Roseville, Roseville Municipal Code Title 17.).
4. Extraction of sand, gravel, and other materials.
5. Marinas, boat rentals, docks, piers, and wharves.
6. Railroad, streets, bridges, utility transmission lines, and pipelines.
7. Storage yards for readily transportable equipment, machinery, or materials.
8. Kennels and stables.
9. Other similar uses of a primarily open space nature.

H. Floodway Fringe (FF) District Permitted Uses. The following uses are permitted within the Floodway Fringe (FF) District:

1. Any use permitted in Section F and G.
2. Structures, including residential structures and mobile homes.

- I. Standards for Floodway and Floodway Fringe Uses.** The following standards shall govern use of land zoned either Floodway (FW) or Floodway Fringe (FF) District.
- 1. General Standards.** All uses shall comply with the provisions of this subsection. No structure (temporary or permanent), fill (including fill for roads and levees), obstruction, excavation, storage of materials or equipment, or other use is allowed which, acting alone or in combination with existing or future uses: adversely affects the capacity of the regulatory floodway or of areas where base flood elevations have been determined, but floodways have not been determined; increases peak flow; adversely affects the stream channel; increases flood heights; or is likely to have an adverse effect on a proposed use. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides along the stream. All uses shall:
 - a. Be consistent with the need to minimize flood damage.
 - b. Be located and constructed to minimize flood damage.
 - c. Provide adequate drainage to reduce flood hazards.
 - 2. Fill or Excavation Standards.** Uses involving any grading, fill, or excavations shall comply with the following standards, in addition to those in "G" above.
 - a. Any fill proposed to be deposited in the regulatory floodway must be shown to have some beneficial purpose, and the amount of fill shall not be greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials or excavations.
 - b. Such fill or other materials or area of excavation shall be protected against erosion by rip-rap, vegetative cover, or bulkheading.
 - 3. Standards for Structures.** All uses involving any structures, whether temporary or permanent, shall comply with the following standards, in addition to those contained in "G" above.
 - a. Structures designed or used for human residence are not permitted in the Floodway (FW) zone.
 - b. Structures shall have a low flood damage potential.
 - c. Structures shall be constructed and placed on the building site so as to not obstruct the flow of floodwaters.
 - (1) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of floodflow;
 - (2) Structures shall be firmly anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - d. Service or utility facilities, such as electrical and heating equipment, shall be constructed at least one foot above the base flood elevation or shall be floodproofed.
 - e. In all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall

be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- f. Structures, including residential structures, which are constructed on fill shall be elevated so that the lowest floor is at least one foot above the base flood elevation. Nonresidential structures may be floodproofed in compliance with "E" above in lieu of elevation.
- g. All structures shall be certified upon completion in the "as built" condition by a licensed land surveyor or a registered civil engineer permitted to practice land surveying that the elevation of the lowest floors, including any basement, are at least one foot above the base flood elevation, or have been floodproofed in compliance with "E" above. Provided, that minor additions to existing single family residences may be constructed at the same level as the existing house.
- h. Mobile homes shall be elevated above the base flood as provided in "F" above and shall additionally be anchored as provided in "C".
- i. All construction shall be with materials resistant to flood damage.

4. Storage of Material or Equipment. All uses involving the storage of materials or equipment shall comply with the following standards, in addition to those in subsection "I" above.

- a. The storage or processing of materials that are buoyant, flammable, toxic, explosive, or could be injurious to human, animal, or plant life, in time of flooding, is prohibited.
- b. Storage of other material or equipment may be allowed if it is not subject to major damage by floods and is readily removable from the area within the time available after flood warning.
- c. All materials or equipment shall be kept anchored or otherwise restrained to prevent them from being carried downstream by floodwaters.
- d. This subsection shall not apply to ordinary household/residential items in amounts normally kept in residences.

5. Procedure. Except for those matters required to be accomplished after construction, the project proponent shall demonstrate compliance with the requirements of this section either at the hearing of the approving authority for those projects requiring a flood encroachment permit, or prior to issuance of any building, grading, or occupancy permit for projects not requiring a flood encroachment permit.

J. Criteria for Development Approval. In passing upon such applications for flood encroachment permits, the approving authority shall consider all relevant factors specified in this section and:

- 1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
- 2. The danger that materials may be swept onto other lands or downstream to the injury of others.
- 3. The proposed water supply and sanitation systems, and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- 4. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owner.
- 5. The importance of the services provided by the proposed facility to the community.

6. The requirements of the facility for a waterfront location.
7. The availability of alternative locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The compatibility of the proposed use to the general plan and floodplain management program for the area.
10. The safety and availability of access to the property in times of flood for ordinary and emergency vehicles.
11. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
12. The compatibility of the proposed use with preservation of valuable fish and wildlife habitat.
13. Such other factors which are relevant to the purposes of this section.

K. Conditions Attached to Flood Encroachment Permits. Upon consideration of the factors listed in "J" above and the purposes of this section, the approving authority may attach such conditions to the granting of flood encroachment permits as it deems necessary to further the purposes of this section. Among such conditions, without limitation because of specific enumeration, may be included:

1. Modification of waste disposal and water supply facilities.
2. Limitations on periods of use and operation.
3. Imposition of operational controls, sureties, and deed restrictions.
4. Requirements for construction of channel modifications, dikes, levees, and other protective measures.
5. Floodproofing measures shall be designed consistent with the base flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the base flood. The review body shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the base flood protection elevation and associated flood factors for the particular area. The following floodproofing measures, without limitation because of specific enumeration, may be required:
 - a. Anchorage to resist flotation and lateral movement. In the case of mobile homes or additions to mobile homes, the anchoring shall be by one of the following methods, and shall be certified to in the "as built" condition by a registered professional engineer:
 - (1) An anchoring system designed to withstand at a minimum, horizontal forces of 15 pounds per square foot and uplift forces of nine pounds per square foot; or
 - (2) By anchoring the unit's system in compliance with the Department of Housing and Development Mobile Home Construction and Safety Standards and FEMA manual no. 85, "Manufactured Home Installation in Flood Hazard Areas" (Sept. 1985).
 - b. Installation of watertight doors, bulkheads, and shutters or similar methods of construction.
 - c. Reinforcement of walls to resist water pressures.
 - d. Use of paints, membranes or mortars to reduce seepage of water through walls.

- e. Addition of mass or weight to structures to resist flotation.
 - f. Installation of pumps to lower water levels in structures.
 - g. Construction of water supply and waste treatment systems so as to prevent the entrance of floodwaters.
 - h. Pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement flood pressures.
 - i. Construction to resist rupture or collapse caused by water pressure to floating debris.
 - j. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm waters into the buildings or structures. Gravity draining of basements may be eliminated by mechanical devices.
 - k. Location of all water supply systems, sanitary sewer systems, on-site waste disposal systems, electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding or infiltration of floodwaters and to provide protection from contamination or inundation by the base flood.
 - l. Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids, or other toxic material which could be hazardous to public health, safety, and welfare in a manner which will assure that the facilities are situated at elevations above the height associated with the base flood protection elevation or are adequately floodproofed to prevent flotation of storage containers, or damage to storage containers which could result in the escape of toxic materials into floodwaters.
- L. Records.** The Public Works Director shall maintain records of certifications of floor elevations, floodproofing and encroachments as required by law.
- M. Maintenance of Pre-existing Uses.** Nothing in this section shall be construed to prohibit the normal, ordinary, or necessary maintenance or repair of a pre-existing, nonconforming use or structure in accordance with Chapter 19.24 of this Title. It is the intent of this section that current lawful uses of floodprone lands shall be grandfathered and permitted.
- N. Violation.** It is unlawful for any person to maintain, use, grade, or fill any property zoned Floodway (FW) or Floodway Fringe (FF) in violation of this section, or to violate any condition of a flood encroachment permit granted pursuant to this section, or to violate any other provision of this chapter.
- O. Conflict.** Where the provisions of this section conflict with the provisions of Roseville Municipal Code Chapter 9.80, the more restrictive language shall govern.

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008.)

Section 19.18.050 - Planned Development (PD) District

- A. Purpose.** The Planned Development district is a Special Purpose district and may be established with the approval of a Zoning Ordinance Amendment pursuant to Chapter 19.86 of this Title. It is intended to be applied in circumstances where:

1. Existing Planned Development districts cannot be readily converted to a new zoning district which have been adopted as of the effective date of this Title, or
2. The desired mix of uses cannot be achieved with a Residential, Commercial or Industrial Mixed Use district when combined with a Special Area Overlay.

In these instances, the Planned Development (PD) district may be applied to parcels of land of any size that are deemed suitable by the Council for proposed development.

- B. Designation on the Zoning Map.** Following the effective date of this Title, all established PD districts shall be designated on the Zoning Map by the symbol "PD", followed by an ordinance number. The ordinance number shall refer to the ordinance which adopted the PD district.

- C. Allowable Land Uses.** The PD district shall specify all use types, pursuant to Chapter 19.08, which are permitted within the district. In amending this Title to apply the PD zoning district, the Council may permit any use within the PD district that is compatible with the purposes of this Title, the neighborhood and general vicinity of the proposed project, and consistent with the General Plan and any applicable Specific Plan.

- D. Property Development Standards.** In order to allow maximum flexibility in designing a project compatible with the physical features of the property, its intended uses and the objectives of this chapter, minimum property development standards shall be developed within each individual PD district. The Council shall determine appropriate amounts of landscaping, open space, setbacks and distances between buildings, and other development standards as are appropriate for the specific uses requested at the time of consideration of the PD district. These standards shall be adopted by ordinance. The applicant shall submit the proposed Development Standards with the application for a Zoning Ordinance Amendment. Such information shall be submitted in a form as specified by the Planning Manager.

The Development Standards shall contain the following information:

1. A statement regarding the purpose of the zone and the character of the design which is to be accomplished;
2. A list of proposed land uses, including: uses to be permitted by right, uses which may be permitted through Administrative Permit approval, uses that may be permitted by a Conditional Use Permit, and permitted accessory uses;
3. A list of development standards for main and accessory buildings, including: setbacks, building height, maximum and minimum floor area ratios, parking, landscaping, fencing, screening, architectural projections;
4. Graphic and written materials depicting conceptual building, landscape and sign design standards for scale, form, materials and textures, and physical arrangements between buildings; and
5. Subdivision development standards including minimum lot dimensions, minimum lot sizes, access to public and private streets and any other information deemed to be necessary by the Planning and Redevelopment Department.

E. Establishment of Planned Development District. In adopting a PD district, the Council shall consider whether the proposed PD district achieves the intended purpose of this Section and the recommendations of the Planning Commission. In submitting its recommendation to the Council, the Planning Commission shall make findings on the following:

1. Whether the proposal is consistent with the General Plan and any applicable Specific Plan and the extent to which the PD district is necessary to implement policies and objectives of any applicable Plan;
2. Whether the PD district provides for building types and uses which are well designed, well coordinated, and attractive;
3. Whether the PD district is compatible with the surrounding land uses; and
4. Whether the PD district is consistent with adopted design guidelines.

F. Development Entitlement Requirements.

1. **PD Districts Established Prior to Effective Date.** Land uses and development proposed within a PD district established prior to the effective date of this Title shall be subject to the Permit requirements of Article V. Depending on the project type (i.e. commercial or residential) the appropriate permit (i.e. DRP, DRPMOD, AP etc.), as required by Article V of this Title will be determined by the Planning Manager. The Permit shall include design and development criteria for land uses and development consistent with the purpose of the PD district.
2. **PD Districts Established Following the Effective Date of this Title.** Land uses and development proposed within a PD district established concurrently or following the effective date of this Title shall be subject to the Permit requirements of Article V.

(Ord. 4662 (part), 2008; Ord. 3922 § 6, 2003; Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

ARTICLE III

GENERAL DEVELOPMENT REGULATIONS

ARTICLE III

GENERAL DEVELOPMENT REGULATIONS

CHAPTER 19.20 – GENERAL DEVELOPMENT STANDARDS

19.20.010 – Purpose

CHAPTER 19.22 – ACCESSORY USES AND STRUCTURES

19.22.010 – Purpose

19.22.020 – Accessory Uses

19.22.030 – Accessory Structures

CHAPTER 19.24 – NONCONFORMING USES, STRUCTURES, AND PARCELS

19.24.010 – Purpose

19.24.020 – Nonconforming Uses and Structures

19.24.030 – Nonconforming Parcels

CHAPTER 19.26 – OFF-STREET PARKING AND LOADING

19.26.010 – Purpose

19.26.020 – General Off-Street Parking Requirement

19.26.030 – Parking Space Requirements by Use Type

19.26.040 – Design and Improvement of Parking

CHAPTER 19.28 – RESIDENTIAL DENSITY BONUSES

19.28.010 – Purpose

19.28.020 – Definitions

19.28.030 – Application Requirements

19.28.040 – Eligibility for Bonus

19.28.050 – Density Bonus Calculation and Allowance

19.28.060 – Eligibility and Application Requirements for Incentives

19.28.070 – Child Care Facilities

19.28.080 – Donation of Land

19.28.090 – General Guidelines

19.28.100 – Finding for Approval for Density Bonus and or Incentive(s)

19.28.110 – Affordable Housing Agreement Required

CHAPTER 19.20 - GENERAL DEVELOPMENT STANDARDS

Section 19.20.010 - Purpose

The provisions of this Chapter apply to all zones and all use classifications unless otherwise stated.

(Ord. 4662 (part), 2008; Ord. 3014 (part), 1996.)

CHAPTER 19.22 - ACCESSORY USES AND STRUCTURES

Section 19.22.010 - Purpose

The purpose of these provisions is to specify the uses that are permitted as accessory to the primary uses in the zone districts, and to establish the regulations that apply to accessory structures.

Section 19.22.020 - Accessory Uses

- A. **Accessory Uses Encompassed by Primary Use.** In addition to the primary uses expressly included in a use classification, each use classification shall be deemed to include such accessory uses which are specifically identified by these regulations; and such other accessory uses which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to, such primary uses. It shall be the responsibility of the Manager to determine if a proposed accessory use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the primary use, based on the Manager's evaluation of the resemblance of the proposed accessory use to those uses specifically identified as accessory to the primary uses and the relationship between the proposed accessory use and the primary use. Determinations by the Manager shall be subject to appeal pursuant to Chapter 19.80, and a record of all such determinations shall be maintained by the Manager.
- B. **Accessory Uses Subject to Regulations.** Accessory uses shall be regulated in the same manner as the primary uses within each use classification, except as otherwise expressly provided by these regulations.
- C. **Permitted Accessory Uses for a Dwelling Use Type.**
 1. **Home Occupation**, as permitted in Chapter 19.42.
 2. **Garage/Yard Sales**, with the following limitations:
 - a. Three (3) sales per calendar year at the same address;
 - b. Not to exceed three (3) calendar days per event; and
 - c. Operating during daylight hours only.
 3. **Off-Street parking** areas and parking structures for use by persons living, or visiting the premises.
 4. **Repair and maintenance of automobiles** or other vehicles if work is being done on a vehicle registered to a resident of the premises, or not more than one (1) automobile or other vehicle at a time if work is being done on a vehicle registered to someone other than a resident of the premises. Notwithstanding the above, repair or maintenance of any tractor trucks or semi-trucks is not permitted in any residential zone district.
 5. **Rental and sales offices** for the leasing and sales of units located in the same apartment or condominium complex.
- D. **Permitted Accessory Uses for Schools, Community Assembly and Community Services Use Types.**
 1. **Recycling Collection Center** for collection of newspapers only, by nonprofit organizations, when operated in conformance with Chapter 19.56 (Recycling Collection Centers).
 2. **Fund Raising sale and events.**

E. Permitted Accessory Uses for Commercial and Industrial Use Types.

1. **Automatic Teller Machine.**
2. **Cafeteria, delicatessen and food vending** with an area of less than 1,000 square feet.
3. **Fleet storage** of company owned vehicles within a parking lot.
4. **Open Air Vending Facilities,** as permitted by Chapter 19.50.
5. **Outdoor storage,** provided that:
 - a. All outdoor storage in commercial zones shall be screened from public view through a combination of building design, landscaping and berming, and or location. Any outdoor storage that is not completely screened, as determined by the Planning Manager, is subject to an Administrative Permit;
 - b. There shall be no visible storage of motor vehicles, trailers, airplanes, boats, or their composite parts except where authorized by an automobile, trailer, airplane, or boat sales business in commercial zones.
6. **Recreational Facilities** (indoors or outdoors) for use of employees. Such facilities include but are not limited to: basketball courts, ballfields, putting greens and volleyball courts.
7. **Recycling collection center,** as permitted by Chapter 19.56.
8. **Used goods collection center,** as permitted by Section 19.68.
9. **Plazas**
10. **Caretaker residence** when associated with a personal storage facility.

(Ord. 3008 § 5, 1997; Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.22.030 - Accessory Structures

- A. Accessory Structures Included With Permitted Uses.** In addition to the primary structures associated with permitted uses, each use classification shall be deemed to include such accessory structures which are specifically identified by these regulations, and such other accessory structures which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to, such primary structures. It shall be the responsibility of the Manager to determine if a proposed accessory structure is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the primary structure, based on the Manager's evaluation of whether the proposed accessory structure is necessary or customarily associated with the use for which the development was constructed. Determinations by the Manager shall be subject to appeal pursuant to Chapter 19.80, and a record of all such determinations shall be maintained by the Manager. All accessory structures shall be located in compliance with all other applicable requirements of the zone district in which they are located and any other permits required (e.g. Design Review Permit).

B. Accessory Structures Subject to Regulations. Accessory structures shall be regulated in the same manner as the primary structures within each zoning district, except as otherwise expressly provided by these regulations. Accessory structures may be established concurrently or following the construction of a primary structure.

C. Permitted Accessory Structures to Dwelling Use Type (Single Family and Two-Family):

1. **Decks and balconies.** Uncovered decks under thirty (30) inches in height are permitted anywhere on a parcel, without respect to required setbacks. Any deck or balcony which is thirty (30) inches or taller in height, as measured from the pad grade of the parcel at the foundation of the house and maintaining a level plane to the highest point of the deck sheathing, shall maintain a minimum side yard setback of two (2) times the required interior side yard setback for the primary structure, a rear yard setback of one-half ($\frac{1}{2}$) the required rear yard setback for the primary structure, a ten (10) foot front yard setback, and shall be located consistent with the residential clear vision triangle requirements of Section 19.10.030 (B).

2. **Unenclosed structures,** including, but not limited to shade structures, carports, boat and RV covers, patio covers and gazebos. Such structures are not subject to any site coverage requirements but are subject to the following requirements:

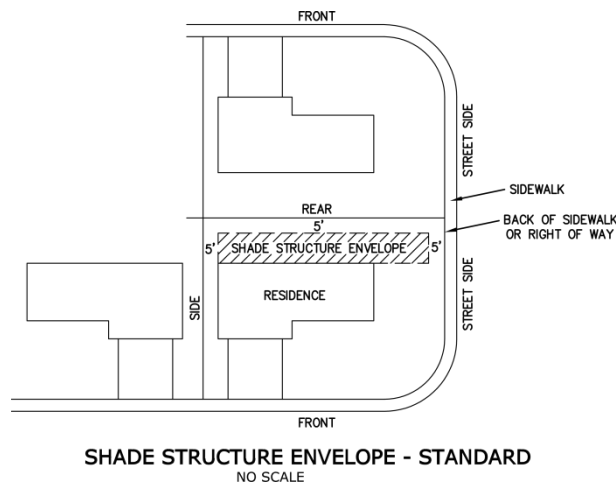
a. The structure shall not enclose any area equal to or greater than twenty percent (20%) on any side not attached to the residence;

b. The structure shall not be constructed of materials which would create a year round livable area;

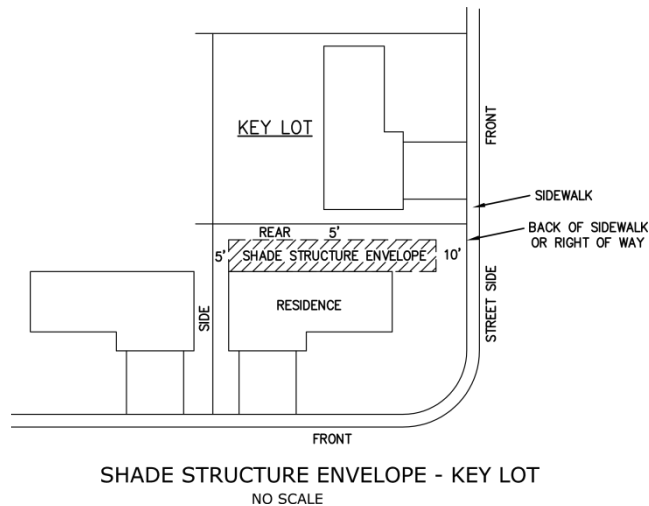
c. **Less than seven (7) feet in height:**

1. Interior Lot: Unenclosed structures less than seven (7) feet in height may be located anywhere within a parcel, but shall maintain the required front yard setback.

2. Corner Lot: On the street side of a corner lot, the structure shall maintain a five (5) foot setback as measured from the back of the sidewalk or, in the absence of a sidewalk, the right of way;



3. On the street side of a corner lot located adjacent to a key lot, the structure shall maintain a ten (10) foot setback as measured from the back of the sidewalk or, in the absence of a sidewalk, the right of way.



d. Greater than seven (7) feet in height.

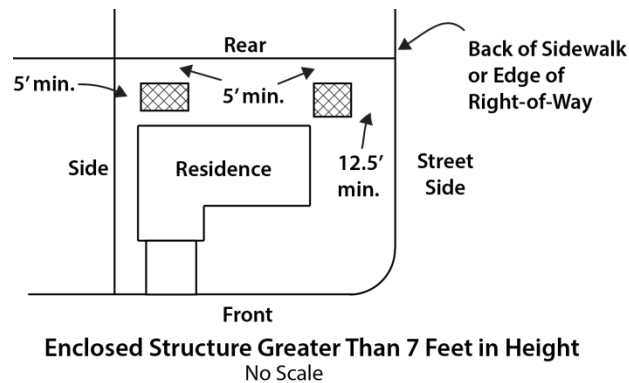
1. The structure shall maintain the required front yard setback and a five (5) foot rear and side yard setback;
2. The structure shall not exceed fifteen (15) feet in height and one (1) story. For each foot in height above ten (10) feet the required setback, except the front yard setback, shall be increased by one (1) foot.
3. On the street side of a corner lot, the structure shall maintain a five (5) foot setback as measured from the back of the sidewalk or, in the absence of a sidewalk, the right of way;
4. On the street side of a corner lot located adjacent to a key lot, the structure shall maintain a ten (10) foot setback as measured from the back of the sidewalk or, in the absence of a sidewalk, the right of way.

3. Enclosed structures less than 120 square feet and:

a. Less than seven (7) feet in height.

- (1) **Interior Lot:** Detached buildings or structures less than or equal to 120 square feet in floor area and less than seven (7) feet in height may be located anywhere within a parcel, but shall maintain the required front yard setback.
- (2) **Corner Lot:** On the street side of a corner lot the building or structure shall be setback to maintain a five (5) foot setback from the back of the sidewalk, or in the absence of a sidewalk, five (5) feet from the back of the right of way.
- (3) **Corner Lot Adjacent to a Key Lot:** On the street side of a corner lot adjacent to a key lot, the building or structure shall be setback to maintain a ten (10) foot setback from the back of sidewalk, or

in the absence of a sidewalk, ten (10) feet from the back of the right of way.



b. Greater than seven (7) feet in height.

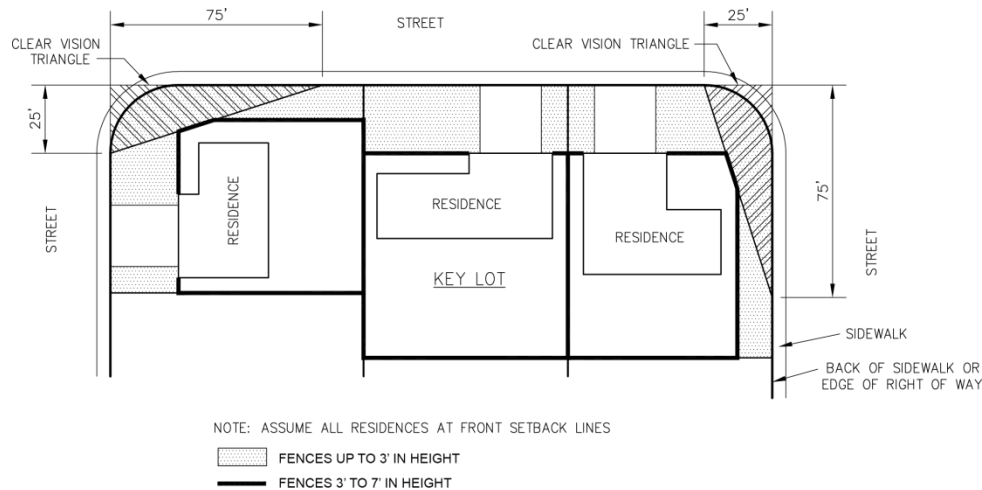
- (1) The maximum height is fifteen (15) feet and one (1) story;
- (2) Five (5) feet from the rear and side property lines;
- (3) Twelve and one half (12.5) feet from the back of sidewalk or edge of right-of-way on corner lots; and,
- (4) For each foot in height above ten (10) feet, the required setback, except for the front yard setback, shall be increased by one (1) foot.

4. Enclosed structure(s) greater than 120 square feet. Enclosed structures located on the same lot that individually or cumulatively are equal to or greater than 120 square feet in floor area are subject to the following requirements:

a. General:

- (1) If the building or structure is located within a required rear yard, the total size of the building or buildings, cumulatively, shall be less than fifty (50) percent of the required rear yard area.
- (2) The required front yard of the applicable residential zone district shall be maintained.
- (3) A maximum of 700 square feet of detached building(s) or structure(s) is permitted on the same lot. Additional square footage of detached accessory building(s) or structure(s), in excess of 700 square feet, may be permitted upon approval of an Administrative Permit.
- (4) A minimum six (6) foot separation shall be maintained from any other building or structure located on the same lot.
- (5) An extension of the main building or accessory building roof (e.g. a breezeway) may connect the accessory building to the primary building, but it shall not be considered part of (attached to) the main (primary) building. The breezeway and accessory building must maintain required side yard setbacks, as specified below in (5)(b). In addition, any accessory structure located less than six (6) feet from a primary building shall be considered attached to (and part of) the primary building for purposes of this Article.

- (6) Additions to primary structures that exceed 700 square feet in area may be permitted upon approval of an Administrative Permit, which may include a public hearing as provided in Sections 19.74.010 and 19.78.020.
 - b. **For buildings greater than seven (7) feet in height**, the following shall apply:
 - (1) The maximum height is fifteen (15) feet and one (1) story;
 - (2) Five (5) feet from the rear and side property lines;
 - (3) Twelve and one half (12.5) feet from the back of sidewalk or edge of right-of-way on corner lots; and
 - (4) For each foot in height above ten (10) feet, the required setback, except for the front yard setback, shall be increased by one (1) foot.
 - c. **For buildings less than or equal to seven (7) feet in height**, the following setbacks shall be maintained:
 - (1) Five (5) feet from the back of sidewalk or right-of-way whichever is greater, on the street side for corner lots;
 - (2) Ten (10) feet from the back of sidewalk or right-of-way whichever is greater when adjacent to a key lot; and
 - (3) No setback is required adjacent to the rear or interior side property lines.
5. **Fences and Walls.** A maximum seven (7) foot high fence (including lattice and similar attachments) or wall may be located on a parcel consistent with the following requirements:
- a. The maximum height shall be reduced to three (3) feet if located:
 - (1) Within a residential clear vision triangle (see Section 19.95, Definitions);
 - (2) Within a required front setback; or
 - (3) Within five (5) feet of the back of the sidewalk or in the absence of a sidewalk the back of the right of way of a street-side for a corner lot or within ten (10) feet of the back of the sidewalk or right of way of a street-side for a corner lot adjacent to a key lot.



FENCE HEIGHT
NO SCALE

- b. When there is a difference in the ground level between two adjoining parcels, the height of any fence or wall constructed along a common property line shall be determined by using the finished grade of the highest contiguous parcel.
 - c. The height of a fence or wall may be increased a maximum of one (1) foot to provide for noise attenuation or buffering of adjacent land uses, subject to approval of an Administrative Permit. Fences and walls in excess of eight (8) feet may be permitted subject to the approval of a Conditional Use Permit.
 - d. The provisions of this Section shall not apply to any fence or wall required by any law or regulation of the City or State.
6. **Flag poles.** The pole may be a maximum of thirty five (35) feet in height and shall maintain a minimum five (5) foot setback from any property line.
7. **Security Facilities.** Including security gates and gate houses at a project entrance.
8. **Antennas.** Including HAM radio, Radio and Television Receiving Antennas subject to requirements of Chapter 19.34.
9. **Children's Play Equipment.** Including playsets, playhouses and tree houses.
10. **Recreation Facilities.** Including recreation activity courts and facilities, swimming pools, spas and hot tubs.
11. **Satellite Dishes.** Satellite Dishes as allowed in Chapter 19.34.
12. **Entry Arbors.** Entry Arbors may be located within the required front yard setback provided they do not cover more than twenty five (25) square feet in area and do not exceed a height of ten (10) feet.
13. **Landscape Features.** Landscape features including fountains less than seven feet in height may be located within the front yard setback provided the feature is located outside of the clear vision triangle and does not exceed twenty five (25) square feet in area.

14. **Mailboxes.** United States Postal Service (USPS) mailboxes maybe located within the required front yard setback provided the mailbox is located outside of the clear vision triangle and does not exceed six (6) square feet in area. The mailbox must also comply with the USPS requirements.
15. **Exceptions to Setbacks.** Notwithstanding the requirements of Section 19.22.030 (A), the following structures are permitted to encroach into the required development setbacks, as follows:
 - a. Architectural features, such as but not limited to: cornices, eaves and similar features, but not any flat wall may encroach up to two (2) feet into any required setback.
16. **Exceptions to Accessory Structure Requirements.** Unless otherwise noted that a Conditional Use Permit is required, an exception to the requirements of this Section may be approved subject to the approval of an Administrative Permit.

D. Permitted Accessory Structures to Dwelling Use Type (Multi-family):

1. **Bicycle lockers and off street parking areas.**
2. **Decks and balconies.** Uncovered decks under thirty (30) inches in height are permitted anywhere on a parcel, without respect to required setbacks. Any deck or balcony of thirty (30) inches or taller, as measured from the pad grade of the parcel at the foundation of the dwelling and maintaining a level plane to the highest point of the deck sheathing, shall maintain a minimum side yard setback of two (2) times the required interior side yard setback for the primary structure, a rear yard setback of one-half (1/2) the required rear yard setback for the primary structure, a ten (10) foot front yard setback, and shall be located consistent with the residential clear vision triangle requirements of Section 19.10.030 (B).
3. **Unenclosed structures,** including detached shade structures, covered patios, arbors, and gazebos. Such structures are not subject to any site coverage requirements but are subject to the following requirements:
 - a. The structure shall not enclose any area equal to or greater than 20% on any side;
 - b. The structure shall not be constructed of materials which would create a year round livable area;
 - c. The structure shall not exceed fifteen (15) feet in height and one (1) story. For each foot in height above ten (10) feet the required setback, except the front yard setback, shall be increased by one (1) foot.
 - d. The structure shall maintain a fifteen (15) foot front yard setback and a five (5) foot rear and side yard setback;
 - e. On the street side of a corner lot, the structure shall maintain a five (5) foot setback as measured from the back of the sidewalk or, in the absence of a sidewalk, the right of way;
 - f. On the street side of a corner lot located adjacent to a key lot, the structure shall maintain a ten (10) foot setback as measured from the back of the sidewalk or right of way; and
 - g. The size or location of the structure does not violate any requirements of an approved Site Review, Design Review or Administrative Permit.
4. **Fences and Walls.** A maximum seven (7) foot high fence (including lattice and similar attachments) or wall may be located anywhere on a parcel consistent with the following requirements:
 - a. The maximum height shall be reduced to three (3) feet if located:

- (1) Within a residential clear vision triangle (see Section 19.95 Definitions);
 - (2) Within a required front setback; or
 - (3) Within five (5) feet of the back of the sidewalk or right of way of a street-side for a corner lot or within ten (10) feet of the back of the sidewalk or right of way of a street-side for a corner lot adjacent to a key lot.
- b. When there is a difference in the ground level between two adjoining parcels, the height of any fence or wall constructed along a common property line shall be determined by using the finished grade of the highest contiguous parcel.
- c. The height of a fence or wall may be increased a maximum of one (1) foot to provide for noise attenuation or buffering of adjacent land uses, subject to approval of an Administrative Permit. Fences and walls in excess of eight (8) feet may be permitted subject to the approval of a Conditional Use Permit.
- d. The provisions of this section shall not apply to any fence or wall required by any law or regulation of the City or State.
- 5. **Flag poles.** The pole may be a maximum of thirty five (35) feet in height and shall maintain a minimum five (5) foot setback from any property line.
- 6. **Security Facilities.** Including security gates and gate houses at a project entrance.
- 7. **Antennas.** Including HAM radio, Radio and Television Receiving Antennas subject to the requirements of Chapter 19.34.
- 8. **Recreation Facilities.** Including recreation activity courts and facilities, children's play equipment, swimming pools, spas and hot tubs.
- 9. **Satellite Dishes.** Satellite Dishes as allowed in Chapter 19.34.
- 10. **Signs, as permitted by Title 17 of this Code.**
- 11. **Transit Facilities.**
- 12. **Trash enclosures and recycling facilities.**
- 13. **Exceptions to Accessory Structure Requirements.** Unless otherwise noted that a Conditional Use Permit is required, an exception to the requirements of this Section may be approved subject to the approval of an Administrative Permit.

E. Permitted Accessory Structures to Commercial and Industrial Use Types.

- 1. **Bicycle lockers, and off street parking areas and structures.**
- 2. **Unenclosed structures,** including arbors and gazebos.
- 3. **Detached enclosed storage.**
- 4. **Detached unenclosed storage buildings and pole buildings** associated with the outdoor display of building materials, nursery stock, or other materials which are typically displayed outdoors or under a canopy.
- 5. **Fences and Walls,** except that no fence or wall in excess of three (3) feet may be located within a commercial clear vision triangle (see Definition);
- 6. **Flag poles.** The pole may be a maximum of thirty five (35) feet in height and shall maintain a minimum five (5) foot setback from any property line.
- 7. **Security Facilities.** Including security gates and gate houses at a project entrance.

8. **Antennas.** Including HAM radio, Radio and Television Receiving Antennas subject to the requirements of Chapter 19.34.
9. **Recreation Facilities.** Including recreation activity courts and facilities for use by employees.
10. **Satellite Dishes.** Satellite Dishes as allowed in Chapter 19.34.
11. **Signs,** as permitted by Title 17 of this Code.
12. **Transit Facilities.**
13. **Trash enclosures and recycling facilities.**

F. Prohibited Accessory Uses and Structures Within All Zone Districts and Use Types:

1. **Outdoor Storage.** Storage of loose rubbish, garbage, junk or their receptacles shall not be visible from any public right-of-way. Outdoor storage of other materials and equipment may be permitted consistent with the use types and permit requirements of Article II of this Title.
2. **Vehicles for Sale.** No vehicles shall be stored or displayed for sale on any undeveloped parcel or on any property zoned for commercial or industrial uses except where authorized for automobile sales pursuant to this Title.
3. **Fences.** The use of barbed wire, electrified fence, razor wire or similar security devices in conjunction with any fence, wall, or hedge, or by itself is prohibited, except in the following circumstances:
 - a. For security purposes in non-residential zones, where the barbed wire, electrified wire, or razor wire is located a minimum of six (6) feet above the ground;
 - b. Where property is zoned Urban Reserve and is still being primarily utilized for agricultural purposes; and
 - c. Where required by any permit condition, law or regulation of the City or State.

(Ord. 3450 § 5, 1999; Ord. 3328 § 2, 1999; Ord. 3046 § 3, 1996; Ord. 3014 (part), 1996; Ord. 4662 (part), 2008; Ord. 5428 (part), 2014)

CHAPTER 19.24 - NONCONFORMING USES, STRUCTURES AND PARCELS

Section 19.24.010 - Purpose

The purpose of the provisions of this Chapter is to regulate nonconforming uses, structures and parcels, and to establish conditions under which nonconforming uses, structures and parcels, may be expanded, structurally altered or developed.

(Ord. 3014 (part), 1996.)

Section 19.24.020 - Nonconforming Uses and Structures

- A. **Applicability.** These regulations shall apply to all nonconforming uses, structures and parcels lawfully constructed or created in compliance with this Code and State law.
- B. **Nonconforming Use.** A nonconforming use may be continued, provided that no such use shall be enlarged or increased, nor extended to occupy a greater area than that which it lawfully occupied before becoming a nonconforming use except as otherwise allowed in this chapter or as follows:
 - 1. Residential Use in a Commercial, Industrial or PD Zone. The nonconforming use of a residential building in a nonresidential district may continue to be used as a residence subject to the Residential Zone Development Standards requirements of Section 19.10.030 (A) (R1 district), until such time as the building is condemned, removed, or converted.
 - 2. Nonresidential Use in a Residential Zone. No expansion or modification of a nonresidential use in a residential zone shall be permitted.
 - 3. Expansion of a Nonconforming Use in a Commercial, Industrial or PD Zone. A nonconforming use, except for a residential use, in a Commercial, Industrial or PD zone may be expanded or modified provided that a conditional use permit is first secured.
 - 4. Substitution of Nonconforming Use. Except as otherwise prohibited in Section 19.24.020 (C) (2), a nonconforming use may be substituted with a different nonconforming use provided it has the same, or a less intensive, use classification, only upon approval of a conditional use permit. Such a new nonconforming use shall occupy the same area that is occupied by the existing nonconforming use.
- C. **Nonconforming Structure.** A nonconforming structure may be used and maintained except as otherwise specified in this Chapter or as follows:
 - 1. **Residential Buildings**
 - a. Enlargement, extension, reconstruction, or structural alteration of a building designed as a dwelling, that is nonconforming only as to height and setback regulations is permitted if such additions or improvements conform to all other applicable provisions of this Title, and the new construction does not expand the nonconformity.
 - b. Enlargement, extension, reconstruction, or structural alteration of a building designed as a dwelling in a nonresidential district is permitted if such additions or improvements conform to all provisions of the district and the new construction does not expand the nonconformity.
 - 2. **Nonresidential Buildings.** Enlargement, extension, reconstruction, or structural alteration of a building designed for nonresidential purposes that is nonconforming

only as to height and setback regulations is permitted if such additions or improvements conform to all other applicable provisions of this Title and the new construction does not expand the nonconformity.

- a. Enlargement, extension, reconstruction, or structural alteration of a building designed for nonresidential purposes in a residential zone is not permitted.

D. Nonconforming Off Street Parking. Reconstruction or structural alteration of a building with nonconforming parking or loading facilities, is permitted provided there is no expansion of use requiring additional parking as required by Section 19.26.030. The existing nonconforming parking and loading for the building may remain unchanged.

E. Damaged and Destroyed Nonconforming Buildings.

- 1. **Damaged Building.** A nonconforming building which is damaged by fire or calamity destroying fifty percent (50%) or less of its value, as determined by the Chief Building Inspector, may be reconstructed, provided the structure shall not increase the degree of nonconformity.

- 2. **Destroyed Building.**

- a. **Building with a Nonconforming Use.** The reconstruction of a building which is damaged by fire or calamity in excess of fifty percent (50%) of its value, as determined by the Chief Building Inspector, which at the time was devoted to a nonconforming use, may be reconstructed only upon approval of a conditional use permit. The nonconforming use shall not occupy a larger area of the reconstructed building than was occupied prior to its destruction. The reconstruction of the building shall be completed within twelve (12) months of the date of damage or within the time frame specified in the conditional use permit. No portion of the building as reconstructed, shall be located within the Floodway overlay zone.

- b. **Nonconforming Building.** The reconstruction of a building which is damaged by fire or calamity in excess of fifty percent (50%) of its value, as determined by the Chief Building Inspector, which at the time was a nonconforming building, may be reconstructed only upon approval of a variance. The nonconforming building may be enlarged provided that any enlargement does not increase the nonconformity. The reconstruction of the building shall occur within twelve (12) months after the date of damage. No portion of the building as reconstructed, shall be located within the Floodway overlay zone.

F. Loss of Nonconforming Status. Except as provided in Section 19.24.020 (B) (1) of this Chapter or where a shorter time period is specified by this Title, a nonconforming use of a parcel or a nonconforming use of a conforming building which is discontinued for a period of six months shall be deemed abandoned. Without further action by the City, further use of the parcel or structure shall comply with all the regulations of the zone district in which the parcel or structure is located, and all other applicable provisions of this Title.

(Ord. 3450 § 6, 1999; Ord. 3014 (part), 1996.) (Ord. 4662 (part), 2008)

Section 19.24.030 - Nonconforming Parcels

A parcel that does not comply with the minimum requirement of this Title for the zone district in which it is located, may be used as a building site if it complies with either of the criteria specified below. It shall be the responsibility of the applicant to produce sufficient evidence to establish one of the following:

- A. Approved Subdivision.** The parcel was created as part of a subdivision approved by the Subdivision Committee, Planning Commission or City Council pursuant to a duly adopted ordinance of the City of Roseville and in compliance with the Subdivision Map Act (Government Code Section 66410 et seq).
- B. Approved Certificate or Conditional Certificate of Compliance.** The parcel has been issued a certificate or conditional certificate of compliance pursuant to Chapter 18.14 of the Roseville Municipal Code.

(Ord. 3046 § 4, 1996; Ord. 3014 (part), 1996.)

CHAPTER 19.26 - OFF-STREET PARKING AND LOADING

Section 19.26.010 - Purpose

The requirements for off-street parking established by this Chapter are intended to minimize traffic congestion and hazards to motorists and pedestrians, to provide safe, attractive, and convenient off-street parking facilities with vehicular access to all land uses, to provide off-street parking in proportion to the needs generated by varying land uses, to ensure access to projects by emergency response vehicles, and to ensure that parking areas are compatible with the surrounding land uses.

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008.)

Section 19.26.020 - General Off-Street Parking Requirement

All approved land uses shall be designed and developed to provide the number of off-street parking spaces required by Section 19.26.030 (Parking Space Requirements by Use Type), and designed as required by Section 19.26.040 (Design and Improvement of Parking).

- A. Accessible Parking.** Parking lots shall include the number of accessible parking spaces as required by Title 24 of the California Code of Regulations. Accessible spaces count toward the total number of parking spaces required by Section 19.26.030. Accessible parking spaces shall be designed as provided in Section 19.26.040 (A)(1)(a).
- B. Company Vehicles.** In addition to the number of off-street parking spaces required by Section 19.26.030 (Parking Space Requirements by Use Type), non-residential uses shall provide one parking space for each company vehicle that is parked on the site during normal business hours. These spaces may be located within a building.
- C. Bicycle Spaces.** Bicycle parking, at a minimum, shall be provided to comply with the California Building Code. Any bicycle space required as part of the Transportation System Management Plan can be counted to fulfill the requirements of this section.
- D. Accessibility and Usability.** All required off-street parking spaces shall be designed, located, constructed and maintained so as to be fully and independently usable and accessible at all times. The usability of required parking spaces shall be maintained as follows:
 - 1. Required off-street parking spaces shall not be used for any purpose that at any time would prevent vehicles from parking in required parking spaces, except as permitted by Chapter 19.64 (Temporary Uses).
 - 2. Driveways shall not be used for any purpose that would prevent vehicle access to parking spaces, or inhibit circulation or emergency service response.
 - 3. All required parking spaces must be available for use by tenants, customers and visitors to the site at all times. Parking spaces shall not be reserved for an individual tenant or customer, or be reserved for a limited period of time.
 - 4. When Park and Ride spaces are provided, such spaces may be counted towards the required parking for the project site provided the peak use of the project does not coincide with the park and ride reserved hours. Typically park and ride spaces are reserved for park and ride uses Monday through Friday from 6:30 am to 6:30 p.m.

(Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.26.030 - Parking Space Requirements by Use Type

The number of off-street parking spaces required for the land uses identified by Article II (Zoning Districts and Permitted Uses) shall be as provided by this section, except where parking requirements are established by Article IV (Special Area and Specific Use Requirements) for a particular use.

A. Number of Spaces Required. The number of off-street parking spaces required for new uses shall be based upon the use type, listed below.

1. Terms used in tables. The following terms are used throughout the tables and are defined below:

"Square feet" means the total gross building/tenant space area;

"Use area" means the total of gross building/tenant space area plus the gross area of any outdoor/storage/activity.

2. Civic Use Types shall provide off-street parking spaces as follows:

CIVIC USE TYPES	NUMBER OF PARKING SPACES REQUIRED
COMMUNITY ASSEMBLY	
• Places of Worship	1 per 3 fixed seats or 1:50 sq. ft. for non-fixed seats in the assembly area, plus 1 per classroom
• Club, Lodges, Meeting halls	1 per 3 fixed seats or 1:50 sq. ft. for non-fixed seats in the assembly area
• Public Community Facilities	As determined as part of the Design Review approval
COMMUNITY SERVICES	As determined as part of the Design Review approval
ESSENTIAL SERVICES	None
HOSPITAL SERVICES	
• General Hospital Services	1 per doctor, plus 1 per 3 employees for the largest shift, plus 1 per 3 beds
• Psychiatric Hospital Services	1 per doctor, plus 1 per 3 employees for the largest shift, plus 1 per 3 beds
INTENSIVE PUBLIC FACILITIES	As determined as part of the Design Review approval
LIBRARIES AND MUSEUMS, PRIVATE	1 per 400 sq. ft.
PUBLIC PARKING SERVICES	As determined as part of the Design Review approval
SCHOOLS	
• College and Universities	As determined as part of the Design Review approval
• Elementary, Middle and Junior High	2 per classroom, plus 60 lineal feet of loading area for every 100 students
• High Schools	1 per classroom, plus 1 per every 4 students, plus 60 lineal feet of loading area for every 200 students

SOCIAL SERVICES	
• Emergency Shelter	1 per staff member, plus 1 per every 10 shelter residents.
• Food Distribution	1 per employee, plus 1 per every 500 sq. ft. of floor area.
• Food Service Facility	1 per employee, plus 1 per every 4 seats within facility.

3. Residential Use Types shall provide off-street parking spaces as follows:

RESIDENTIAL USE TYPES	NUMBER OF PARKING SPACES REQUIRED
CARETAKER/EMPLOYEE HOUSING	2 per dwelling
COMMUNITY CARE FACILITY, SMALL	2 per dwelling
COMMUNITY CARE FACILITY, LARGE	2 per dwelling plus .5 per sleeping room (a maximum of 2 spaces may be located within the front setback)
DWELLING	
Multi-Family	
• Studio	1.5 per unit, plus guest parking (see below)
• 1 Bedroom	1.5 per unit, plus guest parking (see below)
• 2+ Bedrooms	2 per unit, plus guest parking (see below)
• Senior Citizen Apartments	1 per unit, plus guest parking (see below)
• Guest Parking	Projects with 10 or more dwelling units shall provide 1 additional space for each 10 dwelling units or portion thereof.
Single Family and Two-Family	2 per dwelling
FAMILY DAY CARE HOME, SMALL	2 per dwelling plus 1 space for loading
FAMILY DAY CARE HOME, LARGE	2 per dwelling plus 1 space per employee not residing in the home, plus loading areas as required by Section 19.46.020(B)
MOBILE HOME PARK	2 per dwelling unit plus 1 guest space for each 10 dwelling units or portion thereof
ROOMING AND BOARDING HOUSES	2 per dwelling plus .5 per sleeping room (a maximum of 2 spaces may be located within the front setback)
SECOND UNITS	
• 1 Bedroom	1 per dwelling
• 2+ Bedroom	2 per dwelling

4. **Commercial Use Types** shall provide off-street parking spaces as follows, but no fewer than four (4) spaces for each separate commercial use or tenant:

COMMERCIAL USE TYPES	NUMBER OF PARKING SPACES REQUIRED
ADULT BUSINESS ESTABLISHMENTS	1 per 300 sq. ft
ANIMAL SALES AND SERVICE	
Grooming and Pet Stores	1 per 300 sq. ft.
Kennels	Minimum 10 spaces
Veterinary Clinic	1 per 150 sq. ft.
Veterinary hospital	1 per 150 sq. ft.
AUTOMOTIVE AND EQUIPMENT	
Automotive Rentals	1 per 300 sq. ft. of office plus 1 per 1,000 sq. ft. or fleet or vehicle storage area
Automotive Repairs	1 per 400 sq. ft. plus 1 per bay plus 1 for every company vehicle
Automotive Sales	1 per 1,000 sq. ft. of indoor and outdoor display area
Car Wash and Detailing	
• Full Service	10 spaces or 3 times internal washing capacity, whichever is greater; additional parking required for drying or vacuum areas and 100 lineal feet for stacking
• Self-Service	4 spaces; additional parking required for drying or vacuum areas and 20 lineal feet in front of each bay for stacking
• Automatic Car Wash Service	1 space per drying and vacuum areas plus 100 lineal feet, in front of the car wash, for stacking.
Commercial Parking	As determined as part of the Design Review approval
Equipment Rental and Sales	1 per 300 sq. ft. of office plus 1 per 1,000 sq. ft. of outdoor display area
Gasoline Sales	
• With neighborhood commercial sales	1 per 300 sq. ft. of commercial sales area with a 5 space minimum
• Without neighborhood commercial sales	5 spaces
• With Repair	1 per 300 sq. ft. of commercial sales area with a 5 space minimum plus 2 spaces per service bay
Impound Yards	1 per 250 sq. ft. of office plus 1 for every company vehicle
Storage of Operable Vehicles	1 per 250 sq. ft. of office plus 1 for every company vehicle

BANKS AND FINANCIAL INSTITUTIONS	1 per 250 sq. ft., plus one (1) additional space per ATM machine which may be a reserved space at the discretion of the property owner or landlord
BARS AND DRINKING PLACES	1 per 50 sq. ft.
BROADCASTING AND RECORDING STUDIOS	As determined as part of the Design Review approval
BUILDING MATERIAL STORES	1 per 300 sq. ft. of building area plus 1 per 1,000 sq. ft. of outdoor display/storage area
BUSINESS SUPPORT SERVICES	1 per 300 sq. ft.
COMMERCIAL RECREATION	
Amusement Center	1 per 200 sq. ft.
Indoor Entertainment	
• Theater	1 per 3.5 fixed seats or 1 per 50 sq. ft. for non-fixed seating or as determined as part of the Design Review approval
Indoor Sports and Recreation	
• Billiard and pool hall	2 per table plus additional spaces as required for other uses in the facility (e.g. restaurant)
• Bowling center	5 per lane plus additional spaces as required for other uses in the facility (e.g. restaurant)
• Handball, tennis, racquet ball facilities	2 per court plus additional spaces as required for other uses in the facility (e.g. restaurant)
• Health clubs and athletic clubs	1 per 150 sq. ft. of weight room, pool and spa area plus 1 per 50 sq. ft. of aerobics or martial arts area plus 1 per tanning or massage room plus additional spaces as required for other uses in the facility, excluding area for locker and dressing rooms
• Indoor sport arenas (such as soccer, volleyball)	50 per field or sports court plus 1 per 3 fixed seats for spectator area plus additional spaces as required for other uses at the facility (e.g. retail)
• Skating/ice rinks	1 per 175 sq. ft.
Outdoor Entertainment	As determined as part of the Design Review approval
Outdoor Sports and Recreation	
• Amusement parks	As determined as part of the Design Review approval
• Driving range	1.5 per tee plus additional spaces as required for other uses at the facility (e.g. golf course)
• Golf course	6 per hole plus additional spaces as required for other uses at the facility (e.g. driving range, restaurant, pro shop)
• Handball, tennis, racquet ball facilities	2 per court plus additional spaces as required for other uses at the facility (e.g. restaurant)

<ul style="list-style-type: none"> Miniature golf course 	2 per hole plus additional spaces as required for other uses at the facility (e.g. restaurant)
<ul style="list-style-type: none"> Swimming pools 	1 per 100 sq. ft. of pool area
Residential Recreation Facilities	As specified for the sum of all of the uses within the facility by utilizing the parking requirement for each use as outlined throughout this chapter
Large Amusement Complexes	As determined as part of the Design Review approval
COMMUNITY CARE FACILITIES	.75 per unit
<ul style="list-style-type: none"> Day Care Centers 	1 per employee plus 1 per company vehicle plus a loading space for every eight persons at the facility. The number of persons permitted at the facility is determined as a part of the licensing by the State or County.
EATING AND DRINKING ESTABLISHMENTS	
<ul style="list-style-type: none"> Fast Food with Drive Through 	1 per 50 sq. ft.
<ul style="list-style-type: none"> Convenience 	1 per 100 sq. ft.
<ul style="list-style-type: none"> Full Service 	1 per 100 sq. ft.
<ul style="list-style-type: none"> <ul style="list-style-type: none"> Enclosed Outdoor Seating See Section 19.52 	1 per 100 sq. ft.
FOOD AND BEVERAGE RETAIL SALES	1 per 300 sq. ft.
FUNERAL AND INTERNMENT SERVICES	1 per 3 fixed seats or 1 per 50 sq. ft. of assembly area
LODGING SERVICES	1 per room plus additional spaces as required for other uses in the facility
LONG TERM CARE FACILITIES	1 per 3 employees for largest shift, plus 1 per 3 beds
MAINTENANCE AND REPAIR OF APPLIANCES	1 per 300 sq. ft.
MEDICAL SERVICES, GENERAL	1 per 150 sq. ft.
NEIGHBORHOOD COMMERCIAL	1 per 300 sq. ft.
NIGHTCLUBS	1 space per 2 occupants based on maximum occupancy load of the building as calculated by the California Building Code plus bus space as determined as part of the Conditional Use Permit
NURSERY, RETAIL	1 per 300 sq. ft. plus 1 per 1,000 sq. ft. of outdoor display/storage area

OFFICES, PROFESSIONAL	1 per 250 sq. ft. of net leasable square footage as determined with approval of the initial building shell. Where a more intensive office use, as determined by the Planning Manager (i.e. call and telemarketing centers), is proposed the required parking shall be determined as part of the Design Review Permit approval, or via a zoning clearance pursuant to the provisions of 19.26.030.B
PERSONAL SERVICES	1 per 300 sq. ft.
RETAIL SALES AND SERVICES	
<ul style="list-style-type: none"> Furniture, large appliance, floor covering 	1 per 400 sq. ft.
<ul style="list-style-type: none"> General retail 	1 per 300 sq. ft.
<ul style="list-style-type: none"> Shopping centers – min. of four commercial establishments, designed or planned in a coordinated fashion, utilizing such elements as common access and parking 	Designed and planned at 1 per 200 sq. ft. As tenant spaces are leased, each tenant shall utilize the parking requirement for that use as outlined in this chapter.
SPECIALIZED EDUCATION AND TRAINING	
<ul style="list-style-type: none"> Vocational Schools 	1 per 50 sq. ft. of instructional area plus 1 per 250 sq. ft. of office area
<ul style="list-style-type: none"> Specialty Schools 	
STORAGE, PERSONAL STORAGE FACILITIES	4 spaces plus 2 spaces for the managers quarters

5. **Industrial Use Types** shall provide off-street parking spaces as follows, but no fewer than four (4) spaces for each separate industrial use or tenant:

INDUSTRIAL USE TYPES	NUMBER OF PARKING SPACES REQUIRED
DAY CARE CENTERS, SECONDARY	None, see parking requirements for applicable industrial use type
EQUIPMENT AND MATERIAL STORAGE YARDS	1 per 300 sq. ft. plus 1 per 10,000 sq. ft. of yard area
GENERAL INDUSTRIAL	1 per 1000 sq. ft. Where other uses exceed 10% of the gross floor area (e.g. office, warehouse, etc.) the parking requirement shall be the combined total for each use as outlined in this chapter or as otherwise determined by Design Review approval
HAZARDOUS MATERIALS HANDLING	1 per 1000 sq. ft. Where other uses exceed 10% of the gross floor area (e.g. office, warehouse, etc.) the parking requirement shall be the combined total for each use as outlined in this chapter or as otherwise determined by Design Review approval

LIGHT MANUFACTURING	1 per 1000 sq. ft. Where other uses exceed 10% of the gross floor area (e.g. office, warehouse, etc.) the parking requirement shall be the combined total for each use as outlined in this chapter or as otherwise determined by Design Review approval
RECYCLING, SCRAP AND DISMANTLING	
• Enclosed	1 per 250 sq. ft. of office area, plus 1 per 10,000 sq. ft. of yard area
• Unenclosed	
RESEARCH SERVICES	1 per 3000 sq. ft., plus 1 per company vehicle
SPECIALIZED INDUSTRIAL	As determined as part of the Design Review approval
WHOLESALE AND DISTRIBUTION	
• Light	1 per 1,000 sq. ft. Where other uses exceed 10% of the gross floor area (e.g. office, warehouse, etc.) the parking requirement shall be the combined total for each use as outlined in this chapter or as otherwise determined by Design Review approval
• Heavy	

6. **Transportation and Communication Use Types** shall provide off-street parking spaces as follows:

TRANSPORTATION AND COMMUNICATION USE TYPES	NUMBER OF PARKING SPACES REQUIRED
ANTENNAS AND COMMUNICATIONS FACILITIES	
• Developed Lot	None, see parking requirements for applicable use type
• Undeveloped Lot	1 per full-time employee
BUS DEPOTS	As required by Section 19.36
HELIPORTS	As determined as part of the Design Review approval
INTERMODAL FACILITIES	As determined as part of the Design Review approval

- B. **Special Parking Requirements.** The number of parking spaces required for uses not specifically listed in subsection A shall be determined by the Planning Manager based on common functional, product or compatibility characteristics and activities, as provided for in Section 19.08.050 (Classification of Uses Not Specifically Listed).

1. **Uses not listed.** The number of parking spaces required for uses not specifically listed in subsection A shall be determined by the Planning Manager based on

common functional, product or compatibility characteristics and activities, as provided for in Section 19.08.050 (Classification of Uses Not Specifically Listed).

2. **New buildings or development projects without known tenants.** If the type of tenants that will occupy a non-residential building are not known at the time of the development entitlement or building permit approval, the amount of parking to be provided shall be:

The minimum number of parking spaces required by subsection A for any land use allowed on the site by the applicable zoning, provided that the Planning Manager determines the proposed building as designed can reasonably accommodate such use, and provided further a zoning clearance certification is obtained to authorize the use.

3. **Mixed use projects.** Where a project contains more than one major use classification (such as a residential and a commercial use), the amount of parking to be provided shall be the total of that required for each use, except as otherwise provided by subsection C below (Adjustment to Number of Required Parking Spaces).
4. **Tenant spaces with multiple functions.** When a tenant has several functions, such as sales and office, the amount of parking to be provided for the tenant shall be calculated as specified by subsection A for the primary use, using the gross floor area of the tenant space.
5. **Tenant spaces with accessory storage.** When a tenant has enclosed accessory storage in excess of 2,000 square feet, the required parking for that portion of the tenant space dedicated to storage shall be calculated as specified by subsection A(5) for warehousing which is one parking space per 1,000 square feet of warehousing. The required parking for the remainder of the tenant space shall be calculated as specified in subsection A using the primary use.
6. **Changes in use.** When an existing use is enlarged, increased or intensified, or a new use having greater parking requirements than the previous use is proposed, the required number of parking spaces for the new use or existing, enlarged, increased or intensified use shall be calculated as specified by subsection A.
7. **Rounding off.** When the required number of parking spaces is other than a whole number, the total number of spaces shall be rounded to the nearest whole number (.49 and below round down, .50 and above round up).
8. **Commercial Centers.** Commercial centers and building complexes shall provide parking which is the sum of all users within the commercial center or building complex as specified in subsection A, regardless of whether or not the parking is provided on a single or multiple parcels. Where parking is provided on multiple parcels, reciprocal parking and access agreements shall be recorded to provide equal use and access to parking for all users within the commercial center or building complex.
9. **Professional Office Uses.** Professional office projects shall calculate parking based on the net leasable square footage of the proposed office building(s). Net square footage shall be 90% of the total square footage of the proposed building(s). The net square footage shall be determined at original building shell approval and subsequent tenant improvements shall not be granted any additional reduction for net square footage.

- C. **Adjustment to Number of Required Parking Spaces.** The number of parking spaces required by subsection A, above, may be reduced as follows:

1. **Specific plan provisions.** Provisions may be made in a specific plan to allow reductions in the number of required parking spaces based upon special

provisions, such as providing golf cart or electric car parking where special provisions are made for golf carts or electric cars.

2. **Parking Reductions for Shared Parking.** If an applicant believes the number of parking spaces required for their building complex as specified in Subsection A (which is the sum of all the users within the building complex) is not applicable because the hours of operation of different tenants/uses within the building complex will effectively allow for dual use of the parking spaces then the applicant may request an Administrative Permit. The Approving Authority shall be the Planning Manager. The applicant shall have the burden of proof for requesting a reduction in the total number of required off-street parking spaces, and documentation shall be submitted substantiating this request. Shared parking reductions shall only be approved by the Approving Authority if:
 - a. A sufficient number of spaces are provided to meet the greatest parking demand of the participating uses;
 - b. Satisfactory evidence is provided describing the nature of the uses and the times when the uses operate so as to demonstrate the lack of potential conflict between them;
 - c. Overflow parking will not impact any adjacent use; and
 - d. Additional documents, covenants, deed restrictions, or other agreements as may be deemed necessary by the Planning Manager are executed to assure that the required parking spaces provided are maintained and uses with similar hours and parking requirements as those uses sharing the parking facilities remain for the life of the project.
 3. **Parking Reductions for an Individual Use.** If an applicant for a proposed use believes the number of parking spaces required for their use as specified in Subsection A is not applicable because their use functions differently than the generic use type and associated parking standards established in this Title, then the applicant may request an Administrative Permit. The Approving Authority shall be the Planning Manager. The applicant shall have the burden of proof for requesting a reduction in the total number of required off-street parking spaces, and documentation shall be submitted substantiating the request. Such documentation may include, but is not limited to: a parking study of another facility of the same use which is similar in size and operation, calculating the required parking spaces with field data of peak parking usage. Reduced parking shall only be approved by the Approving Authority if:
 - a. Satisfactory evidence is provided describing the nature of the use, the operation and data from other facilities or similar facilities so as to demonstrate that the required parking standards are excessive and the proposed parking standards are appropriate; and
 - b. Overflow parking will not impact any adjacent use.
 4. **Parking Reductions for Eating and Drinking Establishments.** The Approving Authority for any application for a parking reduction by an Eating and Drinking Establishment as defined in Section 19.08.030(L) shall be the Planning Commission.
- D. **Downtown/Old Town Parking Requirements.** All principally permitted uses within the Historic District (HD) and Central Business District (CBD) zone districts, with the exception of community assembly, colleges and universities, and new uses requiring and discretionary permit shall be permitted in the HD and CBD zone districts without the need to provide additional off-street parking.

Community assembly, college and university uses and new uses which require a discretionary permit, shall comply with the parking standards specified in Section

19.26.030A, or request approval of a parking reduction or variance from the parking standards.

(Ord. 4897 (part), 2010; Ord. 4662 (part), 2008; Ord. 3922 § 7 (part), 2003; Ord. 3450 § 7 (part), 1999; Ord. 3447 § 7, 1999; Ord. 3270 § 5, 1998; Ord. 3190 § 1, 1998; Ord. 3088 § 6 (part), 1997; Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

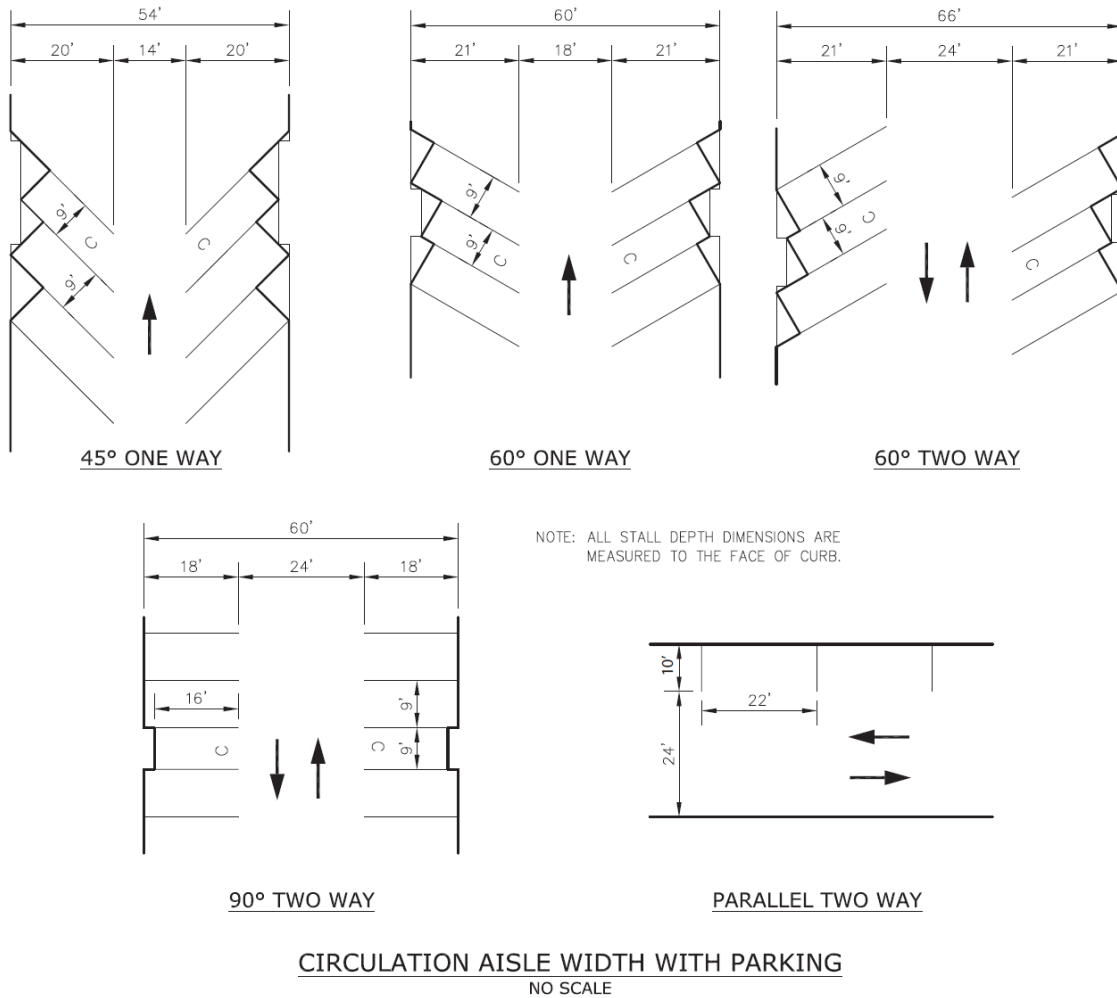
Section 19.26.040 - Design and Improvement of Parking

Parking spaces and areas shall be designed in accordance with this section.

A. Parking Lot and Parking Space Design and Layout. Except where otherwise provided by Section 19.26.030(C) (Adjustments to Number of Required Parking Spaces), parking spaces shall be designed as follows:

- 1. Parking space design.** Except as provided below, all parking spaces shall be standard spaces, designed to accommodate full-sized passenger vehicles.
 - a. Parking space sizes:** Standard spaces shall be a minimum of nine (9) feet by eighteen (18) feet; compact car spaces shall be a minimum of nine (9) feet by sixteen (16) feet; and parallel parking spaces shall be a minimum of ten (10) feet wide by twenty-two (22) feet long. Accessible spaces shall be a minimum of nine (9) feet by eighteen (18) feet with a five (5) foot loading area; an accessible van space shall be a minimum of nine (9) feet by eighteen (18) feet with an eight (8) foot loading area.
 - b. Compact car space substitution.** Parking lots with a minimum of twenty (20) parking spaces may substitute standard spaces with compact spaces for up to thirty (30) percent of the total parking spaces required. Each compact space shall be labeled "COMPACT" or "C".
 - c. Motorcycle space substitution.** Parking lots with a minimum of forty (40) parking spaces may substitute standard parking spaces with motorcycle spaces. One (1) standard parking space may be replaced with a motorcycle space for each forty (40) required standard parking spaces. Motorcycle spaces shall be a minimum size of three (3) by six (6) feet.
 - d. Bicycle space sizes:** Each bicycle space shall be a minimum of two (2) feet by six (6) feet to prevent encroachment into any walkway, parking space, landscape area or similar.
- 2. Parking lot design.** The design and layout of parking lots shall conform to the following standards:
 - a. Circulation aisle width with parking.** The minimum width of a two-way drive aisle providing access to parking spaces shall be twenty-four (24) feet. The minimum width of a one-way drive aisle providing access to parking spaces shall be as follows:

ANGLE	AISLE WIDTH
90 °	24'
60 °	18'
45 °	14'
PARALLEL	12'

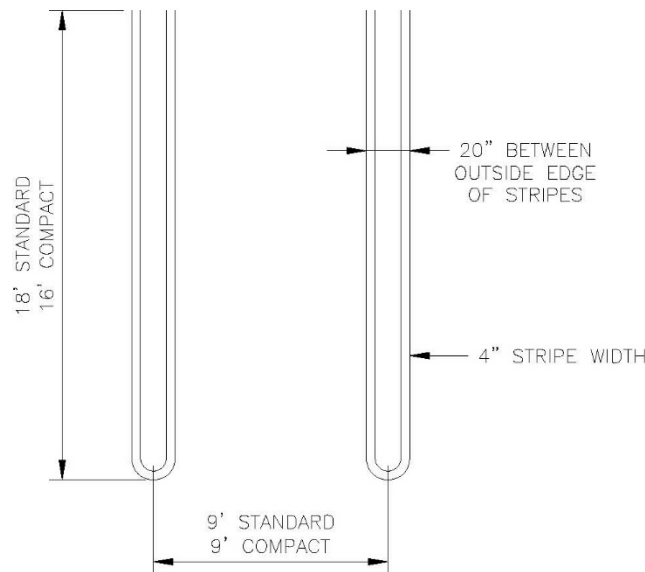


Other parking designs utilizing other parking angles may be approved upon securing an Administrative Permit.

- b. Circulation aisle width without parking.** The minimum width of a two-way drive aisle with no parking on either side of the drive aisle is twenty (20) feet. The minimum width of a one-way drive aisle with no parking on either side of the drive aisle is twelve (12) feet.
- c. Circulation aisle for emergency access.** The minimum width of a drive aisle needed for an emergency response vehicle shall be twenty (20) feet.
- d. Vehicular overhang.** Vehicular overhang is permitted, provided no vehicle shall overhang into a sidewalk which would reduce the unencumbered width of a sidewalk to less than four (4) feet. A vehicle is permitted to overhang into a landscaped area by two (2) feet, provided that the required landscaped area is extended by two (2) feet.
- e. Perimeter landscaping.** Where a parking lot is adjacent to a public right-of-way, a landscape planter shall be established and continuously maintained between the public right-of-way and the parking lot. The minimum width of the landscape planter shall be determined by the Design

Guidelines or the applicable Specific Plan landscape guidelines. In addition, all unused right-of-way between the public street and the parking lot shall be landscaped and maintained by the property owner.

- f. **Bicycle racks and lockers.** When bicycle spaces are required, a bicycle rack or locker shall be installed. The bicycle rack shall be designed to allow a bicycle to be secured to the rack. The location of the bicycle rack or locker shall not encroach into the sidewalk which would reduce the unencumbered width of the sidewalk to less than four (4) feet and shall provide adequate clearance surrounding the rack or locker such that bicycles shall not encroach into any walkway, parking space, landscape area or similar.
- g. **Curb stops.** A permanent curb, bumper, wheel stop or similar device at least six (6) inches in height shall be installed adjacent to sidewalks, planters and other landscaping areas, parking lot fixtures and buildings and walls to protect these improvements from vehicular damage. The stopping edge of such protected bumper shall be placed no closer than two (2) feet from the above noted improvement.
- h. **Parking space design.** All parking spaces shall be delineated and separated by a painted divider (double stripe) as shown on the typical stall illustration below. The stripes shall be a 4 inch solid line painted either white or yellow in color. The use of graphics or text in or around the striping is prohibited. The striping shall be maintained in a clear and visible manner.



However, existing parking areas with single striping, which require additional parking spaces or modified parking spaces due to building expansion, parking lot restriping or reconfiguration may maintain the single striping upon securing an Administrative Permit.

- B. **Controlled Access Required.** All parking spaces (including garage spaces) required for any land use other than a single-family or two (2) family dwelling shall be designed and located to provide for vehicle maneuvering on the site so that vehicles will enter any adjacent public right-of-way or private road in a forward direction.
- C. **Location of Parking on a Single Family lot.** Parking spaces may be located as needed on a site, provided that no required parking space shall be located within a front or street side setback required by Article II (Zoning Districts and Permitted Uses) except as provided

in Section 19.60.040 (G) (Second Units), or other use types (Community Care Facility, Congregate Residence and Rooming and Boarding House) according to Section 19.26.030. A Driveway providing access to a street may be located within a front or street side setback.

- D. Surfacing of Parking Areas.** Required parking and circulation areas shall be surfaced with asphalt concrete or portland cement concrete, or other approved all-weather, hard, non-eroding surface. It shall be the responsibility of the property owner to insure that the surface is maintained free from significant cracks or holes.
- E. Specialized Parking and Circulation.** The standards of this subsection apply to the design and construction of specialized parking and on-site circulation facilities. Additional information regarding stacking capacity for drive through facilities and other types of uses with stacking, are contained in the Community Design Guidelines.
- 1. Drive-through facilities.** The following requirements apply to any use with drive-through facilities:
- a.** Separation and marking of lanes. Drive-through aisles shall be a minimum of twelve (12) feet wide and shall be separated from other circulation aisles necessary for ingress or egress, or aisles providing access to any parking space. Each such aisle shall be striped, marked, or otherwise distinctly delineated.
- F. Loading Requirements.** Loading shall be provided as identified below:
- 1. No Maneuvering Within Public Rights-of-Way.** All site designs shall be designed so as to prevent truck back-up maneuvering within the public right-of-way.
- 2. Design.** The location, number, size and access of the loading area shall be determined pursuant to design review.

(Ord. 4662 (part), 2008; Ord. 3922 § 7 (part), 2003; Ord. 3450 § 7 (part), 1999; Ord. 3088 § 6 (part), 1997; Ord. 3046 § 5, 1996; Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

CHAPTER 19.28 - RESIDENTIAL DENSITY BONUS

Section 19.28.010 - Purpose

This Chapter is adopted pursuant to the provisions of California Government Code Sections 65915-65918. The purpose of adopting this Chapter is to encourage affordable housing by providing the incentive of increased density and such other Incentives provided by this Chapter. The provisions of this Chapter are intended to comply with California Government Code Sections 65915-65918. In the event that any provision of this Chapter conflicts with California Government Code Sections 65915-65918, State law shall control over the conflicting provision.

Section 19.28.020 - Definitions

For the purpose of this Chapter, the following words and phrases shall have the following meanings:

- A. “Approving Authority” is as defined in the Roseville Municipal Code – Title 19, Zoning Chapter 19.78.020.
- B. “Child Care Facility” is defined as a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school-age child care centers.
- C. “Density Bonus” means an increase in density over the otherwise maximum allowable residential density under the applicable general plan designation as of the date of filing of an application for Density Bonus with City. A Density Bonus request shall be considered as a component of a qualified Housing Development.
- D. “Development Standard” is defined as the site, development, or construction standards and/or conditions of approval that apply to a residential development.
- E. “Housing Development” is defined as one or more groups of projects for residential units constructed within a Large Lot Parcel. For the purposes of this chapter, “Housing Development” also includes a subdivision or common interest development as defined in Section 1351 of the Civil Code and consists of residential units or unimproved residential lots. A Density Bonus may be permitted in geographic areas of the Housing Development other than the areas where the affordable units are located, so long as the Density Bonus units are located on the same Large Lot Parcel.
- F. “Incentive” is defined as a reduction in 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. An Incentive can be requested by the applicant for purposes of reducing the cost of development to make the project financially feasible. The term “Incentive” includes the term “concession” as that term is used in California Government Code Section 65915-65918.
- G. “Large Lot Parcel” is defined as that term is used in any applicable specific plan (Large Lot Parcel is hereby generally deemed as a geographic area).
- H. “Lower Income” is defined as less than 80% of the area median income, as defined by Section 50079.5 of the California Health and Safety Code.
- I. “Lower Income Unit” is defined as a unit with an affordable rent or payment that does not exceed 30% of 60% of area median income adjusted for family size appropriate for the unit.
- J. “Moderate Income” is defined as less than 120% of the area median income, as defined in Section 50093 of the California Health and Safety Code.

- K.** “Moderate Income Unit” is defined as a unit with an affordable rent or payment that does not exceed 35% of 110% of area median income adjusted for family size appropriate for the unit.
- L.** “Very Low Income” is defined as less than 50% of the area median income, as defined in Section 50105 of the California Health and Safety Code.
- M.** “Very Low Income Unit” is defined as a unit with an affordable rent or payment that does not exceed 30% of 50% of the area median income, adjusted for family size appropriate for the unit.
- N.** “Senior Citizen Housing Development” is defined as a housing project where residency is restricted to persons 62 years of age or older, or 55 years of age or older in a Senior Citizen Housing Development per Sections 51.3 and 51.12 of the California Civil Code.

Section 19.28.030 – Application Requirements

A Density Bonus may be approved pursuant to a request for approval of a Density Bonus, provided the request complies with the provisions of this Chapter. Each application for a density bonus request shall be accompanied by the following:

- A.** A site plan that identifies all units in the project including the location of the affordable units and the bonus units.
- B.** A narrative briefly describing the Housing Development and shall include information on:
 - 1.** The number of units permitted under the General Plan,
 - 2.** The total number of units proposed in the project,
 - 3.** The number of affordable and/or senior units,
 - 4.** The number of bonus units requested based on the tables provided in Section 19.28.050 of this Chapter,
 - 5.** A breakdown of units proposed for Very Low, Lower, and Moderate Income, senior citizen, and/or market rate units, and
 - 6.** Any requested Incentive(s), including an explanation as to why the Incentive(s) is required for the Housing Development.
- C.** Information indicating that appropriate and sufficient infrastructure capacity (water, sewer, roadway) and water supply is available to serve the Bonus Units.
- D.** A pro-forma illustrating the financial need for the density bonus and/or any requested Incentives. The information that shall be included is as follows:
 - 1.** The project pro-forma shall include, but is not limited to: capital costs, operating expenses, return on investment, revenues, loan-to-value ratio and debt-coverage ratio, any contribution provided by subsidy programs, and the economic effect created by the use and income restrictions of the affordable units;
 - 2.** An appraisal report indicating the value of the Density Bonus and any Incentive(s) requested; and
 - 3.** A source and use of funds statement identifying any projected financing gap of the project. The developer shall establish how much of the gap is covered by the Density Bonus units, and how much will be covered by the requested Incentive(s).

- E. Any such additional information in support of a request for a Density Bonus as may be requested by the Planning & Redevelopment Department.

Section 19.28.040 – Eligibility for Bonus

A developer of a Housing Development containing five or more units may qualify for a Density Bonus and at least one other Incentive as provided by this Chapter if the developer does one of the following:

- A. Agrees to construct and maintain at least 5 percent of the units dedicated to Very Low Income households;
- B. Agrees to construct and maintain at least 10 percent of the units dedicated to Lower Income households;
- C. Agrees to construct and maintain at least 10 percent of the units in a common interest development (as defined in Section 1351 of the California Civil Code) dedicated to Moderate Income households, provided that all units in the development are offered to the public for purchase;
- D. Agrees to construct and maintain a Senior Citizen Housing Development as defined in Section 19.28.020 of this Chapter;
- E. Donates land to the City dedicated for the construction of Very Low Income Units pursuant to Section 19.28.080 of this Chapter; or
- F. Includes a qualifying Child Care Facility as described in Section 19.28.070 of this Chapter in addition to providing housing as described in items A-C of this Section.

Section 19.28.050 - Density Bonus Calculation and Allowance

- A. **State Law Preemption.** Pursuant to State Law, the granting of a Density Bonus or the granting of a Density Bonus together with an Incentive(s) shall not be interpreted, in and of itself, to require a general plan amendment, specific plan amendment, rezone, or other discretionary approvals.
- B. **Density Bonus Calculation.** An applicant must choose a Density Bonus from only one applicable affordability category in below Subsection C and may not combine categories with the exception of child care facilities or land donation, which may be combined with an affordable Housing Development, for an additional Density Bonus up to a combined maximum of 35 percent.
- C. **Density Bonus Allowance.** In calculating the number of units required for Very Low, Lower and Moderate Income households, the Density Bonus units shall not be included. In no event shall a Density Bonus exceed 35 percent. A Housing Development that satisfies all applicable provisions of this Chapter shall be allowed the following applicable Density Bonuses:
 - 1. Very Low Income. The Density Bonus for Very Low Income Units shall be calculated as follows:

Percentage of Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

2. **Lower Income.** The density bonus for Lower Income Units shall be calculated as follows:

Percentage of Lower Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35

3. **Moderate Income.** The density bonus for Moderate Income ownership units shall be calculated as follows:

Percentage of Moderate Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30

36	31
37	32
38	33
39	34
40	35

4. **Senior Citizen Housing Development.** The Density Bonus for a Senior Citizen Housing Development that provides housing for seniors consistent with Section 19.28.040 of this Chapter shall be 20 percent.
5. **Child Care Facility.** A project (whether a housing, commercial, or industrial project) is eligible for a density bonus for a Child Care Facility when in compliance with Section 19.28.070 of this Chapter and California Government Code Section 65917.5.
6. **Donation of Land.** A project is eligible for the following Density Bonus for the Donation of Land when in compliance with Section 19.28.080 of this Chapter:

Percentage of Very Low Income Units	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

7. **Conversion of Apartments to Condominiums.** A project is eligible for a 25 percent Density Bonus for the conversion of apartments to condominiums when in compliance with California Government Code Section 65915.5.

Section 19.28.060 – Eligibility and Application Requirements for Incentives

- A. **Available Incentives.** A Housing Development qualifying for a Density Bonus may be entitled to at least one Incentive. Incentives may include, but are not limited to:
 1. A reduction in site Development Standards such as:
 - a. Reduced minimum lot sizes and/or dimensions.
 - b. Reduced minimum lot setbacks.
 - c. Reduced minimum outdoor and/or private outdoor living area.
 - d. Increased maximum lot coverage.
 - e. Increased maximum building height and/or stories.

- f. Reduced on-site parking requirements.
 - g. Reduced street standards.
- 2. A reduction in architectural design requirements.
- 3. A Density Bonus greater than the amount required by this Chapter.
- 4. Other regulatory Incentives proposed by the developer or the City, which result in identifiable, financially sufficient, and actual cost reductions.
- 5. If an applicant qualifies for a Density Bonus pursuant to this Chapter, the applicant may request, in addition to any requested Incentive(s), that the following parking requirement be applied to the project in place of the City's current parking requirements. The parking requirement is inclusive of accessible and guest parking for the entire Housing Development, but shall not include on-street parking spaces in the count towards the parking requirement:
 - Zero to one bedroom - 1 on-site parking space
 - Two to three bedrooms - 2 on-site parking spaces
 - Four or more bedrooms – 2.5 on-site parking spaces

B. Eligibility for Incentives. Incentives are available to a housing developer as follows:

- 1. One Incentive for Housing Developments that 1) restrict at least 10 percent of the total units to 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, or 2) are for Senior Housing.
- 2. Two Incentives for Housing Developments that restrict at least 20 percent of the total units to 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 for Housing Developments that restrict 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.

Section 19.28.070 – Child Care Facilities

A. Child Care Facility Density Bonus. When an applicant proposes to construct a Housing Development that is eligible for a Density Bonus under Section 19.28.040 of this Chapter and California Government Code Section 65917.5, and includes a Child Care Facility that will be located on the premises or adjacent to the Housing Development, the City shall grant either:

- 1. An additional Density Bonus that is an amount of square feet of residential space that is equal to or greater than the square footage of the Child Care Facility up to a combined maximum of 35 percent of the project square footage without the Density Bonus; or
- 2. An additional Incentive that contributes significantly to the economic feasibility of the construction of the Child Care Facility.

B. Child Care Facility Requirements. The City shall require, as a condition of approving the Housing Development, that the following occur:

1. 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 affordable units are required to remain affordable per this Chapter; and
 2. Of the children who attend the Child Care Facility, the children of Very Low Income households, Lower Income households or families of Moderate Income households shall equal a percentage that is equal to or greater than the percentage of affordable units in the Housing Development that are required for Very Low, Lower or families of Moderate Income households.
- C. Child Care Facility Criteria.** The City shall not be required to provide a Density Bonus or Incentive for a Child Care Facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

Section 19.28.080 –Donation of Land

- A. Donation of Land Density Bonus.** When a developer of a tentative subdivision map, parcel map, or other residential development donates land to the City, the developer shall be entitled to a Density Bonus above the otherwise maximum allowable residential density, up to a maximum of 35 percent depending on the amount of land donated (see Section 19.28.050 of this Chapter). This increase shall be in addition to any increase in density permitted by Section 19.28.040 of this Chapter up to a maximum combined density increase of 35 percent if an applicant seeks both the increase required by Section 19.28.040 and this Section of this Chapter.

The developer shall be eligible for the Density Bonus for the donation of land, if all of the following conditions are met:

1. The developer shall donate and transfer land no later than the date of approval of the final subdivision map, parcel map, or residential development application,
2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to Very Low Income households in the amount not less than 10 percent of the residential units in the proposed development,
3. The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure. The transferred land shall have appropriate zoning and Development Standards to make the development of the affordable units feasible. No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the Very Low Income Units on the transferred land, except that the City may subject the proposed development to subsequent design review if the design is not reviewed by the local government prior to the time of transfer,
4. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Section 19.28.110 of this Chapter if required by financing programs or subsidy programs,
5. The land is transferred to the City or to a housing developer approved by the City. The City may require the developer to identify and transfer the land to the affordable housing developer, and
6. The transferred land shall be within the boundary of the proposed development or, if the City determines appropriate, within one-quarter mile of the boundary of the proposed development.

Section 19.28.090 – General Guidelines

- A. Location of Bonus Units.** As required by California Government Code Section 65915(g), the location of Density Bonus units within the qualifying Housing Development may be at the discretion of the developer, and need not be in the same area of the project where the units for the Lower Income households are located as long as the Density Bonus units are located within the same Housing Development.
- B. Preliminary Review.** A developer may submit to the Planning & Redevelopment Department a preliminary proposal for the development of housing pursuant to this Chapter prior to the submittal of any formal application for a Density Bonus. The City shall, within ninety (90) days of receipt of a written proposal, notify the housing developer in writing of either 1) any specific requirements or procedures under this Chapter, which the proposal has not met, or 2) the proposal is sufficient for preparation of an application for Density Bonus.
- C. Infrastructure and Supply Capacity.** Criteria to be considered in analyzing the requested bonus will include the availability and capacity of infrastructure (water, sewer, road capacity, etc.) and water supply to accommodate the additional density.

Section 19.28.100 - Findings for Approval for Density Bonus and or Incentive(s).

- A. Density Bonus Approval.** The following finding shall be made by the Approving Authority in order to approve a Density Bonus request:
 - 1. The Density Bonus request meets the requirements of this Chapter.
- B. Density Bonus Approval with Incentive(s).** The following findings shall be made by the Approving Authority in order to approve a Density Bonus and Incentive(s) request:
 - 1. The Density Bonus request meets the requirements of this Chapter;
 - 2. The Incentive is required in order to provide affordable housing; and
 - 3. Approval of the Incentive(s) will have no specific adverse impacts upon health, 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 Very Low, Low, and Moderate Income households.
- C. Denial of a Request for an Incentive(s).** The Approving Authority shall make the following findings prior to disallowing an Incentive (in the case where an accompanying Density Bonus may be approved, or in the case of where an Incentive(s) is requested for Senior Housing or Child Care Facility):
 - 1. That the Incentive is not necessary in order to provide for affordable housing costs as defined in Section 19.28.020 of this Chapter, or for rents for the targeted units to be set as specified in Section 19.28.020 of this Chapter.
 - 2. That the Incentive would result in specific adverse impacts upon health, 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 Very Low, Low, and Moderate Income households.

Section 19.28.110 - Affordable Housing Agreement Required.

- A.** Agreement Required. In approving a Density Bonus, the associated permit or tentative map shall require that an Affordable Housing Agreement, or other form of agreement as approved by the City Attorney, effectuating the terms of affordability of the development be executed prior to effectuation of the permit or recordation of the final map.
- B.** Continued Availability. The Density Bonus request shall include the procedures proposed by the developer to maintain the continued affordability of all affordable income Density Bonus units and shall be evidenced by an Affordable Housing Agreement as follows:
1. An applicant shall agree to, and the City shall ensure, continued affordability of all Very Low and Low Income Units that qualified the applicant for the award of the Density Bonus for 30 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the Lower Income Density Bonus units shall be set at an affordable rent as defined in Section 19.28.020 of this Chapter. Owner-occupied units shall be available at an affordable housing cost as defined in Section 19.28.020 of this Chapter.
 2. An applicant shall agree to, and the City shall ensure that, the initial occupants of the Moderate Income units are directly related to the receipt of the Density Bonus in the common interest development as defined in Section 1351 of the California Civil Code, are persons and families of Moderate Income, as defined in Section 19.28.020 of this Chapter and that the units are offered at an affordable housing cost, as that cost is defined in Section 19.28.020 of this Chapter. The City shall enforce an equity-sharing agreement unless it is in conflict with the requirements of another public funding source or law. The following apply to the equity-sharing agreement:
 - a. Upon resale, the seller of the unit 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.
 - b. For purposes of this subdivision, the 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. For purposes of this subdivision, the City's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.

(Ord. 4669, 2008; Ord. 5428 (part), 2014)

ARTICLE IV

SPECIAL AREA AND SPECIFIC USE REQUIREMENTS

ARTICLE IV

SPECIAL AREA AND SPECIFIC USE REQUIREMENTS

CHAPTER 19.30 – SPECIAL AREA AND SPECIFIC USE REQUIREMENTS

19.30.010 – Purpose

CHAPTER 19.31 – DOWNTOWN CODE

19.31.010 – Purpose

19.31.020 – Definitions

19.31.030 – Downtown Code - Adopted

19.31.040 – Conflicts

19.31.050 – Violations

CHAPTER 19.32 – LOCATION AND AMORTIZATION OF ADULT ORIENTED BUSINESSES

19.32.010 – Purpose

19.32.020 – Definitions

19.32.030 – Minimum Proximity Requirements

19.32.040 – Amortization of Nonconforming Adult-Oriented Business Uses

19.32.050 – Extension of Time for Termination of Nonconforming Use

CHAPTER 19.34 – ANTENNAS AND COMMUNICATION FACILITIES

19.34.010 – Purpose

19.34.020 – Permit Requirements

19.34.030 – General Standards

19.34.040 – Satellite Dish Antennas

CHAPTER 19.36 – BUS DEPOTS

19.36.010 – Purpose

19.36.020 – Mandatory Standards

19.36.030 – Optional Standards

CHAPTER 19.37 – CORPORATE CENTERS

19.37.010 – Purpose

19.37.020 – Corporate Center Defined

19.37.030 – Permit Requirements

19.37.040 – Development Standards

CHAPTER 19.38 – TEMPORARY RESIDENT SHELTER

19.38.010 – Temporary Resident Shelter

19.38.020 – Permit Required; General Requirements

19.38.030 – Maintenance of Temporary Resident Shelter

19.38.040 – Cessation of Operation

19.38.050 – Accessory Use

19.38.060 – Nonconforming Resident Shelter

CHAPTER 19.39 – FOOD SERVICE FACILITY

19.39.010 – Food Service Facility

19.39.020 – Permit Required; General Requirements

19.39.030 – Maintenance of Food Service Facility

- 19.39.040 – Cessation of Operation
- 19.39.050 – Nonconforming Food Service Facility

CHAPTER 19.40 – FOOD DISTRIBUTION

- 19.40.010 – Food Distribution
- 19.40.020 – Permit Required; General Requirements
- 19.40.030 – Maintenance of Food Distribution Facility
- 19.40.040 – Cessation of Operation
- 19.40.050 – Nonconforming Food Distribution Facility

CHAPTER 19.42 – HOME OCCUPATION

- 19.42.010 – Purpose
- 19.42.020 – Home Occupation Defined
- 19.42.030 – Limitation on Use
- 19.42.040 – Permit Requirements
- 19.42.050 – Performance Standards

CHAPTER 19.44 – LARGE AMUSEMENT COMPLEXES

- 19.44.010 – Purpose
- 19.44.020 – Regulations

CHAPTER 19.46 – LARGE FAMILY DAY CARE HOME

- 19.46.010 – Purpose
- 19.46.020 – General Requirement
- 19.46.030 – Application Procedures
- 19.46.040 – Pre-Existing Large Family Day Care Homes

CHAPTER 19.48 – MOBILE HOME PARKS

- 19.48.010 – Purpose
- 19.48.020 – Permit Procedures and Development Standards

CHAPTER 19.49 – NIGHTCLUBS

- 19.49.010 – Purpose
- 19.49.020 – Permit Requirements
- 19.49.030 – General Standards
- 19.49.040 – Public Notice

CHAPTER 19.50 – OPEN AIR VENDING FACILITIES

- 19.50.010 – Purpose
- 19.50.020 – Permits Required
- 19.50.030 – Development Standards
- 19.50.040 – Findings for Approval
- 19.50.050 – Appeal Procedure
- 19.50.060 – Lapse of Permit
- 19.50.070 – Display of Permit

CHAPTER 19.52 – OUTDOOR RESTAURANT SEATING

- 19.52.010 – Purpose
- 19.52.020 – Regulations
- 19.52.030 – Approval

CHAPTER 19.54 – PERSONAL STORAGE FACILITIES

- 19.54.010 – Purpose
- 19.54.020 – Limitations on Use
- 19.54.030 – Design Standards

CHAPTER 19.55 – POWER GENERATING FACILITIES

- 19.55.010 – Purpose
- 19.55.020 – General Requirements

CHAPTER 19.56 – RECYCLING COLLECTION CENTERS

- 19.56.010 – Purpose
- 19.56.020 – Permit Required
- 19.56.030 – Operation and Maintenance
- 19.56.040 – Scavenging Prohibited

CHAPTER 19.57 – RELOCATION OF DWELLINGS (SINGLE OR TWO-FAMILY)

- 19.57.010 – Purpose
- 19.57.020 – Permits Required
- 19.57.030 – General Requirements
- 19.57.040 – Findings for Approval
- 19.57.050 – Appeal Procedure

CHAPTER 19.58 – RESIDENTIAL CONDOMINIUM CONVERSION

- 19.58.010 – Mitigation Measures
- 19.58.020 – Condominium Conversion Defined
- 19.58.030 – Limitations of Conversions
- 19.58.040 – Processing of Conversion, Notice to Tenants
- 19.58.050 – Application Required
- 19.58.060 – Retrofitting of Units Required
- 19.58.070 – Tenant Relocation Assistance Plan
- 19.58.080 – Notice to New Tenants
- 19.58.090 – Resident Meeting

CHAPTER 19.59 – REASONABLE ACCOMMODATION

- 19.59.010 – Purpose
- 19.59.020 – Requesting Reasonable Accommodation
- 19.59.030 – Required Information
- 19.59.040 – Approving Authority
- 19.59.050 – Group Homes
- 19.59.060 – Required Findings
- 19.59.070 – Appeals

CHAPTER 19.60 – SECOND DWELLING UNITS

- 19.60.010 – Purpose
- 19.60.020 – Second Dwelling Unit Defined
- 19.60.030 – Permit Requirements
- 19.60.040 – Design and Development Standards

CHAPTER 19.61 – SIGNIFICANT BUILDINGS

- 19.61.010 – Purpose
- 19.61.020 – Definitions
- 19.61.030 – Applicability
- 19.61.040 – Demolition of Significant Buildings

CHAPTER 19.62 – MEDICAL MARIJUANA DISPENSARIES

- 19.62.010 – Findings
- 19.62.020 – Definitions
- 19.62.030 – Medical Marijuana Dispensaries, Processing Facilities, Testing Labs Prohibited
- 19.62.040 – Delivery of Marijuana Prohibited
- 19.62.050 – Enforcement
- 19.62.060 – Severability

CHAPTER 19.63 – MARIJUANA CULTIVATION

- 19.63.010 – Purpose and Applicability
- 19.63.020 – Definitions
- 19.63.030 – Outdoor Cultivation
- 19.63.040 – Cultivation of Marijuana—Regulations for Residential Zones
- 19.63.050 – Indoor Cultivation of Marijuana Restricted to Authorized Grower
- 19.63.060 – Public Nuisance Prohibited
- 19.63.070 – Violation

- 19.63.080 – Enforcement
- 19.63.090 – Penalties Not Exclusive
- 19.63.100 – Severability

CHAPTER 19.64 – TEMPORARY USES

- 19.64.010 – Purpose
- 19.64.020 – Permitted Temporary Uses
- 19.64.030 – Temporary Uses Permitted With An Administrative Permit
- 19.64.040 – Conditions of Approval
- 19.64.050 – Standards for a Model Home Complex and Temporary Sales Trailer

CHAPTER 19.66 – TREE PRESERVATION

- 19.66.010 – Purpose
- 19.66.020 – Definitions
- 19.66.030 – Tree Permits
- 19.66.040 – Tree Permit Application Processing
- 19.66.050 – Arborist's Report
- 19.66.060 – Standard Policies and Procedures for Approved Work
- 19.66.070 – Oak Tree Planting and Replacement Program
- 19.66.080 – Violations and Enforcement

CHAPTER 19.67 – WATER EFFICIENT LANDSCAPING

- 19.67.010 - Purpose
- 19.67.020 - Authority and Relationship to other Documents
- 19.67.030 - Applicability
- 19.67.040 - Definitions
- 19.67.050 - Submittal Requirements
- 19.67.060 - Landscape Certification of Completion
- 19.67.070 - Irrigation Scheduling and Maintenance
- 19.67.080 - Irrigation Water Use Analysis and Monitoring
- 19.67.090 - Irrigation Efficiency
- 19.67.100 - Use of Recycled Water for Irrigation
- 19.67.110 - Stormwater Management
- 19.67.120 - Public Education
- 19.67.130 - Provisions for Existing Landscaping Installed Prior to January 1, 2010
- 19.67.140 - Enforcement
- 19.67.150 - Penalties

CHAPTER 19.68 – USED GOODS COLLECTION CENTERS

- 19.68.010 – Purpose
- 19.68.020 – Permit Requirements
- 19.68.030 – Development and Performance Standards

CHAPTER 19.30 - SPECIAL AREA AND SPECIFIC USE REQUIREMENTS

Section 19.30.010 - Purpose

The provisions of this Chapter regulate specific uses or areas as otherwise permitted in Article II of this Title. These requirements are in addition to those contained in the respective zone districts.

(Ord. 4662 (part), 2008; Ord. 3014 (part), 1996.)

CHAPTER 19.31 - DOWNTOWN SPECIFIC PLAN DOWNTOWN CODE

Section 19.31.010 - Purpose

The purpose of the Downtown Specific Plan Downtown Code is to direct public and private development consistent with the community vision for the Downtown Specific Plan Area. Redevelopment within the older areas of the City of Roseville presents unique development challenges. The Downtown Specific Plan Downtown Code is therefore a comprehensive document for the Downtown Specific Plan Area that provides detailed performance criteria and development standards that are intended to facilitate development while recognizing the area's unique character. Key elements addressed in the Downtown Specific Plan Downtown Code include:

- A.** Permitted and conditionally permitted uses for various zone districts.
- B.** Prescriptive development standards including setbacks, height requirements, parking standards, and floor area ratios.
- C.** Development guidelines addressing buffers and adjacency issues, landscaping, entry monumentation, and public realm improvements.
- D.** Entitlement processes that vary from applications throughout the remainder of the City of Roseville.
- E.** Downtown sign regulations.
- F.** Details that define the character of the Downtown Specific Plan Area.
- G.** Downtown Specific Plan Area incentives.
- H.** Parcel specific considerations.

The Downtown Specific Plan Downtown Code is consistent with the City of Roseville's goals, policies and applicable regulations and is intended to be the primary resource for development review within the Downtown Specific Plan Area.

(Ord. 4728 § 11 (part), 2009.)

Section 19.31.020 - Definition

"Downtown Specific Plan area" means a 176 acre area encompassing historic old town, Vernon Street, and Royer and Saugstad Parks. This area is further defined in the Downtown Specific Plan.

(Ord. 4728 § 11 (part), 2009.)

Section 19.31.030 – Downtown Code – Adopted

The Downtown Specific Plan Downtown Code as amended by the city council from time to time is hereby adopted and is incorporated into this Chapter by reference as though it were fully set forth herein. A copy of the Downtown Specific Plan Downtown Code is available for use and examination by the public in the City of Roseville's Planning Division and can be found on the City of Roseville's web site.

(Ord. 4728 § 11 (part), 2009; Ord. 5428 (part), 2014)

Section 19.31.040 - Conflicts

In the event of any conflict between the provisions of the Downtown Specific Plan Downtown Code and the provisions of the Roseville Municipal Code, the provisions of the Downtown Specific Plan Downtown Code shall prevail. However, with regard to topics that the Downtown Specific Plan Downtown Code does not address, the provisions of the Roseville Municipal Code shall prevail.

(Ord. 4728 § 11 (part), 2009.)

Section 19.31.050 - Violations

A violation of the requirements of the Downtown Specific Plan Downtown Code is punishable as an infraction.

(Ord. 4728 § 11 (part), 2009.)

CHAPTER 19.32 - LOCATION AND AMORTIZATION OF ADULT-ORIENTED BUSINESSES

Section 19.32.010 - Purpose

It is the intent of this Chapter to prevent community-wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods which can be brought about by the concentration of Adult-Oriented Businesses in close proximity to each other or proximity to other incompatible uses such as schools for minors, churches, child or family-oriented business and residentially zoned districts or uses. The City Council finds that it has been demonstrated in various communities that the concentration of Adult-Oriented Businesses causes an increase in the number of transients in the area, and an increase in crime, and in addition to the effects described above can cause other businesses and residents to move elsewhere. It is, therefore, the purpose of this Chapter to establish reasonable and uniform regulations to prevent the concentration of Adult-Oriented Businesses or their close proximity to incompatible uses, while permitting the location of Adult-Oriented Businesses in certain areas.

(Ord. 3601 § 5 (part), 2000; Ord. 4662 (part), 2008; Ord. 4728 § 10 (part), 2009.)

Section 19.32.020 - Definitions

- A. As used herein, the terms and phrases shall have the same meaning as defined in this Section and in Section 9.11.020 of this code.

(Ord. 4662 (part), 2008)

- B. **Establishment of an Adult-Oriented Business.** As used herein, to "establish" an Adult-Oriented Business shall mean and include any of the following:

1. The opening or commencement of any Adult-Oriented Business as a new business;
2. The conversion of an existing business, whether or not an Adult-Oriented Business, to any Adult-Oriented Business defined herein;
3. The addition of any of the Adult-Oriented Businesses defined herein to any other existing Adult-Oriented Business; or
4. The relocation of any such Adult-Oriented Business.

(Ord. 3601 § 5 (part), 2000; Ord. 4728 § 10 (part), 2009.)

Section 19.32.030 - Minimum Proximity Requirements

No Adult-Oriented Business shall be established or located in any zone in the City other than GC, CMU, RC, M1, M2 and MMU, or within certain distances of certain specified land uses or zones as set forth below:

- A. No such business shall be established or located within one hundred (100) feet of any other Adult-Oriented Business.
- B. No such business shall be established or located within five hundred (500) feet of any existing residential zone or use, park, church, school or child or family-oriented business as defined in Section 9.11.020 (E) of this code.
- C. The distances set forth above shall be measured as a radius from the primary entrance of the Adult-Oriented Business to the property or lease lines of the property so zoned or used without regard to intervening structures.

(Ord. 3601 § 5 (part), 2000; Ord. 4728 § 10 (part), 2009.)

Section 19.32.040 - Amortization of NonConforming Adult-Oriented Business Uses

Any use of real property existing on the effective date of Ordinance 3601, re-enacting this Chapter, which does not conform to the provisions of Section 19.32.030, but which was constructed, operated, and maintained in compliance with all previous regulations, shall be regarded as a nonconforming use which may be continued until five (5) years after the effective date of this ordinance. On or before such date, all such nonconforming uses shall be terminated unless an extension of time has been approved by the City Council in accordance with the provisions of Section 19.32.050.

- A. Abandonment.** Notwithstanding the above, any discontinuance or abandonment of the use of any lot or structure as an Adult-Oriented Business for a period of sixty (60) days or more shall result in a loss of legal nonconforming status of such use.
- B. Amortization of annexed property.** Any Adult-Oriented Business which was a legal use at the time of annexation of the property and which is located in the City, but which does not conform to the provisions of Section 19.32.030 shall be terminated within one (1) year of the date of annexation unless an extension of time has been approved by the City Council in accordance with the provisions of Section 19.32.050.

(Ord. 3601 § 5 (part), 2000; Ord. 4662 (part), 2008; Ord. 4728 § 10 (part), 2009.)

Section 19.32.050 - Extension of Time for Termination of Nonconforming Use

The owner or operator of a nonconforming use as described in Section 19.32.040 may apply under the provisions of this Section to the City Council for an extension of time within which to terminate the nonconforming use.

- A. Time and manner of application.** An application for an extension of time within which to terminate a use made nonconforming by the provisions of Section 19.32.040 may be filed by the owner of the real property upon which such use is operated.
- B. Content of application; fees.** The application shall state the grounds for requesting an extension of time. The filing fee for such application shall be the same as that for a Variance as is set forth in the schedule of fees established by resolution from time to time by the City Council.
- C. Hearing procedure.** The City Clerk shall set the matter for hearing within forty-five (45) days of receipt of the application. All interested persons shall have the right to offer testimonial, documentary and tangible evidence bearing on the issues; may be represented by counsel; and shall have the right to confront and cross-examine witnesses. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any hearing under this Section may be continued for a reasonable time for the convenience of a party or a witness. The decision of the City Council shall be final and subject to judicial review pursuant to Code of Civil Procedure Section 1094.8.
- D. Approval of extension; findings.** An extension under the provisions of this section shall be for a reasonable period of time commensurate with the investment involved, and shall be approved only if the City Council makes all of the following findings or such other findings as are required by law.
 - 1.** The applicant has made a substantial investment (including but not limited to lease obligations) in the property or structure on or in which the nonconforming use is conducted; such property or structure cannot be readily converted to another use; and such investment was made prior to the effective date of the ordinance re-enacting this chapter;
 - 2.** The applicant will be unable to recoup said investment as of the date established for termination of the use; and

- 3.** The applicant has made good faith efforts to recoup the investment and to relocate the use to a location in conformance with Section 19.32.030.

(Ord. 4728 § 10 (part), 2009; Ord. 4662 (part), 2008; Ord. 3601 § 5 (part), 2000.)

CHAPTER 19.34 - ANTENNAS AND COMMUNICATIONS FACILITIES

Section 19.34.010 - Purpose

This Chapter establishes standards for the placement of telecommunication facilities in all zoning districts. It is the intent of this Chapter to minimize the adverse impacts of such equipment and structures on neighborhoods and surrounding developments by limiting the height, number, and location of such devices.

(Ord. 3922 § 9 (part), 2003; Ord. 3014 (part), 1996; Ord. 4662 (part), 2008.)

Section 19.34.020 - Permit Requirements

- A. Telecommunications Facilities are permitted as identified in Article II. Satellite dish antennas and ham radio antennas are permitted as Accessory Structures pursuant to Section 19.22.030.
- B. The following types of telecommunication facilities are exempt from Permit provided they meet the following requirements:
 - 1. Antennas and/or related telecommunication equipment attached to an existing monopole, tower, or similar structure provided the equipment does not increase the height of the existing monopole, tower, or structure.
 - 2. Antennas and/or related telecommunication equipment located on an existing building provided the equipment does not increase the height of the existing building and the antennae does not conflict with the architectural treatment of the building and is screened from public view or painted to match the exterior of the building.
 - 3. Equipment shelters/cabinets may be located on site as long as they do not adversely impact the approved building, parking and landscape design and shall be no larger than one hundred and sixty (160) sq. ft. in size with a maximum height of six (6) feet.
 - 4. All proposed telecommunication equipment shall conform to the standards identified in Section 19.34.030.
 - 5. In Residential zone districts, HAM radio antennas are subject to a thirty-five foot (35') height limit if ground mounted. If roof mounted, the antenna may exceed the height limit of the zone district by 15%. HAM radio antennas shall maintain a minimum five (5) foot setback from any property line.
- C. The following telecommunication facilities may be approved pursuant to an Administrative Permit.
 - 1. Monopoles/towers and related facilities not exceeding sixty (60) feet in height;
 - 2. Monopoles/towers not located between a building and an adjacent street;
 - 3. Antennas or related telecommunication equipment that increases the height of a building but does not exceed more than one half the height of the building on which the equipment will be located;
 - 4. Antennas and related telecommunication equipment not painted or screened to match the existing pole/tower, building or roof; and
 - 5. In R-1 single family residential zones and properties designated as Open Space such facilities will be allowed as long as the facility meets the standards of this section, are co-located within the footprint of an existing tower or attached to a monopole, tower or similar structure, and do not require permanent roadway or driveway access improvements.

- 6. Equipment buildings, shelters and cabinets larger than 160 sq. ft. in size and/or more than six (6) feet in height provided they are screened from public view (street).
- D. Cellular facilities and equipment that does not conform to the provisions identified within Sections A and B above may be approved pursuant to approval of a Conditional Use Permit.
- E. The following activities are prohibited on telecommunication facilities.
 - 1. Advertising - No advertising or display is permitted on any telecommunication facility or related equipment.

(Ord. 3922 § 9 (part), 2003; Ord. 3014 (part), 1996; Ord. 4662 (part), 2008.)

Section 19.34.030 - General Standards

The following requirements apply to telecommunication facilities in all zone districts, except where a more restrictive standard is required by Section 19.34.040 for satellite dish antennas.

A. General Standards:

- 1. Building mounted antennas are encouraged, provided that the wireless communication facility is compatible with the building design and does not negatively impact the surrounding area.
- 2. Where building mounting is not possible an attempt should be made to screen new monopoles from public view and to co-locate new antennas on existing monopoles.
- 3. In order to minimize overall visual impact wireless communication facilities should be designed to promote facility and site sharing.
- 4. No facility should be installed on an exposed ridgeline, in or at a location readily visible from a public trail, recreation area, or scenic area unless it is satisfactorily screened or made to appear as a natural environmental feature.
- 5. Wireless communication facilities should be painted color(s) which are most compatible with their surroundings.
- 6. Innovative design should be used whenever the screening potential for the site is low. For example designing structures which are compatible with surrounding architecture, or appear as a natural environmental feature, could help mitigate the visual impact of a facility.
- 7. Wireless communication facilities and all other equipment such as emergency generators and air conditioners must be designed to be consistent with City noise standards when in proximity to sensitive receptors.
- 8. A professional telecommunications expert shall perform an evaluation of the radio frequency certifying that the frequency levels meet Federal standards and that the facility will not interfere with the City's or other public entities emergency broadcast systems.
- 9. Telecommunication facilities located on a lot adjacent to a residential zone district shall be set back from the residential zone by two (2) feet for each one (1) foot of total height. The required setback shall be measured at its widest potential position.

B. Standards for Building Mounted Antennas:

1. Building mounted antennas and all other equipment should be in scale and architecturally integrated with the building design in such a manner as to be visually unobtrusive.
2. When feasible, colors and materials should match the existing building.
3. All equipment should be screened from public view.

C. Standards for Monopoles:

1. Substantial landscaping or other screening should be provided to reasonably buffer any adjoining residential uses from the potential visual impacts of the facility. Landscape screening should be designed to achieve its desired appearance in a reasonable period of time.
2. Guy wires or support structures shall not overhang any property line.
3. Any antennas attached to a monopole should be mounted as close as possible to the monopole as a means of reducing the visual impacts of the antenna structures.

(Ord. 3922 § 9 (part), 2003; Ord. 3046 § 6 (part), 1996; Ord. 3014 (part), 1996.) (Ord. 4662 (part), 2008)

Section 19.34.040 - Satellite Dish Antennas

The following requirements apply to satellite dish antennas greater than three (3) feet in diameter:

A. Residential Standards. In addition to the general requirements in Section 19.34.030, above, the following shall apply:

1. **Maximum height:** Six (6) feet from the natural grade at the base of the antenna.
2. **Roof-mounting prohibited.** No satellite antenna shall be mounted on a building roof in Residential zones. Satellite dish antennas shall be ground-mounted, and shall not be visible from public streets.
3. **Screening required.** Satellite antennas shall not be placed in front yards and shall be screened from public view from streets and adjacent properties by fences or walls of six (6) feet in height and/or landscaping.

B. Commercial and Industrial Standards. The following requirements shall apply to satellite antennas in all Commercial and Industrial zones established by Article II:

1. **Setbacks.** If the zoning district abuts a residential zone, any satellite antenna higher than six (6) feet shall be located a minimum of ten (10) feet from the residential property line. For each foot of height above six (6) feet, the satellite antenna shall be located two (2) additional feet back from the residential district.
2. **Maximum height, ground-mounted antenna:** Twenty (20) feet above natural grade.
3. **Roof-mounted antenna:** Shall be screened so as to not be visible from surrounding streets.

C. Height Measurement. The height of a moveable or adjustable antenna shall be measured at its highest potential position (i.e., with the face plane of a satellite dish antenna parallel to the support post) from natural grade.

(Ord. 3922 § 9 (part), 2003; Ord. 3046 § 6 (part), 1996; Ord. 3014 (part), 1996; Ord. 4662 (part), 2008.)

CHAPTER 19.36 - BUS DEPOTS

Section 19.36.010 - Purpose

The regulations of this Section shall apply to the operation of bus depots where permitted or conditionally permitted in any district. A Conditional Use Permit is required for a bus depot and shall be evaluated in accordance with the criteria of this Chapter.

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008.)

Section 19.36.020 - Mandatory Standards

All bus depots shall comply with the following standards:

- A. Location.** Bus depots shall be located near freeway access or arterial streets so that buses do not travel through residential zone districts.
- B. Driveways.** The location of driveways shall be approved by the Public Works Department.
- C. Limitation on Use.** Bus depots may include services for ticket sales, passenger loading, or freight handling, but shall not include overnight storage of buses, refueling, or maintenance and repair of buses.

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008.)

Section 19.36.030 - Optional Standards

In approving a Conditional Use Permit for a bus depot the following criteria may be applied at the discretion of the Planning Commission:

- A. Site Access.** Ingress/egress points should be of sufficient width to accommodate the turning movements of both a bus and other vehicles simultaneously.
- B. Turning Lanes.** Special turning lanes may be required to reduce traffic conflicts.
- C. On-site Circulation.** On-site circulation should be designed to allow looped one-way ingress/egress. In the case of an existing development, circulation of buses should not conflict with the functioning of the existing development.
- D. Loading Areas.** On-site loading zones should be installed to accommodate the stacking of three (3) buses:
 - 1.** Loading zones should be a minimum of twelve (12) feet wide in addition to the minimum required travel lane of twenty-four (24) feet.
 - 2.** The location of the loading zone should not conflict with other uses on the property, or block pedestrian or vehicular access, or visibility to other existing on-site uses.
 - 3.** Bus depots shall be designed to accommodate a nine (9) by forty (40) foot bus with a fifty-two (52) foot turning radius.
- E. Parking.** Off-street parking shall be provided to accommodate the use as determined by the Approving Authority.
- F.** Additional measures as may be deemed necessary, including but are not limited to sound walls, landscaping and other site design modifications, to alleviate noise, aesthetic and other impacts.

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008.)

CHAPTER 19.37 - CORPORATE CENTERS

Section 19.37.010 – Purpose

This Chapter establishes the requirements and standards for the location and operation of a Corporate Center.

Section 19.37.020 – Definition

- A. **Corporate Center:** A ten (10) to fifty (50) acre site with three (3) or more buildings containing more than 100,000 sq. ft. of developed office space. A Corporate Center shall also contain all of the following:

- Self-contained reciprocal parking
- Common conference facility
- On-site restaurants (or close proximity to food service)
- Signage and Identity for occupants/tenants
- Exercise facility, showers and lockers

Section 19.37.030 – Permit Requirements

- A. Development entitlements as required by Chapter 19.74 or 19.82 of this Title.

Section 19.37.040 – Development Standards

In addition to the applicable development standards of the zone in which the Corporate Center is located, the following shall apply:

- A. **Location.** A Corporate Center may be located at sites identified on the *Recommended Corporate Center Sites* map, as adopted by Council.
- B. **Height.** Height limits for buildings within designated Corporate Center sites shall be established by the Design Review Permit or Major Project Permit. See Chapter 19.74 or 19.82.
- C. **Parking.** Parking requirements for buildings within designated Corporate Center sites shall be in accordance with Chapter 19.26 with the following exception:
- 1) Parking spaces may be reserved for an individual, tenant, or customer or for a limited period of time and such spaces may be counted towards meeting the parking requirement.

(Ord. 4624 §, 2008.)

CHAPTER 19.38 - EMERGENCY SHELTER

Section 19.38.010 - Emergency Shelter

This Chapter establishes the requirements and standards for the location and operation of an Emergency Shelter as defined in Section 19.08.070(K)(1).

(Ord. 4897 (part), 2010; Ord. 4662 (part), 2008.)

Section 19.38.020 - Permit Requirements

- A. Emergency Shelters are allowed as identified in Article II.
- B. An Emergency Shelter that meets the requirements of Section 19.38.030 is exempt from a Conditional Use Permit when located in the MP zone. An Emergency Shelter proposed within the GC, HC, CMU, M1, M2, and MMU zones require approval of a Conditional Use Permit.
- C. An Emergency Shelter within the MP zone shall not operate prior to approval of a Zoning Clearance Certification in accordance with Chapter 19.72.

(Ord. 4897 (part), 2010)

Section 19.38.030 – Development and Management Standards

- A. **Distance Separation Requirements.** No Emergency Shelter shall be located within two hundred fifty (250) feet of any other Emergency Shelter.
- B. **Occupancy.** An Emergency Shelter shall not exceed forty (40) residents, excluding staff.
- C. **Length of Occupancy.** Any single resident's stay shall not exceed six consecutive months.
- D. **Zone Specific Development Standards.** An Emergency Shelter shall comply with all development standards of the applicable zoning district in which it is located.
- E. **Parking Requirements.** Emergency Shelters shall provide one parking space for every staff member and one parking space for every ten (10) temporary residents.
- F. **Management.** An Emergency Shelter must adequately comply with the management standards:
 - 1. There shall be space inside the building so that prospective and current residents are not required to wait on sidewalks or any other public rights of way.
 - 2. Security shall be provided on site during hours of operation.
 - 3. On-site management shall be provided by at least one Emergency Shelter staff member at all times while residents are present at the shelter.
 - 4. Emergency Shelter lighting shall be consistent with the City of Roseville's adopted Building Code.
- G. **When A Conditional Use Permit Is Required.** An Emergency Shelter that does not meet the development and management standards of this Section or is located within the GC, HC, CMU, M1, M2, and MMU zones shall be required to obtain a Conditional Use Permit.
- H. **Conditional Use Permit Conditions of Approval and Findings.**

- a. In review of an application for a Conditional Use Permit for an Emergency Shelter, the approving authority shall review the requirements of this Section and may approve reasonable deviations from the requirements of this Section and may approve additional conditions consistent with protecting public health, safety and welfare provided that such conditions do not render the project infeasible.
- b. Notwithstanding Section 19.78.060(A), and consistent with Government Code Section 65589.5, in approving a Conditional Use Permit the approving authority shall only make the specific finding that the application would not have a specific adverse impact upon the public health or safety.

(Ord. 4897 (part), 2010; Ord. 4662 (part), 2008; Ord. 3447 § 8 (part), 1999.)

Section 19.38.040 - Cessation of Operation

If an Emergency Shelter ceases operation for a period of six (6) consecutive months, any permit issued pursuant to this Chapter shall automatically lapse and be deemed null and void, unless the permit provides otherwise.

(Ord. 4897 (part), 2010; Ord. 3447 § 8 (part), 1999.)

Section 19.38.050 - Nonconforming Emergency Shelter

- A. An Emergency Shelter in lawful existence prior to the effective date of this Chapter may continue to operate as a nonconforming use.
- B. Closure or cessation of a nonconforming use for a period of six (6) consecutive months shall terminate its legal nonconforming status, and any person or entity who intends to resume operations of the nonconforming use must first obtain a permit as required under this Chapter.
- C. Any alteration or expansion of the nonconforming use involving more than ten (10) percent of its gross floor area shall subject the nonconforming use to the requirements of this Chapter and the appropriate permit must be obtained prior to alteration or expansion.

(Ord. 4897 (part), 2010; Ord. 3447 § 8 (part), 1999.)

CHAPTER 19.39 - FOOD SERVICE FACILITY

Section 19.39.010 - Food Service Facility

This Chapter establishes the requirements and standards for the location and operation of a food service facility as defined in section 19.080.070(K)(2).

(Ord. 3447 § 9 (part), 1999; Ord. 4662 (part), 2008.)

Section 19.39.020 - Permit Required; General Requirements

- A. Permit Required.** No person or entity shall operate or maintain a food service facility without first obtaining a permit. An Administrative Permit will be issued pursuant to this Chapter if the standards in this Section are met.
- B. Location.** The food service facility may be located only in GC, HC, CMU, M1, M2, and MMU zones.
- C. Distance Separation Requirements.** A Conditional Use Permit shall be required of any food service facility to be located within five hundred (500) feet of any preschool, elementary school, high school, or any zone where food service facilities are not permitted. The food service facility shall be located no closer than one thousand (1,000) feet from any other food service facility, or any other social service as defined in section 19.080.070(K)(1) and 19.080.070(K)(3) of this Title, unless the facility is located within the same building or on the same lot.
- D. Occupancy.** The food service facility shall serve no more than twelve (12) persons per day, unless such facility has first obtained a Conditional Use Permit.
- E. Development Standards.** The food service facility shall comply with development standards of the applicable zoning district. The facility shall provide one parking space for every staff person and one parking space for every four (4) seats within the facility.
- F. Business Practices.** The food service facility must comply with the following business practices:
 - 1. All food preparation, service, consumption and related activities shall occur inside the structure.
 - 2. There shall be adequate waiting space inside the food service facility such that any person waiting for food service is not required to wait on the sidewalk or any other public right of way.
 - 3. Restroom(s) shall be permanent, non-portable, inside the structure and consistent with all applicable requirements of the Building and Fire Standards of Title 16 of this Code.
 - 4. Trash receptacles and enclosures shall be provided and made secure to the satisfaction of the Solid Waste Division of the Environment Utilities Department.
 - 5. The facility shall have lighting consistent with the City of Roseville Building Security Ordinance.
 - 6. Occupancy standards of the Building and Fire Standards of Title 16 of this Code shall be posted and complied with.
 - 7. Food service shall be limited to the hours between 6:00 AM and 9:00 PM.

- G. When Conditional Use Permit Required.** If a food service facility does not meet the standards as set forth in this section, such facility shall be required to obtain a Conditional Use Permit in accordance with Chapter 19.74. If a food service facility is combined with any other social service facility on the same lot, such facility shall be required to obtain a Conditional Use Permit in accordance with Chapter 19.74.
- H. Conditions of Approval; Findings.** In review of an application for a Conditional Use Permit for a food service facility, the Planning Commission shall review the requirements of this Section and may approve reasonable deviations from the requirements of this Section and may place additional conditions consistent with protecting the public health, safety, and welfare. The Planning Commission shall make a specific finding that such deviations and/or additional conditions protect the public health, safety and welfare. The Planning Commission shall make a specific finding that such deviations and/or additional conditions are consistent with the requirements of all applicable zoning and developmental standards. There shall be no deviations from the requirements of section 19.39.020(B).

(Ord. 3447 § 9 (part), 1999; Ord. 4662 (part), 2008.)

Section 19.39.030 - Maintenance of Food Service Facility

Any food service facility shall be maintained in a safe and clean manner and free from refuse or discarded goods.

(Ord. 3447 § 9 (part), 1999.)

Section 19.39.040 - Cessation of Operation

If any food service facility ceases operation for a period of six (6) consecutive months, any permit issued pursuant to this Chapter shall automatically lapse and be deemed null and void, unless the permit provides otherwise.

(Ord. 3447 § 9 (part), 1999.)

Section 19.39.050 - Nonconforming Food Service Facility

- A.** A food service facility lawfully in existence prior to the effective date of this Chapter may continue to operate as a nonconforming use.
- B.** Closure or cessation of a nonconforming use for a period of six (6) consecutive months shall terminate its legal nonconforming status, and any person or entity who intends to resume operations of the nonconforming use must first obtain a permit as required under this Chapter.
- C.** Any alteration or expansion of the nonconforming use involving more than ten (10) percent of its floor space shall subject the nonconforming use to the requirements of this Chapter and the appropriate permit must be obtained prior to alteration or expansion.

(Ord. 3447 § 9 (part), 1999.)

CHAPTER 19.40 - FOOD DISTRIBUTION

Section 19.40.010 - Food Distribution

This Chapter establishes the requirements and standards for the location and operation of a food distribution facility as defined in section 19.080.070(K)(1).

(Ord. 4662 (part), 2008)

Section 19.40.020 - Permit Required; General Requirements

- A. Permit Required.** No person or entity shall operate or maintain a food distribution facility without first obtaining a permit. An Administrative Permit will be issued pursuant to this Chapter if the standards in this Section are met.
- B. Location.** A food distribution facility may be located only in GC, HC, CMU, M1, M2, and MMU zones.
- C. Distance Separation Requirements.** A Conditional Use Permit shall be required for any food distribution facility located within five hundred (500) feet of any preschool, elementary school, high school, or any zone where food distribution facilities are not permitted. A food distribution facility may be located no closer than one thousand (1,000) feet from any other food distribution or social service facility as defined in Section 19.080.070(K)(2) or 19.080.070(K)(3) of this Title, unless the facility is located within the same building or on the same lot.
- D. Size.** A facility which exceeds six hundred (600) square feet shall require a Conditional Use Permit.
- E. Development Standards.** The food distribution facility shall comply with all development standards of the applicable zoning district. The facility shall provide one parking space for every staff person and one parking space for every five hundred (500) square feet of floor area.
- F. Business Practices.** The food distribution facility must comply with the following business practices:
 - 1. All food distribution and related activities shall occur inside the structure.
 - 2. There shall be adequate waiting space inside the facility such that any person waiting for food distribution is not required to wait on the sidewalk or any other public right of way.
 - 3. Restroom(s) shall be permanent, non-portable, inside the structure and consistent with all applicable requirements of the Building and Fire Standards of Title 16 of this Code.
 - 4. Trash receptacles and enclosures shall be provided and made secure to the satisfaction of the Solid Waste Division of the Environmental Utilities Department.
 - 5. The food distribution facility shall have lighting consistent with the City of Roseville Building Security Ordinance.
 - 6. Occupancy standards of the Building and Fire Standards of Title 16 of this Code shall be posted and complied with.
 - 7. Food distribution shall be limited to the hours between 6:00 AM to 9:00 PM.

- G. When Conditional Use Permit Required.** A food distribution facility which does not meet the standards set forth in this Section, shall be required to obtain a Conditional Use Permit in accordance with Chapter 19.74. Any food distribution facility combined with any other social service facility on the same lot shall be required to obtain a Conditional Use Permit in accordance with Chapter 19.74.
- H. Conditions of Approval; Findings.** In review of an application for a Conditional Use Permit for a food distribution facility, the Planning Commission shall review the requirements of this Section and may approve reasonable deviations from the requirements of this Section and may place additional conditions consistent with protecting public health, safety and welfare. The Planning Commission shall make a specific finding that such deviations and/or additional conditions protect the public health, safety and welfare. The Planning Commission shall make a specific finding that such deviations and/or additional conditions are consistent with the requirements of all applicable zoning and developmental standards. There shall be no deviations from the requirements of Section 19.40.020(B).

(Ord. 3447 § 10 (part), 1999; Ord. 4662 (part), 2008.)

Section 19.40.030 - Maintenance of Food Distribution Facility

Any food distribution facility shall be maintained in a safe and clean manner, and free from refuse or discarded goods.

(Ord. 3447 § 10 (part), 1999.)

Section 19.40.040 - Cessation of Operation

If any food distribution facility ceases operation for a period of six (6) consecutive months, any permit issued pursuant to this Chapter shall automatically lapse and be deemed null and void, unless the permit provides otherwise.

(Ord. 3447 § 10 (part), 1999.)

Section 19.40.050 - Nonconforming Food Distribution Facility

- A.** A food distribution facility lawfully in existence prior to the effective date of this Chapter may continue to operate as a nonconforming use.
- B.** Closure or cessation of a nonconforming use for a period of six (6) consecutive months shall terminate its legal nonconforming status, and any person or entity who intends to resume operations of the nonconforming use must first obtain a permit as required under this Chapter.
- C.** Any alteration or expansion of the nonconforming use involving more than ten (10) percent of its floor space shall subject the nonconforming use to the requirements of this Chapter and the appropriate permit must be obtained prior to alteration or expansion.

(Ord. 3447 § 10 (part), 1999.)

CHAPTER 19.42 - HOME OCCUPATION

Section 19.42.010 - Purpose

The purpose of these regulations is to permit and regulate nonresidential activities to be performed within a structure in residential zones as Home Occupations.

(Ord. 3088 § 8, 1997; Ord. 3014 (part), 1996)

Section 19.42.020 - Home Occupation Defined

A Home Occupation is an accessory, nonresidential business activity carried on within a dwelling by its inhabitants, incidental to the residential use of the dwelling, that does not change the character of the surrounding residential area by generating more traffic, noise, or storage of material than would normally be expected in a residential zone.

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008.)

Section 19.42.030 - Limitation on Use

Home Occupations shall be permitted in a dwelling, so long as the maximum cumulative impact of all such businesses shall not exceed the limits set forth in this Section for a single Home Occupation. The following uses or activities are prohibited as Home Occupations:

- A. Fire arms and ammunition sales;
- B. Kennel services;
- C. Retail or wholesale sales with transfer of products to the buyer at the residential site. The operation of a Home Occupation shall not necessitate the rendering of services, merchandise sales, or distribution of merchandise to customers or clients on the premises, with the exception of private instruction;
- D. Vehicle or vehicle body, repair or painting; or
- E. Any use or activity that affects the character of the surrounding residential neighborhood by generating more noise, odors, vehicles, storage, or traffic than would be normally expected in a residential zone.

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008.)

Section 19.42.040 - Permit Requirements

- A. A home occupation shall not be conducted prior to approval of a Zoning Clearance Certification in accordance with Chapter 19.72. Renters shall provide written evidence of owner approval of a Home Occupation with their application for a zoning clearance certification.
- B. If a Home Occupation does not conform to the performance standards of this chapter, approval of an Administrative Permit is required. The operation of a Home Occupation which requires personal contact with customers or employees at the subject site requires approval of an Administrative Permit pursuant to Chapter 19.74.

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008.)

Section 19.42.050 - Performance Standards

A Home Occupation shall be subject to the following conditions and criteria:

- A. All Activities Indoors.** All Home Occupation activities shall occur within the dwelling or accessory structures. No Home Occupation activity shall occur outside at any time, nor shall any equipment or material relating to the Home Occupation be parked or stored outside the residence at any time.
- B. Customers.** Personal contact with customers at the residence is prohibited except when authorized by the Approving Authority through approval of an Administrative Permit. A maximum of one (1) student at a time is permitted for home occupations involving private instruction.
- C. Deliveries.** No delivery shall be by vehicles larger than an automobile, pickup, or typical delivery van.
- D. Employees.** A Home Occupation shall be operated by no more than two (2) individuals, both of whom shall be residents of the dwelling. Both residents shall be listed on the application for Home Occupation. No other person shall operate, or perform any function of the business at the residence. Personal contact with any employees shall not be allowed at the residence at any time unless authorized through the approval of an Administrative Permit.
- E. Flammable or Hazardous Materials.** A Home Occupation involving the storage of flammable or hazardous materials shall not be allowed unless the Fire Department approves, in writing, the amount and method of such storage of materials.
- F. Inspection Required.** The City of Roseville may, at all reasonable times during normal business hours, enter the premises for the purpose of inspecting to determine whether or not the conditions of this chapter are being complied with.
- G. Maximum Area.** The Home Occupation shall not require the use of more than fifteen (15) percent of the total floor area of the dwelling (including garage and detached accessory buildings). The Home Occupation shall not result in any addition to, alteration of, or exterior remodeling of, the dwelling, garage or accessory structures.
- H. Merchandise for Sale.** The making of merchandise for sale is permitted providing that the storage of such merchandise does not exceed total allowable area for Home Occupations and does not require the transporting of material or finished product by means other than an automobile, pickup or typical delivery van.
- I. Parking.** No Home Occupation shall result in the elimination of required off-street parking spaces.
- J. Signs.** No signs advertising the Home Occupation shall be allowed, except one vehicle used for the Home Occupation may display the business name.
- K. Vehicles.** Not more than one (1) vehicle specifically designated to be used for a Home Occupation shall be parked at the subject residence at any time. Such allowed vehicle shall not be larger than a standard pickup or delivery van. No commercial vehicles or trailers shall be parked at the residence at any time.
- L. Noise, Odors.** A Home Occupation shall not create adverse levels of noise or odors above the ambient levels in the surrounding neighborhood.

- M. Equipment.** No equipment (other than a permitted vehicle) or material relating to a Home Occupation shall be parked or stored outside the subject residence.

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008.)

CHAPTER 19.44 - LARGE AMUSEMENT COMPLEXES

Section 19.44.010 - Purpose

The provisions of this Chapter are intended to ensure that Large Amusement Complexes as defined in Section 19.08.090(l)(7) are located at locations appropriate for the intensity of the use.

(Ord. 3088 § 9, 1997; Ord. 3014 (part), 1996.)

Section 19.44.020 - Regulations

No privately owned Large Amusement Complex shall be located within 1,000 feet of the boundary of any residential zone, dwelling, church or school.

(Ord. 3014 (part), 1996.)

CHAPTER 19.46 - LARGE FAMILY DAY CARE

Section 19.46.010 - Purpose

This Chapter establishes requirements and standards for the location and operation of Large Family Day Care Homes, as defined in Section 19.08.080 (G).

(Ord. 3014 (part), 1996.)

Section 19.46.020 - General Requirements

- A. Location.** A Large Family Day Care Home shall only be located within a detached single family dwelling.
- B. Parking.** Off street parking shall be provided as follows:
1. One (1) space for each employee not residing in the Large Family Day Care Home dwelling, plus the two (2) spaces required for the occupants of the single family residence as required in Chapter 19.26 (Off Street Parking and Loading).
 2. Four (4) spaces for the loading and unloading of children. Where on-street parking is available along the street frontage of the Large Family Day Care Home site, only two (2) of these spaces are required on site.
 3. Not more than three (3) of the spaces required herein, located side by side, shall be permitted within the required front yard setback area. These spaces may be so designed to permit backing onto the adjacent street.
 4. Up to three (3) of the required employee or children loading/unloading on-site parking spaces may be located in tandem behind the required parking spaces for the occupants of the dwelling or for employees. However, in no instance shall such tandem parking result in more than one (1) parking space behind each required occupant or employee parking space.
- C. Noise.** It is intended that noise from outdoor play areas be kept to a level consistent with residential neighborhoods. To attain this intent and reduce possible noise impacts, outdoor play/activity areas shall only be used between the hours of 8:00 a.m. to 6:00 p.m. Additionally, radio or other electronic amplification devices, if used, shall be played at volumes which are not audible beyond the exterior boundary of the Large Family Day Care Home site.
- D. Separation.** As a means to maintain the integrity of residential neighborhoods, new Large Family Day Care Homes shall not be located within 500 feet of an existing state licensed Large Family Day Care Home or within 500 feet of any other child day care center licensed to care for fifteen (15) or more children.

(Ord. 3922 § 10, 2003; Ord. 3014 (part), 1996; (Ord. 4662 (part), 2008.)

Section 19.46.030 - Application Procedures

An application for an Administrative Permit shall be filed with the Planning Division as required in Chapter 19.74. Deviation from the General Requirements described in Section 19.46.020 may be approved pursuant to approval of an Administrative Permit.

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008; Ord. 5428 (part), 2014)

Section 19.46.040 - Pre-existing Large Family Day Care Homes

- A.** Those Large Family Day Care Homes that exist on the effective date of this Title, and on that date have a valid Large Family Day Care Home license issued by the State of California, are considered legal non-conforming uses. Such non-conforming use may continue until the renewal date required for State of California licensing of the provider's Large Family Day Care Home. If the provider does not apply for approval of his/her Large Family Day Care Home pursuant to this Chapter by the date required for state licensing renewal, then the legal non-conforming use shall be deemed to terminate.
- B.** In those instances where an application has been filed in a timely manner, and the Manager finds that numerous conditions must be applied to make the non-conforming Large Family Day Care Home consistent with this Chapter, the Manager may extend the valid non-conforming use status up to five (5) years. This extension by the Manager would be granted only as a means to give the applicant adequate time to satisfy the conditions of permit approval. If conditions of approval are not satisfied within the extension period granted by the Manager, the legal non-conforming use shall terminate.

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008; Ord. 5428 (part), 2014)

CHAPTER 19.48 - MOBILE HOME PARKS

Section 19.48.010 – Purpose

It is the purpose of this Chapter to establish standards for the development, expansion, modification and operation of Mobile Home Parks.

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008.)

Section 19.48.020 - Permit Procedures and Development Standards

Mobile Home Parks are subject to Conditional Use Permit review and shall be constructed in the following manner:

- A. Individual mobile home space minimum setbacks shall be measured from the edge of internal streets and space lines as follows:
 - 1. Front - ten (10) feet
 - 2. Side - five (5) feet on each side, or zero lot line on one side with ten (10) feet on the opposite side
 - 3. Rear - ten (10) feet
 - 4. Structural separation - ten (10) foot minimum between dwelling units
- B. Maximum mobile home space coverage (mobile home and its accessory structures) shall be seventy-five (75) percent.
- C. Each mobile home shall be equipped with skirting, or provided with a support pad which is recessed to give the appearance of the mobile home being located on-grade.
- D. All on-site utilities shall be installed underground.
- E. Each mobile home shall be provided with parking as required by Chapter 19.26 (Off Street Parking and Loading).
- F. A common recreation area which may contain a recreation building shall be provided in the park for use by all tenants and their invited guests. The area shall be provided in one common location with a minimum aggregate area of 400 square feet of recreational space for each mobile home space.
- G. All exterior boundaries of the Mobile Home Park shall appear similar to conventional residential developments and shall be screened by a decorative wall, fence, landscaping or other comparable device six (6) feet in height, with a minimum six (6) foot wide landscaping area provided along the outside of the perimeter screen.
- H. Common open space shall be landscaped in accordance with a landscape plan approved by the Approving Authority.
- I. All Mobile Home Park developments shall provide recreational amenities within the site which may include: a swimming pool; spa; clubhouse; tot lot with play equipment; picnic shelter-barbecue area; court game facilities such as tennis, basketball, or racquetball; improved softball or baseball fields; or, day care facilities.

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008.)

CHAPTER 19.49 - NIGHTCLUBS

Section 19.49.010 - Purpose

This Chapter establishes standards for the location of nightclubs where permitted within any zone district. It is the intent of this Chapter to minimize the adverse impacts of nightclubs on residences, neighborhoods and surrounding development by regulating the location of such uses.

(Ord. 3450 § 9 (part), 1999; Ord. 4662 (part), 2008.)

Section 19.49.020 - Permit Requirements

Nightclubs are permitted as identified in Article II.

(Ord. 3450 § 9 (part), 1999.)

Section 19.49.030 - General Standards

The following requirement applies to nightclubs where permitted within any zone district (except for nightclubs within the Downtown Specific Plan Area):

- A.** Nightclubs are prohibited to be located within 500 feet of a residential zone district as measured from the residential zone district boundary to the structure where the nightclub use is proposed.

(Ord. 3450 § 9 (part), 1999; Ord. 4728 § 8 (part), 2009.)

Section 19.49.040 - Public Notice

In addition to the notification procedure in Section 19.78.020, notice of a permit application for a nightclub shall be provided to all property owners within 1,000 feet of the use.

(Ord. 3450 § 9 (part), 1999.)

CHAPTER 19.50 - OPEN AIR VENDING FACILITIES

Section 19.50.010 - Purpose

The purpose of this Chapter is to regulate Open Air Vending Facilities selling prepared food, fresh cut flowers or plants, or any other use determined by the Planning Manager to be consistent with this type of sales. The following regulations shall apply to the operation of Open Air Vendors where allowed by Article II in the applicable zone.

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008; Ord. 5428 (part), 2014)

Section 19.50.020 - Permits Required

- A.** Open Air Vending Facilities may be permitted on commercial, business professional or industrial zoned private property and specific locations on said property subject to the approval of an Administrative Permit by the Manager, pursuant to Chapter 19.74.
 - 1.** Exemptions. Open air vending facilities located within enclosed retail buildings, shopping centers, malls, office buildings and industrial buildings are exempt from the regulations and requirements of this Chapter.
- B.** The operation of an open air vending facility within the public right-of-way shall require the approval of a Conditional Use Permit pursuant to Chapter 19.74 of this Title.

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008; Ord. 5428 (part), 2014)

Section 19.50.030 - Development Standards

An open air vending facility shall comply with the following development standards:

- A.** The use shall be on improved private property unless a Conditional Use Permit, pursuant to Section 19.74.010 (B), is approved (improved private property shall be defined as a property which has a paved legal access and adequate hardscaping to accommodate an open air vending facility);
- B.** The use shall not be within 200 feet of another open air vending facility;
- C.** The use shall not be within fifteen (15) feet of any fire hydrant;
- D.** The use shall not occupy required off-street parking spaces or required landscape areas, and shall not be located on a pedestrian path/sidewalk that is less than ten (10) feet in width. A minimum of a six (6) foot path of travel shall be maintained around the facility;
- E.** The use shall not be located within any required landscaping setback adjacent to a public street;
- F.** The use shall not exceed more than 200 square feet in area;
- G.** At an intersection the use shall be located outside of a thirty (30) foot by thirty (30) commercial clear vision triangle (Chapter 19.95, Definitions);
- H.** The use shall include trash receptacle(s) and such receptacles shall be maintained, by the vendor, so as not to create an offending odor or visual nuisance;
- I.** The area on which the open air vending facility is located shall be kept free of debris;
- J.** The use shall not reflect undesirable light and glare from the designated premises;

- K.** The use shall not use, play or employ any sound, outcry, amplifier, loudspeaker, radio or any other instrument or device for the production of sound in connection with the promotion of an open air vending facility;
- L.** The open air vending facility shall not be greater than ten (10) feet in height;
- M.** Signage shall not exceed a total of thirty (30) square feet on a maximum of two (2) signs both of which are required to be attached to the pushcart;
- N.** Sale of product shall be from the approved open air vending facility and not from additional accessory stands, tables, chairs, or any other devices other than those indicated on the approved application;
- O.** The use shall be located on a generally level portion of the site and an adequate breaking system be provided for, as necessary;
- P.** The use shall not be closer than twelve (12) feet from the outer edge of any entrance to any building; and
- Q.** Storage and handling of food shall comply with all applicable County and State requirements.

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008.)

Section 19.50.040 - Findings for Approval

The approval or conditional approval of an Administrative Permit for an open air vending facility shall be based on a finding by the Planning Manager that the establishment, maintenance or operation of the use and facility 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 such proposed use, or be detrimental or injurious to property and improvements in the neighborhood, or to the general welfare of the City.

(Ord. 3014 (part), 199; Ord. 4662 (part), 2008; Ord. 5428 (part), 2014)

Section 19.50.050 - Appeal Procedure

Appeal of the decision of the Planning Manager shall be made in accordance with the procedures specified in Chapter 19.80 of this Title.

(Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.50.060 - Lapse of Permit

A permit issued pursuant to this Chapter shall lapse and be of no further force and effect in the event the open air vending facility fails to be operated either for a period of sixty (60) consecutive days between May 1 and September 30 of any year or for a period of ninety (90) consecutive days between October 1 of one year and April 30 of the next year. Prior to conducting any further activities upon lapse, a new permit shall be obtained.

(Ord. 3014 (part), 1996.) (Ord. 4662 (part), 2008)

Section 19.50.070 - Display of Permit

The approved permit shall be prominently displayed at all times at the approved location.

(Ord. 3014 (part), 1996.)

CHAPTER 19.52 - OUTDOOR RESTAURANT SEATING

Section 19.52.010 - Purpose

The purpose of this Chapter is to establish standards for the placement of outdoor seating in association with restaurant uses.

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008.)

Section 19.52.020 - Regulations

Outdoor Restaurant Seating is permitted provided the following conditions are met:

- A. A minimum horizontal clearance of four (4) feet from the street curb to the tables and chairs shall be maintained at all times, free from open car doors, car bumper overhangs or other encroachments;
- B. Tables and chairs shall be limited to the area immediately adjacent to the restaurant use;
- C. Outdoor Restaurant Seating may be uncovered, partially covered or fully covered by means of umbrellas, awnings or canopies;
- D. Decorative or accent lighting may be incorporated into the awning or canopy;
- E. Tables and chairs shall be movable unless otherwise approved by the Planning Manager;
- F. Full Service eating and drinking establishments using Outdoor Restaurant Seating that is enclosed for service from a single restaurant shall provide one (1) space for every 100 square feet of outdoor seating area in addition to indoor parking requirements identified in Section 19.26.030. Fast Food establishments using Outdoor Restaurant Seating shall provide one (1) space for every 50 square feet of outdoor seating area in addition to indoor parking requirements;
- G. Full Service eating and drinking establishments that provide unsecured Outdoor Restaurant Seating, that is available for use by multiple establishments, are not required to provide additional parking provided that the boundary, as required by the State Department of Alcoholic Beverage Control (ABC), is transparent; does not exceed three (3) feet in height, or as required by ABC; and does not include improvements to enclose, cover, or further improve the site such that a building permit would be required or that would create an exclusive use area protected from the elements.
- H. Alcoholic beverages shall not be served or consumed in a public right-of-way;
- I. Outdoor Restaurant Seating areas shall be maintained free of garbage and other debris; and
- J. Outdoor Restaurant Seating areas shall not violate any condition of an approved Design Review or Conditional Use Permit.

(Ord. 3088 § 10, 1997; Ord. 3014 (part), 1996; Ord. 4662 (part), 2008; Ord. 5428 (part), 2014)

Section 19.52.030 – Approval

- A.** No person shall maintain or operate Outdoor Restaurant Seating without first obtaining a Zoning Clearance Certification pursuant to Chapter 19.72.
- B.** An encroachment permit pursuant to Roseville Municipal Code §13.12.040 must be obtained prior to placement of seats, tables, umbrellas or awnings in a public right-of-way.

(Ord. 3014 (part), 1996.)

CHAPTER 19.54 - PERSONAL STORAGE FACILITIES

Section 19.54.010 - Purpose

This Chapter provides requirements and standards for the operation and design of Personal Storage Facilities as defined and permitted by Article II of this Title.

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008.)

Section 19.54.020 - Limitations on Use

The following uses or activities are prohibited in personal storage facilities:

- A.** Automotive repair which includes, but is not limited to, auto body and paint shop facilities.
- B.** Practice facilities for musical bands.
- C.** Wood, metal or other working shops whether for business or hobby.
- D.** Office and other business uses, except the office for the facility and the storage of personal belongings.
- E.** Living quarters for human habitation or the keeping of animal life, except caretakers/managers quarters.
- F.** Storage of hazardous materials as listed in Title 8, California Code of Regulations, Section 5194 as amended, or its successor Section or Statute.
 - 1.** Rental agreements shall contain language prohibiting the storage of hazardous materials as outlined above.
 - 2.** The operator of the facility shall maintain a copy of said Section and ensure compliance with these regulations.
- G.** Sewer, water or electrical services to each of the storage units except electrical services needed for lighting purposes.
- H.** When adjacent to residential land uses the hours of operations shall be as follows:
 - 7:00 am until 7:00 p.m. (Monday through Friday)
 - 8:00 am until 8:00 p.m. (Sat, Sun and holidays)

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008.)

Section 19.54.030 - Design Standards

In approving the Design Review Permit of a personal storage facility, the following criteria may be applied at the discretion of the Approving Authority to protect public health, safety and welfare and to ensure design compatibility.

- A. Architecture.** The facility, including the caretakers/managers residence, the storage units and the office shall be designed using roof and building materials and colors compatible with adjacent developments.
- B. Site Design.** To minimize visual impact on the adjacent residences, personal storage facilities shall be designed to:
1. Locate the project entry/exit as far as possible from any residential land use.
 2. Locate the caretakers/managers residence and office as close as possible to the project entrance.
 3. Setback the outdoor storage of materials a minimum of twenty (20) feet from the property lines adjacent to residential land uses.
 4. Setback all personal storage buildings over one story in height a minimum of thirty (30) feet from the property lines adjacent to residential land uses.
- C. Security.** In addition to the requirements of the Building Security Ordinance, to ensure security when personal storage facilities are adjacent to residential land uses the police department may require security measures, such as controlled access, alarms or video cameras.
- D. Lighting.** To minimize visual impacts to adjacent properties, personal storage facilities shall provide the following:
1. No off-site glare through the use of cut-off lenses.
 2. Wall mounted lights shall be located on the building, below the roofline of the storage facility and shall be directed downward.
 3. Parking lot lighting, in conjunction with vehicle storage, shall not exceed sixteen (16) feet in height, and shall be setback a minimum of fifty (50) feet from the property line adjacent to any residential land use.
- E. Screening.** To protect the views from adjacent residential land uses, the personal storage facility shall provide adequate screening which may include:
1. A minimum six (6) foot high masonry screen wall shall be provided along the property line adjacent to any residential land use. The height of the wall shall be measured from the highest grade (either on site or the adjacent site); and/or,
 2. Within the storage facility, a minimum ten (10) foot wide landscape planter with shrubs (minimum five (5) gallon size) and evergreen trees (minimum fifteen (15) gallon size placed a minimum twenty (20) feet on center) shall be provided along the property line adjacent to any residential land use.

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008.)

CHAPTER 19.55 - POWER GENERATING FACILITIES

Section 19.55.010 - Purpose

This Chapter provides the requirements and standards for the location and operation of power generating facilities as defined in Section 19.08.070. It is the intent of this Chapter to minimize the adverse impacts of such uses and their associated equipment by establishing permitting requirements and standards for locating the various types of facilities within residential, commercial, industrial and public/quasi-public zones.

(Ord. 3922 § 11 (part), 2003; Ord. 4662 (part), 2008.)

Section 19.55.020 - General Requirements

- A. Exempt From Permit.** In addition to the requirements established by Article II, the following power generating facilities are exempt from permit, subject to the City's Planning Manager's and/or Building Official's determination that the proposed power generating unit or facility will not have an adverse impact on public health and safety:
1. Emergency power generating facilities such as temporary portable generators, permanent natural gas generators or similar emergency facilities are principally permitted within the Residential zone districts when in conformance with the established residential standards.
 2. Passive power generating facilities that conform to the residential standards and do not materially impact the character of the zone district or adjacent residential uses are exempt from obtaining a permit.
- B. Permit Required.**
1. Power Generating facilities requiring a permit are addressed in the permitted use types for Residential zones (Section 19.10.020), Commercial zones (Section 19.12.020), Industrial zones (Section 19.14.020) and Civic and Resource protection zones (Section 19.16.020).
- C. Residential Standards.** The following requirements shall apply to power generating facilities in all residential zones established by Article II:
1. **Setbacks.** Permanent ground mounted and portable temporary generators shall comply with separation requirements from structures as required by all applicable Building and Fire codes.
 2. **Front yard Setback/Screening required.** Permanent emergency generators shall not be placed in front yards and shall be screened from public view from streets and adjacent properties by fences, or walls of six (6) feet in height and/or landscaping. Portable temporary generators (gas/diesel) used during emergency power outages shall not be located within the front yard setback. Solar ground mounted panels or photovoltaic panels shall not be allowed within the front yard setback.
 3. **Roof Mounting.** Solar panels and photovoltaic applications shall be allowed to be mounted on residential roofs with the provision that these improvements conform to the maximum height standards established in Article II. Additionally, solar panels and photo voltaics shall be mounted to the roof in a manner that does not detract from the surrounding neighborhood and preserves the residential nature of the house. Typical methods to achieve this would be to mount the panels as close to parallel to the pitch of the roof and in close proximity to the roofing material.

- D. Commercial and Industrial standards.** The following requirements shall apply to power generating facilities in all commercial and industrial zones established by Article II:
- 1. Development Standards.** Emergency power generating facilities shall be sited so that they are screened from public view from streets and adjacent properties. Emergency power generating facilities and all other power generating facilities shall comply with all development standards of the applicable zoning district.
 - 2. Roof Mounting.** Power generating facilities are permitted to be mounted on the roof. Where reasonably feasible, the power generating units shall be screened from view by the building's parapet or roof design.
- E. Operation.** Emergency power generating facilities shall be limited in usage to times when power is unavailable from the local electric utility due to scheduled blackouts or due to natural disasters which have impacted the utilities ability to provide service. Limited testing of the facilities is permitted during times in which electricity is available from the utility. Emergency power generating facilities are not permitted to provide a substitute or supplemental power source under normal circumstances when the electric utility is capable of delivering power.

(Ord. 3922 § 11 (part), 2003; Ord. 4662 (part), 2008; Ord. 5428 (part), 2014)

CHAPTER 19.56 - RECYCLING COLLECTION CENTERS

Section 19.56.010 - Purpose

The following regulations shall apply to the operation of a Recycling Collection Center permitted as an accessory use pursuant to Section 19.22.020 (E)(7).

(Ord. 3014 (part), 1996.)

Section 19.56.020 - Permit Required

An Administrative Permit shall be obtained for the operation of a Recycling Collection Center, except for:

- A. Reverse vending machines; and
- B. Mobile recycling units, such as trucks and trailers, if not located on a given parcel, in a recognized shopping center, or on the property of a single business entity, for more than one (1) day in any calendar month.

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008.)

Section 19.56.030 - Operation and Maintenance

An approved Recycling Collection Center shall comply with the following regulations:

- A. Receptacles shall not obstruct any required parking spaces or disrupt either automobile or pedestrian traffic to or within the site. Receptacle(s) shall be located so as not to be detrimental to the appearance of the neighborhood or so as to create a public or private nuisance.
- B. Collection receptacles shall be kept clean, well maintained, neatly painted, and in good operating condition.
- C. Each collection receptacle shall be clearly marked with the name of the organization doing the collection, the recycling business sponsoring or collecting the materials, and the local telephone numbers of each.
- D. Collection receptacles shall be emptied on a regular basis, but not less than once every two (2) weeks. In no event shall material be allowed to overflow the containers. External stacking or collection of materials outside of the collection receptacles is prohibited.
- E. Any litter or spillage shall be immediately removed and cleaned.
- F. Upon termination of a collection campaign or program, receptacles shall be removed and the site restored to its original condition within forty-eight (48) hours.

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008.)

Section 19.56.040 - Scavenging Prohibited

It is unlawful for any person to scavenge in or remove materials from any collection receptacle at a Recycling Collection Center without prior authorization from the organization conducting the collection.

Ord. 3014 (part), 1996; Ord. 4662 (part), 2008.)

CHAPTER 19.57 - RELOCATION OF DWELLINGS (SINGLE OR TWO-FAMILY)

Section 19.57.010 - Purpose

The purpose of this Chapter provides the requirements and standards for relocation of a single-family or two-family dwelling.

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008.)

Section 19.57.020 - Permits Required

An Administrative Permit (AP) is required for the relocation of a single-family or two-family dwelling.

(Ord. 3922 § 11 (part), 2003; Ord. 3014 (part), 1996.)

Section 19.57.030 - General Requirements

The relocation of a dwelling shall be subject to the following requirements:

- A.** The dwelling shall be compatible with the existing neighborhood in terms of height, form, and materials.
- B.** Parking shall be provided in conformance with Chapter 19.26 (Off-Street Parking and Loading)
- C.** The applicant shall obtain a moving permit from the Building Department prior to transporting the structure within the City limits of Roseville.
- D.** The applicant shall obtain an encroachment permit from the Public Works Department if any work is needed to be performed within the public right-of-way.
- E.** Public facilities which may be damaged during the course of construction shall be repaired by the applicant/property owner.
- F.** The dwelling shall be placed on a permanent foundation within 120 days of the date of relocation to the site, unless the permit specifically allows for a different time period for such action.
- G.** The dwelling shall comply with all applicable Building and Fire codes.
- H.** Any additional requirements as the Planning Manager may deem necessary to ensure the house is compatible with the neighborhood, including but not limited to architectural enhancements, additional landscaping, location of ingress/egress from a public street, necessary grading, and hours of moving and/or hours of project construction.

(Ord. 3922 § 11 (part), 2003; Ord. 3014 (part), 1996; Ord. 4662 (part), 2008; Ord. 5428 (part), 2014)

Section 19.57.040 - Findings for Approval

The approval of an Administrative Permit for moving a house shall be based on a finding by the Planning Manager that:

1. Moving the house is consistent with the City of Roseville General Plan and any applicable Specific Plan;
2. Moving the house conforms with all applicable standards and requirements of this Title; and
3. The location, size, design and operating characteristics of the house and the move are compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the neighborhood, or be detrimental or injurious to public or private property or improvements.

(Ord. 3922 § 11 (part), 2003; Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.57.050 - Appeal Procedure

Appeal of the Planning Manager's decision shall be made in accordance with the procedures specified in Chapter 19.80 of this Title.

(Ord. 3922 § 11 (part), 2003; Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

CHAPTER 19.58 - RESIDENTIAL CONDOMINIUM CONVERSION

Section 19.58.010 - Mitigation Measures

The Council finds that the existing stock of rental housing provides the majority of housing opportunities for lower and middle income households. A shortage of such units exists, and any reduction in the stock of such units would be incompatible with the goals of the Housing Element of the General Plan. Conversion of such units into condominiums often results in displacement of lower and middle-income households. It is the intention of this Section to regulate such conversion and to mitigate displacement where conversion occurs.

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008.)

Section 19.58.020 - Condominium Conversion Defined

Condominium conversion occurs whenever a multiple residential dwelling unit building or a residential housing project containing three (3) or more dwelling units under the same ownership, or such a project that has been granted an occupancy permit is subdivided so that individual dwelling units are available for sale as condominiums within the meaning of Civil Code Section 783. The subdivision shall be processed in accordance with Roseville Municipal Code Title 18 and the Subdivision Map Act. (Government Code section 66410 et seq.) All notices to tenants required by Government Code Section 66427.1 shall be given by the developer.

(Ord. 3922 § 12, 200;; Ord. 3901 § 1, 2002; Ord. 3014 (part), 1996.)

Section 19.58.030 - Limitations on Conversions

- A. **Where Allowed.** A conversion to condominiums shall be permitted only in the R3, Attached Housing District, Residential Mixed Use District (RMU) and Planned Development (PD) District.
- B. **Minimum Community Vacancy Rate.** No conversion to condominiums shall be accepted or approved when the City-wide vacancy rate for multiple unit housing, as determined by the Manager, is equal to or less than five (5) percent averaged over the previous four (4) quarters prior to application submittal. If the averaged vacancy rate exceeds five (5) percent, then an application for a conversion to condominiums may be accepted by the City. A request for conversion shall apply to an entire multi-family housing project and partial conversions shall not be permitted.
- C. **Determination of Vacancy Rate.** The vacancy rate shall be determined by using information regarding vacancies within multi-family complexes of fifty (50) or more units. Supplemental information on rental vacancies in multi-family complexes of between three (3) and fifty (50) units obtained by City staff, the applicant, or other interested parties may also be utilized if available.
- D. **Minimum Multi-Family Rental Unit Pool.** No conversion to condominiums shall be accepted or approved if the current percentage of multi-family rental units (within complexes of 3 or more units) is at or below fifteen percent (15%) of the total number of housing units within the city. Under no circumstance shall a conversion reduce the percentage of multi-family rental units below fifteen percent (15%) of the total number of housing units within the city.
- E. Applicants requesting a Condominium Conversion shall enter into a Development Agreement which provides for the following:
 - 1. **Affordable Housing Requirements.** Condominium conversions may be permitted only when the following criteria are met:

- a. Projects not already subject to recorded affordable rental obligations (“affordable rent component”) shall subject 10% of the units within the project to affordable purchase obligations, without City subsidy, as part of a conversion.
 - b. Parcels that have an existing affordable rent component shall convert the affordable rental units to affordable purchase units. In addition, a condominium conversion shall increase the total number of affordable units by a number equal to 5% of the total number of units within the project. However, the total number of affordable purchase units shall not be less than 10% of the total units in a project. The converted and new affordable units shall be provided without City subsidy.
 - c. Projects with an existing affordable rent component shall provide affordable purchase units in the same ratio of middle, low, and very low-income units as required by the project’s existing Affordable Housing Development Agreement. Without City subsidy, the new or additional affordable units as required by Sections 19.58.030.E.1 and 2, shall be provided at a ratio reflecting the then current City requirement for middle, low, and very-low income.
- 2. **Public Safety Services Assessment.** All residential units converted to condominiums shall be included in a new or existing Community Facilities District for Services (CFD-Services) to provide for costs associated with the provision of public safety services. Low or Medium Density Residential units shall be assessed two-hundred eighty five dollars per unit annually (baseline year 2004). High Density Residential units shall be assessed one-hundred eighty six dollars per unit annually (baseline year 2004). The per-unit assessment shall be adjusted annually based on any increase in the City’s Public Safety budget, not to exceed an increase of four percent annually.
- 3. **Community Benefit Fee.** All residential units converted to condominiums shall be subject to payment of a one-time Community Benefit Fee per unit. Said fee shall be paid at the close of escrow for each unit, or within 12 months from the recordation of a Final Condominium Map, whichever is sooner. The Community Benefit Fee shall be subject to annual adjustments above the baseline year based on the Construction Cost Index. The baseline year shall be the year 2004, and the baseline fee shall be \$5,000. At the discretion of the City Manager, the Community Benefit Fee may be reduced on a case-by-case basis for projects that provide a community benefit that is above and beyond the requirements of this title. The Community Benefit Fee shall be deposited into the General Fund and shall be allocated at the City Council’s discretion.
- F. **Lease Agreements.** Upon the filing of an application for a condominium conversion, existing tenants living within a project seeking to convert to condominiums shall be allowed to terminate a preexisting lease without penalty. However, any tenant who terminates a lease prior to receiving a notice to vacate from the property owner shall not be entitled to relocation benefits as provided in Section 19.58.070.
- G. **Final Map Approval.** No Final Condominium Map shall be approved within a period of 90 days following Tentative Condominium Map approval.

(Ord. 4662 (part), 2008; Ord. 5428 (part), 2014)

Section 19.58.040 - Processing of Conversion, Notice to Tenants

A condominium conversion shall be filed and processed with a subdivision map in accordance with Roseville Municipal Code Title 18 and the Subdivision Map Act (Government Code Section 66410

et seq.). All notices to tenants required by Government Code Section 66427.1 shall be given by the developer.

(Ord. 3014 (part), 1996.)

Section 19.58.050 - Application Required

The application for a Condominium Conversion to implement the provisions of the chapter shall be submitted with the tentative map application. The application shall include the following information, in addition to the information required by Chapter 19.84:

- A. A site/development plan;
- B. A detailed list of rents for each unit to be converted for the twelve (12) months prior to the application, a copy of the lease for each unit and the renting history for each unit;
- C. Economic and demographic information regarding the current tenants as required by the Manager;
- D. Evidence that all current tenants have received a Notice of Intention to Convert and Notice of Purchase Rights as required by the Subdivision Map Act;
- E. A Tenant Relocation Assistance plan as provided in Section 19.58.070, below;
- F. A vacancy rate survey of multi-family rental complexes of at least fifty (50) units or more, located within the City limits of Roseville and current to within six (6) months of the condominium conversion application date, if requested by the Manager; and
- G. Any additional information as the Manager deems necessary.

(Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.58.060 - Retrofitting of Units Required

All converted units shall be retrofitted to the standards required of new residential condominiums as required by the Chief Building Inspector, including energy conservation.

(Ord. 3014 (part), 1996.)

Section 19.58.070 - Tenant Relocation Assistance Plan

If any tenants are displaced, the applicant shall, as a condition of approval, be required to implement a Tenant Relocation Assistance Plan.

- A. **Plan Content.** The Tenant Relocation Assistance Plan shall be prepared by the applicant and indicate how the applicant will assist tenants who are displaced or will be displaced in securing decent, safe, sanitary, and affordable replacement housing, not higher in cost than the rent of the existing unit being converted. The plan shall, at a minimum, include a specific commitment by the applicant to provide:
 - 1. Leases with terms no less than twelve (12) months for persons with permanent disabilities (as defined in 42 U.S.C. 423, or Section 102(7) of the Development Disabilities Assistance Bill of Rights Act [42 U.S.C. 6001], or 24 C.F.R. 8.3) or low-income tenants (defined as having incomes equal or below eighty (80) percent of the County or the Sacramento Primary Metropolitan Statistical Area median income), either in the building being converted, or in alternative housing provided by the subdivider comparable in location, amenities, and cost to that being converted. Lease extensions may be granted and the length of such extension shall be based on individual tenant needs. Such permanently disabled or low-income tenants, that are sixty (60) years of age or older, shall receive a lifetime lease in which the annual rent increase shall coincide with the increases as shown

in the Section 8 Housing Assistance Payments Program published for the West Census Region by the United States Department of Housing and Urban Development (HUD). In the event HUD terminates the publication, rents shall be adjusted annually to coincide with the annual percentage increase for residential rent as shown in the "Rent, Residential" component of the Housing Component in the Consumer Price Index for all urban consumers in the Sacramento Primary Metropolitan Statistical Area.

2. Relocation assistance including, but not limited to, active assistance in securing replacement housing, not higher in cost than the unit being converted, for tenants who will be displaced, and a payment as determined by the Council to each household for displacement costs. At a minimum, such payment shall be equal in amount to two months rent and the security deposit amount paid by the tenant for the existing apartment unit.
 3. Families with children in grades K through 12 shall not be required to vacate during the school year.
- B. Ownership Incentives.** In order to reduce the number of tenants being displaced, the applicant shall consider providing incentives that would aid tenants in becoming owner/shareholders in the converted project. Any such incentives, including terms and conditions, shall be documented and filed with the application to convert. Incentives may include, but are not limited to, low-interest loans, reduced prices, application of a percentage of rent payment toward a down payment for purchase of a unit within the project, or other similar items approved by the Commission. At a minimum, the incentives offered to existing tenants for purchase of a unit within a project shall be equal or greater in value to the dollar amount of compensation provided to tenants who are relocated.

(Ord. 3014 (part), 1996.)

Section 19.58.080 - Notice to New Tenants

Following submittal of a condominium conversion application to the City, any prospective tenant shall be notified in writing of the intent to convert prior to leasing or renting a unit but shall not be eligible for any relocation benefits or moving expenses as provided by Subsection 19.58.070, above.

(Ord. 3014 (part), 1996.)

Section 19.58.090 – Resident Meeting

After submittal of an application to the City for a condominium conversion and at least thirty (30) days prior to a public hearing before the Planning Commission the developer of the project shall distribute a draft of the tenant relocation assistance plan to all eligible tenants and shall hold a public meeting. The meeting shall provide information to tenants regarding tenant relocation assistance as required by Section 19.58.070.

(Ord. 3014 (part), 1996.) (Ord. 4215 (part), 2005)

CHAPTER 19.59 - REASONABLE ACCOMMODATION

Section 19.59.010 - Purpose

The purpose of this Chapter is to provide a process for individuals with disabilities to make requests for reasonable accommodation in regard to 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 Amendments Act of 1988, to provide people with disabilities reasonable accommodation in rules, policies and procedures that may be necessary to ensure equal access to housing.

(Ord. 3922 § 13 (part), 2003.)

Section 19.59.020 - Requesting Reasonable Accommodation

- A.** 1In 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.
- B.** If an individual needs assistance in making the request for reasonable accommodation, or appealing a determination regarding reasonable accommodation, the Planning Division will endeavor to provide the assistance necessary to ensure that the process is accessible to the applicant or representative.
- C.** A request for reasonable accommodation in laws, rules, policies, practices and/or procedures may be filed on an application form provided by the Planning Division at the time that the accommodation may be necessary to ensure equal access to housing.

(Ord. 3922 § 13 (part), 2003; Ord. 5428 (part), 2014)

Section 19.59.030 - Required Information

The applicant shall provide the following information:

- A.** A completed City application indicating, among other things, the applicant's name, address and telephone;
- B.** Address of the property for which the request is being made;
- C.** The current actual use of the property;
- D.** The zoning code provision, regulation or policy from which reasonable accommodation is being requested;
- E.** The basis for the claim that the person(s) for whom 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);
- F.** Such other relevant information as may be requested by the Planning Manager or his or her designee.

(Ord. 3922 § 13 (part), 2003; Ord. 4662 (part), 2008; Ord. 5428 (part), 2014)

Section 19.59.040 - Approving Authority

Notwithstanding any other provision of this Title, the Planning Manager shall have the authority to consider and take action on requests for reasonable accommodation. When a request for reasonable accommodation is filed with the Planning Division, it will be referred to the Planning Manager for review and consideration as a ministerial action unless determined otherwise by the Planning Manager. 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 Planning Manager shall issue a written determination of his or her action within thirty (30) days of the date of receipt of a completed application and may:

- a. Grant or deny the accommodation request; or
- b. Grant the accommodation request subject to specified nondiscriminatory condition(s); or
- c. Forward the request to the Planning Commission for consideration as an Administrative Permit as prescribed in Section 19.74.010 and subject to the findings stated in Section 19.59.060.

In the event the Planning Manager determines that the request for reasonable accommodation(s) is non-ministerial in nature, such request shall be forwarded to the Planning Commission in accordance with Chapter 19.74 and shall be subject to the findings stated in Section 19.59.060.

All written determinations of actions of the Planning Manager 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 Planning Manager may request further information from the applicant consistent with the Planning Division's specifying, in detail, what information is required. In the event a request for further information is made, the thirty (30) day period to issue a written determination shall be stayed until the applicant fully and sufficiently responds to the request.

(Ord. 3922 § 13 (part), 2003; Ord. 4662 (part), 2008; Ord. 5428 (part), 2014)

Section 19.59.050 - Group Homes

All requests for reasonable accommodation relating to increased occupancy of a group home shall be filed first with the Planning Manager. At his/her sole discretion the Planning Manager can act upon the request as described in Section 19.59.040 or such request shall be forwarded to the Planning Commission. If a request is forwarded to the Planning Commission it shall be processed as an Administrative Permit in accordance with Chapter 19.74.010 and shall be subject to the findings stated in Section 19.59.060.

(Ord. 3922 § 13 (part), 2003; Ord. 5428 (part), 2014)

Section 19.59.060 - Required Findings

In making a determination regarding the reasonableness of a requested accommodation the following findings shall be made:

- A.** The housing, which is the subject of the request for reasonable accommodation, will be used for an individual protected under the Act.
- B.** The request for reasonable accommodation is necessary to make specific housing available to an individual protected under the Act.
- C.** 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 of the City.

(Ord. 3922 § 13 (part), 2003.)

Section 19.59.070 - Appeals

Appeal of the Planning Manager or Planning Commission action on the request for reasonable accommodation shall be made in accordance with the procedures specified in Chapter 19.80 of this Title.

(Ord. 3922 § 13 (part), 2003; Ord. 5428 (part), 2014)

CHAPTER 19.60 - SECOND DWELLING UNITS

Section 19.60.010 - Purpose

This Chapter provides criteria for the approval of second dwelling units. This Chapter is adopted pursuant to the authority of Government Code Section 65852.2.

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008.)

Section 19.60.020 - Second Dwelling Unit Defined

A second dwelling unit shall be as defined by Government Code Section 65852.2 and shall mean an attached or detached residential dwelling unit which provides complete independent living facilities for one (1) or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single family dwelling is situated. It also includes an efficiency unit and a manufactured home as defined in the Health and Safety Code.

(Ord. 3959 § 1 (part), 2003; Ord. 3014 (part), 1996.)

Section 19.60.030 - Designated Area

Second dwelling units are permitted in the Single-Family Residential (R1), Small Lot Residential (RS), and Residential Mixed Use (RMU) zoning districts, provided the second dwelling unit complies with the standards as identified in Section 19.60.040.

(Ord. 3959 § 1 (part), 2003; Ord. 3014 (part), 1996; Ord. 4662 (part), 2008.)

Section 19.60.040 - Design and Development Standards

The second dwelling unit may be either attached to or detached from the primary or previously existing dwelling unit. Second dwelling units shall be allowed only in compliance with the following standards:

- A. Minimum Lot Area.** 5,000 square feet.
- B. Maximum Coverage.** The maximum combined building coverage shall not exceed the percentage prescribed in Chapter 19.10.030 Residential Zone General Development Standards for the district in which it is located.
- C. Setbacks.** A second dwelling unit shall maintain the setbacks required in the zoning district in which it is located. In addition, a minimum of ten (10) feet shall be maintained between the primary dwelling and a detached second unit.
- D. Floor Area.** The floor area of the second dwelling unit for an attached unit shall not exceed 30 percent of the existing dwelling's living area. The floor area of a detached unit shall not exceed 1,200 square feet.
- E. Minimum Facilities.** The second dwelling unit shall include permanent provisions for independent living, sleeping, eating, cooking and sanitation within the unit. The primary residence and the second dwelling unit may maintain separate utilities, subject to approval by the Environmental Utilities Department.
- F. Fees.** The owner shall pay to the City all applicable fees at the time the building permit is obtained for the second living unit.
- G. Appearance.** The unit shall be designed and constructed so as to be compatible with the existing neighborhood in terms of height, form, and materials and the unit shall be subordinate to the primary residence.

- H. Parking Requirement.** Parking required by this Section is in addition to that required for the primary residence on the site by Chapter 19.26 (Off-Street Parking Requirements). Each one (1) bedroom or studio second unit shall provide at least one (1) off-street parking space. The parking requirement can be met by providing one (1) required parking space within the twenty (20) foot front yard setback and may be located in tandem with other on site parking.

Additional parking may be required if the second dwelling unit includes more than one (1) bedroom provided that a finding is made that the additional parking requirement is directly related to the second unit and is consistent with parking requirements applicable to existing residences in that zone.

- I. Effective Date.** The second dwelling unit clearance shall be valid for a period of two (2) years from date of Planning Division confirmation of compliance with the above design and development standards.
- J. Second Dwelling Unit With Nonconforming Primary Structure.** When the primary structure is nonconforming, a second unit in compliance with the above design and development standards is still permitted, providing that the second dwelling unit does not increase the nonconformity.

(Ord. 3959 § 1 (part), 2003; Ord. 3270 § 7, 1998; Ord. 3088 § 11, 1997; Ord. 3014 (part), 1996; Ord. 4662 (part), 2008; Ord. 5428 (part), 2014)

CHAPTER 19.61 - SIGNIFICANT BUILDINGS

Section 19.61.010 – Purpose

There are certain buildings which have special historic, cultural or aesthetic interest, and by virtue of that may have significant value to the community. It is the intent of this Chapter to prevent the demolition of such significant buildings unless it is needed for the development of a new building and after having a noticed public hearing and a discretionary approval.

(Ord. 4425, 2006; Ord. 4662 (part), 2008)

Section 19.61.020 – Definitions

- A.** “Significant building” means a building which has special historic, cultural or aesthetic interest, and which has been listed in Section 19.61.030.A. of this Title. A significant building shall be characterized by one or more of the following: 1) a building at least fifty (50) years old; or 2) a building listed on the National Register of Historic Places or California Register of Historic Places; or 3) a building determined by the City Council to be notably associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of Roseville.
- B.** “Demolition” means the intentional, physical act or process which removes or destroys a building, either in part or in whole. However, interior and exterior remodeling are not considered demolition and are not restricted by this Chapter.

(Ord. 4425, 2006; Ord. 4662 (part), 2008)

Section 19.61.030 – Applicability

- A.** The following constitutes the current list of significant buildings.

Property Name	Address	APN
West House	345 Atlantic St.	013-092-010-000
Barker Hotel	302 Lincoln St.	012-122-003-000
Bank Of Italy Building	341 Lincoln St.	012-200-008-000
McRae Building	100 Main St.	011-146-024-000
Haman House	424 Oak St.	013-123-018-000
Odd Fellow Hall	110-112 Pacific St.	012-200-012-000
Kaseberg House	16 Richards Dr.	015-350-016-000
Citizens Bank	201 Vernon St.	013-093-007-000
Vernon Street Hotel	222-226 Vernon St	013-093-005-520
Masonic Building (Roseville Theater)	235-245 Vernon St.	013-093-003-000
Placer County Exhibit Building	700 Vernon St.	013-250-014-000
First Methodist Church	109 Washington Bl	012-123-009-000
Hemphill House (McAnally)	315 Washington Bl.	011-144-001-000

- B.** The list of properties contained in subsection A may be amended in the manner set forth in Chapter 19.86, Zoning Ordinance Amendments, of this Title with the following additional provision:
1. Any person may request the listing of a building by submitting an application to the Planning Manager. The Manager or City Council may also initiate such proceedings on its own motion. The application shall include a statement explaining the reason(s) the building should be listed.

(Ord. 4425, 2006)

Section 19.61.040 – Demolition of Significant Buildings

- A. Permits Required.** No person shall demolish or cause to be demolished any significant building without first obtaining approval of a Design Review Permit or Design Review Permit Modification in the manner set forth in Chapter 19.76 of this Title, unless the building is exempt from such permit, as described in sub-section D below.
- B. Findings For Demolition.** In addition to the required findings for approval of a Design Review Permit or Design Review Permit Modification, all of the following findings shall be made, based on substantial evidence.
1. The proposed development could not occur without demolition of the significant building.
 2. The proposed development will provide a substantial public benefit mitigating the loss of the significant building.
 3. To the extent feasible, mitigation measures have been incorporated into the project to reduce the effect of the demolition.
 4. The technological feasibility of maintaining the significant building and the economic cost of building restoration would preclude the owner from making any reasonable use of the property.
- C. Mitigations for Demolition.** Mitigations for the demolition of a significant building may include, but are not limited to, the following: preservation in place; relocation to another location on the same site; relocation to another site; reuse of architectural elements or building materials from the building; and archival photographic study of the building.
- D. Exemption for Dangerous Building.** The requirement to obtain a Design Review Permit approval shall not apply to any significant building that the Chief Building Inspector determines is dangerous to the health and safety of the building occupants, neighbors or public, pursuant to Roseville Municipal Code, Chapter 16.35. The Chief Building Inspector shall set forth in writing the reasons for the determination that the significant building is dangerous to the health and safety of the building occupants, neighbors or public, and therefore immediate demolition is warranted. Upon receipt of notice from the Chief Building Inspector that the dangerous building has been demolished, the Planning Manager shall process an amendment to remove it from the list of significant buildings.

(Ord. 4425, 2006; Ord. 5428 (part), 2014)

CHAPTER 19.62 MEDICAL MARIJUANA DISPENSARIES

Section 19.62.010 - Findings

The City Council adopts this chapter based upon the following findings:

- A. The voters of the State of California approved Proposition 215 (codified as Health and Safety Code Section 11362.5 et seq., and entitled, “The Compassionate Use Act of 1996”).
- B. The intent of Proposition 215 was to enable persons who are in need of marijuana for medical purposes to be able to obtain and use it without fear of State criminal prosecution under limited, specified circumstances.
- C. The State enacted SB 420 in 2004 to clarify the scope of the Compassionate Use Act of 1996 and to allow cities and other governing bodies to adopt and enforce rules and regulations consistent with SB 420.
- D. The State further enacted SB 643, SB 266, and AB 243 in 2015 to further clarify the scope of the Compassionate Use Act of 1996 and to allow cities and other governing bodies to adopt and enforce rules and regulations, consistent with State law, for regulating marijuana distribution, cultivation, delivery, and transportation within their cities.

(Ord. 5662 § 3, 2016)

Section 19.62.020 - Definitions

For the purposes of this chapter, the words and phrases shall have the same meanings respectively ascribed to them by this section:

- A. “Cannabis,” “marijuana,” “medical cannabis,” and/or “medical marijuana” shall be used interchangeably and means all parts of the plant *Cannabis sativa linnaeus*, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. This includes the separated resin, whether crude or purified, obtained from marijuana and as defined by California Health and Safety Code Section 11018, as may be amended. This section does not mean “industrial hemp” as defined by California Food and Agricultural Code Section 81000, as may be amended, or California Health and Safety Code Section 11018.5, as may be amended.
- B. “Delivery” or “deliver” shall mean any transfer of marijuana or marijuana products, whether for compensation or otherwise.
- C. “Distribution” means the procurement, sale, transfer, and/or transport of marijuana and/or products made from marijuana.
- D. “Medical marijuana dispensary” or “dispensary” means a facility or location, whether permanent, temporary, or mobile, where marijuana, products made from marijuana, or devices for the use of marijuana are offered, either individually or in any combination, for sale, use, transportation, distribution, and/or delivery, whether for compensation or otherwise, by or to: (1) another dispensary or processing facility; or (2) two or more of the following: a primary caregiver, a qualified patient, or a person with an identification card.
- E. “Processing facility” means any facility or location, whether permanent, temporary, or mobile, that produces, prepares, propagates, processes, or compounds marijuana or products made from marijuana, directly or indirectly, by any method, for delivery, for compensation or otherwise. Processing facility does not mean any facility or location

manufacturing “industrial hemp” as defined by California Food and Agricultural Code Section 81000, as may be amended, or California Health and Safety Code Section 11018.5, as may be amended.

- F. “Person” means any individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability company or combination of the above in whatever form or character.
- G. “Person with an identification card” shall have the same definition as California Health and Safety Code Section 11362.5 et seq., as may be amended, California Business and Professions Code Section 19300 et seq., as may be amended, and as may be amended by California Department of Public Health’s “Medical Marijuana Program.”
- H. “Primary caregiver” shall have the same definition as in California Health and Safety Code Section 11362.5 et seq., as may be amended, and California Business and Professions Code Section 19300 et seq., as may be amended.
- I. “Qualified patient” shall have the same definition as in California Health and Safety Code Section 11362.5 et seq., as may be amended.
- J. “Testing laboratory” means a facility, person, or location that offers or performs tests of medical marijuana or medical marijuana products.

(Ord. 5662 § 3, 2016)

Section 19.62.030 – Medical marijuana dispensaries, processing facilities, and testing laboratories prohibited

It is unlawful and a misdemeanor for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises or location within any zoning district in the City of Roseville, the operation of a medical marijuana dispensary, and/or processing facility, and/or testing laboratory.

(Ord. 5662 § 3, 2016.)

Section 19.62.040 – Delivery of marijuana prohibited

Delivery of marijuana, products made from marijuana, or devices for the use of marijuana to or from any person, business, or location in the City of Roseville is prohibited. Notwithstanding the foregoing, a primary caregiver may personally deliver medical marijuana, products made from marijuana, or devices for the use of marijuana to a qualified patient or person with an identification card, for whom he or she is the primary caregiver.

(Ord. 5662 § 3, 2016.)

Section 19.62.050 – Enforcement

- A. It is unlawful and a public nuisance to violate any of the provisions of this chapter and City shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed in Chapter 2.52 of this code.
- B. Violation of this chapter may be charged as either an infraction or a misdemeanor in the discretion of the City Attorney.
- C. The violation of any provision of this chapter shall be and is hereby declared to be contrary to the public interest and shall, at the discretion of City, create a cause of action for injunctive relief.

- D. In addition to the civil remedies and criminal penalties set forth herein, any person that violates the provisions of this chapter may be subject to administrative remedies, as set forth by City ordinance.
- E. Unless otherwise expressly provided, the remedies, procedures and penalties provided by this chapter are cumulative to each other and to any others available under State law or other City ordinances.

(Ord. 5662 § 3, 2016)

Section 19.62.060 - Severability.

The provisions of this chapter are hereby declared to be severable. If any section, sentence, clause, phrase, word, portion or provision of the ordinance codified in this chapter is held invalid, or unconstitutional, or unenforceable, by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of said ordinance which can be given effect without the invalid portion. In adopting said ordinance, the City Council affirmatively declares that it would have approved and adopted said ordinance even without any portion which may be held invalid or unenforceable.

(Ord. 5662 § 3, 2016)

CHAPTER 19.63 MARIJUANA CULTIVATION

Section 19.63.010 – Purpose and Applicability

The City Council adopts this chapter based on the following:

- A. Purpose. The purpose and intent of this chapter is to regulate the cultivation of marijuana in a manner that protects the health, safety and welfare of the community. This chapter is not intended to interfere with a patient's right to medical marijuana, as provided for in California Health and Safety Code Section 11362 and California Business and Professions Code Section 19300 et seq., as may be amended, nor does it criminalize medical marijuana possession or cultivation by specifically defined classifications of persons, pursuant to State law. This chapter is not intended to give any person independent legal authority to grow marijuana; it is intended simply to impose zoning restrictions on the cultivation of marijuana when it is authorized by California State law for medical or other purposes.
- B. Applicability. No part of this chapter shall be deemed to conflict with Federal law as contained in the Controlled Substances Act, 21 U.S.C. Section 800 et seq., nor to otherwise permit any activity that is prohibited under that Act or any other local, State or Federal law, statute, rule or regulation. The cultivation of marijuana in the City of Roseville is controlled by the provisions of this chapter of the municipal code.

(Ord. 5662 § 4, 2016)

Section 19.63.020 – Definitions

For the purposes of this chapter, the words and phrases shall have the same meanings respectively ascribed to them by this section:

- A. "Authorized grower" means a person with an identification card, primary caregiver, or qualified patient who is authorized by Federal or State law to grow marijuana for personal medical use in compliance with local, State or Federal laws authorizing such marijuana cultivation.
- B. "Cannabis," "marijuana," "medical cannabis," and/or "medical marijuana" shall be used interchangeably and means all parts of the plant *Cannabis sativa* linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, including marijuana as defined by California Health and Safety Code Section 11018, as may be amended. This section does not mean "industrial hemp" as defined by California Food and Agricultural Code Section 81000, as may be amended, or California Health and Safety Code Section 11018.5, as may be amended.
- C. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana plants.
- D. "Enforcement officer" means the chief of police, City of Roseville code enforcement officer, or any designee of either of them.
- E. "Fully enclosed and secure structure" means a space within a building that complies with the California Building Code, as adopted in the City of Roseville, or if exempt from the permit requirements of the California Building Code, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof; a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments; is secure against unauthorized entry; and is accessible through one or more lockable doors. Walls and roofs must be constructed of solid materials that cannot be easily penetrated or breached, such as two-inch by four-inch nominal or thicker studs overlaid with three-

eighths inch or thicker plywood or the equivalent. Plastic sheeting, regardless of gauge, or similar products, do not satisfy this requirement. If indoor grow lights or air filtration systems are used, they must comply with the California Building, Electrical, and Fire Codes as adopted in the City of Roseville.

- F.** “Immature marijuana plant” means a marijuana plant, whether male or female, that has not yet flowered and which does not yet have buds that are readily observed by unaided visual examination.
- G.** “Indoors” means within a fully enclosed and secure structure as that structure is defined in subsection E.
- H.** “Mature marijuana plant” means a marijuana plant, whether male or female, that has flowered and which has buds that are readily observed by unaided visual examination.
- I.** “Outdoor” means any location within the City of Roseville that is not within a fully enclosed and secure structure.
- J.** “Parcel” means property assigned a separate parcel number by the Placer County assessor.
- K.** “Person” means any individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability company or combination of the above in whatever form or character.
- L.** “Person with an identification card” shall have the same definition as California Health and Safety Code Section 11362.5 et seq., as may be amended, California Business and Professions Code Section 19300 et seq., as may be amended, and as may be amended by California Department of Public Health’s “Medical Marijuana Program”.
- M.** “Primary caregiver” shall have the same definition as in California Health and Safety Code Section 11362.5 et seq., as may be amended, and California Business and Professions Code Section 19300 et seq., as may be amended.
- N.** “Qualified patient” shall have the same definition as in California Health and Safety Code Section 11362.5 et seq., as may be amended.

(Ord. 5662 § 4, 2016)

Section 19.63.030 – Outdoor Cultivation

It is hereby declared to be unlawful, a public nuisance, and a violation of this chapter for any person owning, leasing, occupying, or having charge or possession of any parcel within any zoning district in the City of Roseville to cause or allow such premises to be used for the outdoor cultivation of marijuana plants.

(Ord. 5662 § 4, 2016)

Section 19.63.040 – Cultivation of Marijuana – Regulations for Residential Zones

- A.** When authorized by State law, an authorized grower shall be allowed to cultivate marijuana indoors in residential zones, subject to the following regulations:
 - 1.** The marijuana cultivation area shall not exceed 50 square feet and not exceed 10 feet in height per residence.
 - 2.** Marijuana cultivation lighting shall not exceed 1,200 watts total.

3. The use of gas products (CO₂, butane, etc.) for marijuana cultivation or processing is prohibited.
 4. From a public right-of-way, there shall be no exterior evidence of marijuana cultivation either within or outside the residence.
 5. The residence where the marijuana cultivation occurs shall be the primary residence of the authorized grower.
 6. The authorized grower shall not participate in marijuana cultivation in any other residential location within the City of Roseville.
 7. The residence shall maintain kitchen, bathrooms, and primary bedrooms for their intended use and not be primarily or exclusively for marijuana cultivation.
 8. The marijuana cultivation area shall be in compliance with the current edition of the California Building Code Section 1203.4 Natural ventilation or Section 402.3 Mechanical ventilation (or its equivalent(s)), as adopted by the City of Roseville.
 9. The building official for the City of Roseville may require additional specific standards to meet the California Building Code and Fire Code, including, but not limited to, installation of fire suppression sprinklers.
 10. The marijuana cultivation area shall not adversely affect the health or safety of the occupants of other property by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, and shall not be maintained so as to constitute a hazard due to use or storage of materials, processes, products or wastes.
- B.** Any proposed marijuana cultivation by an authorized grower that does not meet the grow area standard of subsection (A)(1) shall require the prior written determination of the City Manager for the City of Roseville, or designee, of the need for additional cultivation area.
1. Documentation, such as a physician's recommendation or verification of more than one authorized grower living in the residence, shall be submitted with the request showing why the cultivation area standard is not feasible.
 2. The request for determination shall include written permission from the record property owner and no determination and authorization for additional area of marijuana cultivation shall issue without the written permission of the record property owner.
 3. An approved marijuana cultivation area that exceeds 50 square feet shall conform to the following standards:
 - a. It shall be in compliance with subsections (A)(1) through (10).
 - b. The marijuana cultivation area shall not exceed an additional 49 square feet for a total of 99 square feet per residence and shall not exceed 10 feet in height per residence.
 4. Any written determination of the need for additional cultivation area shall be issued for a period not exceeding one year, but may be renewed upon review of a subsequent submittal of the required documentation.

(Ord. 5662 § 4, 2016)

Section 19.63.050 – Indoor Cultivation of Marijuana Restricted to Authorized Grower

It is hereby declared to be unlawful, a public nuisance and a violation of this chapter for any person owning, leasing, occupying, or having charge or possession of any parcel within the City of Roseville to cause or allow such parcel to be used for the cultivation of marijuana, unless the person is authorized by State law to grow marijuana, and such authorized grower is complying with all requirements of this chapter.

(Ord. 5662 § 4, 2016)

Section 19.63.060 – Public Nuisance Prohibited

It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel within the City of Roseville to create a public nuisance in the course of cultivating marijuana plants or any part thereof in any location, indoor or outdoor. A public nuisance may be deemed to exist, if such activity produces:

- A. Odors which are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public.
- B. Repeated responses to the parcel from law enforcement officers.
- C. A repeated disruption to the free passage of persons or vehicles in the immediate neighborhood, excessive noise which is disturbing to people of normal sensitivity on adjacent or nearby property or areas open to the public.
- D. Any other impacts on the neighborhood which are disruptive of normal activity in the area.

(Ord. 5662 § 4, 2016)

Section 19.63.070 – Violation

Cultivation of marijuana on any parcel within the City that does not comply with this chapter constitutes a violation of this zoning ordinance and is subject to the penalties and enforcement as provided in Section 19.63.080 of this chapter and Chapter 19.90 of this title.

(Ord. 5662 § 4, 2016)

Section 19.63.080 – Enforcement

- A. Public Nuisance. Violation of this section is hereby declared to be a public nuisance.
- B. Abatement. A violation of this section may be abated by the City Attorney by the prosecution of a civil action for injunctive relief and by the summary abatement procedure set forth in subsection C of this section.
- C. Summary Abatement Procedure.
 - 1. The enforcement official is hereby authorized to order the abatement of any violation of this section by issuing a notice and order to abate which shall:
 - a. Describe the location of and the specific conditions which represent a violation of this chapter and the actions required to abate the violation.
 - b. Describe the evidence relied upon to determine that a violation exists, provided that the enforcement officer may withhold the identity of a witness to protect the witness from injury or harassment, if such action is reasonable under the circumstances.

- c. State the date and time by which the required abatement actions must be completed.
 - d. State that to avoid the civil penalty provided in subsection (C)(4) of this section and further enforcement action, the enforcement officer must receive consent to inspect the premises where the violation exists to verify that the violation has been abated by the established deadline.
 - e. State that the owner or occupant of the property where the violation is located has a right to appeal the notice to abate by filing a written notice of appeal with the City Clerk no later than seven calendar days from the service of the notice. The notice of appeal must include the appellant's address, telephone number, fax number (if available), and e-mail address (if available). The City may rely on any of these for service or notice purposes. If an adequate written appeal is timely filed, the owner or occupant will be entitled to a hearing as provided in subsection (C)(3) of this section.
 - f. State that the order to abate the violation becomes final if a timely appeal is not filed or upon the issuance of a written decision after the appeal hearing is conducted in accordance with subsection (C)(3) of this section.
 - g. State that a final order of abatement may be enforced by application to the Superior Court for an inspection and/or abatement warrant or other court order.
 - h. State that a final order to abate the nuisance will subject the property owner and the occupant to a civil penalty of \$500.00 for each day that the violation continues after the date by which the violation must be abated as specified in the notice and order to abate. The penalty may be recovered through an ordinary civil action, or in connection with an application for an inspection or nuisance abatement warrant.
2. The notice described in subsection (C)(1) of this section shall be served in the same manner as a summons in a civil action in accordance with Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure, or by certified mail, return receipt requested, at the option of the City. If the owner of record cannot be found after diligent search, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of not less than 10 days and publication thereof in a newspaper of general circulation pursuant to Government Code Section 6062, as may be amended.
 3. Not sooner than 10 calendar days after a notice of appeal is filed with the City Clerk, a hearing shall be held before a hearing panel of the board of appeals in accordance with the procedures prescribed in Chapter 2.52. The appellant shall be given notice of the date, time and place of the hearing not less than five days in advance. The notice may be given by telephone, fax, email, or personal service or posting on the property and shall be effective when given. At the hearing, the enforcement officer shall present evidence of the violation, which may include, but is not limited to, incident and police reports, witness statements, photographs, and the testimony of witnesses. The property owner and the occupant of the property where the violation is alleged to exist shall have the right to present evidence and argument in their behalf and to examine and cross examine witnesses. The property owner and property occupant are entitled to representation of their choice at their own expense. At the conclusion of the hearing, the hearing panel shall render a written decision which may be served by regular first class mail on the appellant.

4. A final notice and order to abate the nuisance will subject the property owner or owners and any occupant or occupants of the property who are cultivating marijuana in violation of this section to a civil penalty of \$500.00 for each day that the violation continues after the date by which the violation must be abated as specified in the final notice and order to abate.
5. The enforcement officer or the hearing panel hearing an appeal pursuant to subsection (C)(3) of this section may reduce the daily rate of the civil penalty for good cause. The party subject to the civil penalty shall have the burden of establishing good cause, which may include, but is not limited to, a consideration of the nature and severity of the violation, whether it is a repeat offense, the public nuisance impacts caused by the violation, and the violator's ability to pay. The daily penalty shall continue until the violation is abated. The penalty may be recovered through an ordinary civil action, or in connection with application for an inspection or nuisance abatement warrant.

(Ord. 5662 § 4, 2016)

Section 19.63.090 - Penalties Not Exclusive

The remedies and penalties provided herein are cumulative, alternative and nonexclusive. The use of one does not prevent the use of any other criminal, civil, or administrative remedy or penalty authorized by, or set forth in, the Roseville Municipal Code. None of the penalties or remedies authorized by, or set forth in, the Roseville Municipal Code shall prevent the City from using any other penalty or remedy under State statute which may be available to enforce this chapter or to abate a public nuisance.

(Ord. 5662 § 4, 2016)

Section 19.63.100 - Severability

The provisions of this chapter are hereby declared to be severable. If any section, sentence, clause, phrase, word, portion or provision of the ordinance codified in this chapter is held invalid, or unconstitutional, or unenforceable, by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of said ordinance which can be given effect without the invalid portion. In adopting said ordinance, the City Council affirmatively declares that it would have approved and adopted said ordinance even without any portion which may be held invalid or unenforceable.

(Ord. 5662 § 4, 2016)

CHAPTER 19.64 - TEMPORARY USES

Section 19.64.010 - Purpose

This Chapter establishes the standards for which an Zoning Clearance Certificate or Administrative Permit may be approved for a temporary use, and the limitations that may be placed on such use.

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008; Ord. 5428 (part), 2014)

Section 19.64.020 - Permitted Temporary Uses

The following temporary uses are permitted on a parcel without issuance of any permit:

- A. Fireworks, when in compliance with Chapter 16.16 (Fire Code) of the Roseville Municipal Code;
- B. Fairs, festivals, circuses, rodeos, carnivals, and concerts when not held on premises designed to accommodate such events, such as auditoriums, stadiums, or other public assembly facilities; when conducted in compliance with Chapter 9.36 of the Roseville Municipal Code;
- C. Weekend fund raising events conducted at locations which can accommodate the event in compliance with all provisions of this Title. Such events shall not be conducted on more than two weekends per month at any one location and may include but are not limited to car washes and pancake breakfasts. An Administrative Permit shall be obtained for events that extend longer than a weekend (Saturday & Sunday) except for long weekends which include a Friday and/or Monday due to a holiday;
- D. Construction trailer for an approved project.
- E. A model home complex within an approved subdivision for sale of residential units within that same subdivision, provided the complex complies with the standards as identified in Section 19.64.060.
- F. A temporary sales office or trailer within an approved subdivision or multi-family complex used for sale of residential units within that same subdivision or leasing of units within that same complex. The temporary sales office for residential subdivision may be operated with or without a model home complex provided that the office/trailer complies with the standards as identified in Section 19.64.060.
- G. Similar Temporary Outdoor Promotional Events which, in the opinion of the Planning Manager, are compatible with the zoning district and surrounding land uses and where the display and/or event is limited to open plaza areas so as to not impede site accessibility, parking or emergency accessibility/services. The temporary display and/or promotional event is associated with a permanently established business within the center or business complex.

(Ord. 3922 § 15 (part), 2003; Ord. 3450 § 10 (part), 1999; Ord. 3088 § 12, 1997; Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.64.030 - Temporary Uses Permitted With a Zoning Clearance Certificate

The following temporary uses may be permitted, subject to the issuance of a Zoning Clearance Certificate.

A. Non-Residential Temporary Uses.

- 1. Outdoor promotional display, sales, and events in conjunction with an established commercial business within a commercial zoning districts, limited to three (3) events per calendar year. An event is from 5:00 p.m. on a Friday to 8:00 a.m. on

the following Monday and includes only merchandise customarily sold on the premises by a permanently established business.

The duration of the event may be extended to incorporate holidays which create longer weekends.

2. Temporary outdoor fund raising activities associated with a non-profit organization may be conducted for periods not exceeding ten (10) consecutive days. Not more than five (5) events shall be conducted on one (1) site in a calendar year.
3. Christmas tree sale lots, provided such activity shall be only held from November 1st through January 15 of each year.
4. Pumpkin sales lots, provided such activity shall be only held from October 1st through November 1st of each year.

(Ord. 3922 § 15 (part), 2003; Ord. 3450 § 10 (part), 1999; Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.64.040 - Temporary Uses Permitted With an Administrative Permit

The following temporary uses may be permitted, subject to the issuance of an Administrative Permit.

A. Residential Temporary Uses.

1. A trailer, coach or mobile home as a temporary residence of the property owner when a valid residential building permit is in force. The permit may be granted for up to 180 days, or upon expiration of the building permit, whichever occurs first.

B. Non-Residential Temporary Uses.

1. Enclosed storage containers (e.g. cargo containers, seatrains, etc.) for temporary on-site storage associated with a permitted use.

C. Industrial Temporary Uses. In addition to those uses permitted in association with non-residential uses, the following use is permitted in industrial zone districts:

1. Temporary office buildings, provided that the temporary office space is not used for a period exceeding twelve (12) months, unless otherwise approved by an administrative permit.

D. Temporary Uses in all Districts.

1. On- and off-site contractors' construction yards in conjunction with an approved development project.
2. Watchman's or caretaker's trailer associated with other approved temporary uses or during construction of a project.
3. Similar temporary uses which, in the opinion of the Manager are compatible with the zoning district and surrounding land uses.

(Ord. 5428 (part), 2014)

Section 19.64.050 - Conditions of Approval

In approving a Zoning Clearance Certificate or an Administrative Permit, the Approving Authority may impose conditions deemed necessary to ensure that the temporary use or development will be compatible with the zone district and surrounding uses. These conditions may involve any pertinent factors affecting the operation of such temporary use or development, and may include but are not limited to:

- A. Requirements for improved parking facilities, including vehicular ingress and egress;
- B. Regulation of nuisance factors such as, but not limited to, prevention of glare or direct illumination on adjacent properties, noise, vibration, smoke, dust, dirt, odors, gases, and heat;
- C. Regulation of temporary structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards;
- D. Provision for sanitary and medical facilities;
- E. Provision for solid, hazardous and toxic waste collection and disposal;
- F. Provision for security and safety measures;
- G. Regulation of signs;
- H. Submission of a performance bond or other surety devices, satisfactory to the City Attorney, to ensure that any temporary facilities or structures used will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition;
- I. A requirement that approval of the Zoning Clearance Certificate or Administrative Permit is contingent upon compliance with applicable provisions of the Roseville Municipal Code; and
- J. Any other conditions which will ensure the operation of the proposed temporary use, will protect public health and safety and in accordance with the intent and purpose of this Title.

(Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.64.060 - Standards for a Model Home Complex and Temporary Sales Trailer

In addition to the conditions specified in Section 19.64.040, the following standards shall be applied to a model home complex/temporary sales trailers;

- A. In addition to the these standards all Model Home Complexes and Temporary Sales Trailers shall comply with the Model Home Complex & Temporary Sales Trailer Clearance Form, as approved by the Planning Manager.
- B. The model home complex/temporary sales trailer is approved for sales of units within the subdivision in which the complex/trailer is located only;
- C. Model home complexes/temporary sales trailers shall comply with the approved Conditions of Approval for the subdivision in which they are located and for sale;
- D. Each model home unit shall comply with the development standards of that zone district;

- E.** The location and number of lots used for the model home complex/temporary sales trailer shall be identified on a composite subdivision map;
- F.** Model home complexes/temporary sales trailers which do not comply with these Standards and those listed in the Model Home Clearance Form are required to apply for and receive approval of an Administrative Permit.

(Ord. 3922 § 15 (part), 2003; Ord. 3450 § 10 (part), 1999; Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

CHAPTER 19.66 - TREE PRESERVATION

Section 19.66.010 - Purpose

- A.** Roseville's native vegetation consists of valley grasslands with scattered native oaks and oak and riparian woodlands. Trees in the City enhance the natural scenic beauty, sustain long-term potential increase in property values, maintain original ecology, provide tempering of extreme temperatures, reduce soil erosion and increase the oxygen output of the area needed to combat air pollution.
- B.** For these reasons, the Council finds that, in order to promote the public health, safety and general welfare of the City of Roseville while at the same time recognizing individual rights to develop private property, it is necessary to enact regulations controlling the removal of and preservation of trees within the City and to reforest our urban environment.

(Ord. 4008 § 1 (part), 2003; Ord. 3014 (part), 1996.)

Section 19.66.020 - Definitions

Administrative Tree Permit. A Tree Permit issued by the Manager that is not associated with a separate discretionary entitlement.

Arborist. An individual certified as an arborist by the International Society of Arboriculture (ISA).

Arborist, City. An Arborist employed by or chosen and retained by the City to review, evaluate and prepare reports and requests to remove and/or relocate Protected Trees. In performing the duties and responsibilities, the City Arborist may conduct field inspections independently or in the company of City employees and/or other Arborists.

Arborist Report. A report prepared by an Arborist containing specific information on the location, condition, potential impacts of development, recommended actions and mitigation measures regarding one or more trees on an individual lot or project site.

Certification Letter. A concluding statement by an Arborist stating that work that was performed was observed by an Arborist and complies with the conditions of the Discretionary Project, the Arborist Report, the Tree Permit and this Ordinance.

Cutting. The detaching or separating of any limb, branch or root from a tree.

Dead Tree. A tree that does not contain any live tissue (i.e., green leaves or live limbs).

Deadwood. Limbs or branches that contain no green leaves or live limbs.

Deadwooding. The act of removing deadwood. (Not a regulated activity when performed by or under the direct supervision of a certified arborist)

Developer. Any person conducting any Regulated Activity within the Protected Zone of a Protected Tree.

Diameter at Breast Height (DBH). The diameter of a tree measured at four and one-half (4.5) feet above ground level on the high side of the tree. The diameter may be calculated by use of the following formula: $DBH = \text{circumference at breast height} / 3.142$.

Dripline. The outermost edge of a tree's canopy prior to any cutting. When depicted on a map, the Dripline will appear as an irregular shaped circle that follows the contour of the tree's branches as seen from overhead.

Encroachment. Any Regulated Activity conducted within the Protected Zone of a Protected Tree.

Grading. Any removal or deposit of soil or earth material.

Irrigation. Transfer of water to a site by artificial means.

Native Oak Tree. Any tree of the genus *Quercus* and species *lobata* (valley oak), *douglasii* (blue oak), *wislizenii* (interior live oak) or hybrids thereof.

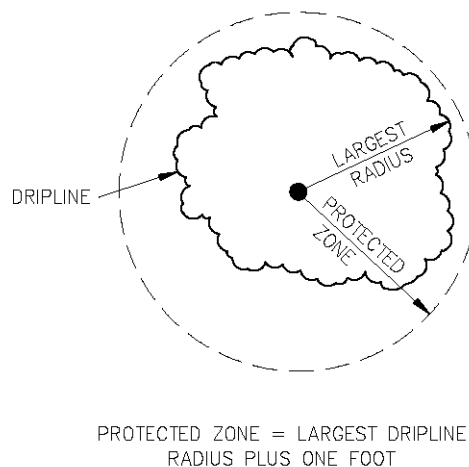
Native Ground Surface Fabric. The layer of topsoil, humus, and vegetation that comprises the native ground surface.

Preconstruction Phase. The time between the approval of a discretionary project and the Site Planning Meeting.

Protected Public Tree. Any Protected Tree with one-half (1/2) or more of its trunk or canopy on or above public land.

Protected Tree. Native Oak Tree equal to or greater than six (6) inches diameter at breast height (DBH) measured as a total of a single trunk or multiple trunks.

Protected Zone. A circle equal to the largest radius of a Protected Tree's Dripline plus one (1) foot. The radius is measured from the trunk at the base of the tree to the greatest extent of the tree's dripline.



Regulated Activities. Any activity done within the Protected Zone of a Native Oak Tree, (with the exception of routine maintenance performed by or under the direct supervision of a certified arborist) which would adversely impact the health of a Native Oak Tree, including but not limited to cutting, grading, irrigating and trenching.

Removal. The physical removal of a tree or substantially all of a tree.

Routine Maintenance. Actions taken for the continued health of a Protected Tree including but not limited to deadwooding, mowing grass close to a tree, and application of insecticides in conformance with standards established by the International Society of Arboriculture or the National Association of Arborists.

Site Planning Meeting. An on-site meeting with the Developer and the Developer's contractors, superintendent, and engineers; utility providers; the Arborist; and City representatives to delineate special procedures, limits of work, lines of authority and special conditions or procedures not specifically covered by this chapter.

Tree Permit. An authorization to conduct specific work or Regulated Activities within the Protected Zone of a Protected Tree.

Utility Trenching Pathway Plan. A plan approved by the Planning Manager setting forth the location of utility trenches in the vicinity of Protected Trees.

(Ord. 4008 § 1 (part), 2003; Ord. 3014 (part), 1996.; Ord. 4662 (part), 2008; Ord. 5428 (part), 2014)

Section 19.66.030 - Tree Permits

- A. Permit Required.** No person shall conduct any regulated activities within the protected zone of any protected tree; or harm, destroy, kill or remove any protected tree unless authorized by a tree permit or as provided in subsection C, below.
- B. Type of Permit:**
 - 1. Administrative tree permit.** An administrative tree permit is required for any regulated activity affecting one or more protected trees, when the regulated activity is not associated with a discretionary project, does not include the removal of a protected tree, and the requested encroachment does not exceed twenty (20) percent of the protected zone of any individual protected tree.
 - 2. Tree permit.** A tree permit is required for any regulated activity within the protected zone of a protected tree where the encroachment exceeds twenty (20) percent of the protected zone, or where the regulated activity is related to a discretionary project. In addition, a Tree Permit is required for the removal of any Protected Tree, unless otherwise exempted by this chapter.
- C. Exemptions.** A tree permit is not required for the removal of a protected tree under the following circumstances:
 - 1.** Trees damaged by thunderstorm, windstorm, flood, earthquake, fire or other natural cause and determined by a peace officer, fire fighter, public utility official, civil defense official or City code enforcement officer, acting in his or her official capacity, to present a danger to persons or property. Upon discovery of a condition justifying removal, the officer or official making the determination shall immediately provide written notification of the condition and action taken to the Planning Manager.
 - 2.** When removal is determined to be necessary by Fire Department personnel actively engaged in fighting a fire.
 - 3.** When compliance would interfere with activities of a public utility necessary to comply with applicable safety regulations and/or necessary to repair or avoid the interruptions of services provided by such a utility. Unless there is an imminent threat to the public health, safety or welfare, the Planning Manager shall be notified prior to the removal by a public utility of a protected tree.
 - 4.** The Planning Manager may allow removal of a protected tree which has been certified by an arborist to be a dead tree. An arborist-certified dead tree may be removed without any replacement or mitigation requirements.
 - 5.** A protected tree located on property developed with a single-family or two (2) family dwelling which has been granted occupancy.

6. When a protected living tree presents a hazard to health and safety or structures due to its structural condition and location, the tree may be removed without any replacement or mitigation requirements. The hazardous condition of the tree must be determined by an arborist. The Planning Manager must review the arborist's determination and consider the location of the protected tree prior to approving removal.

(Ord. 4008 § 1 (part), 2003; Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.66.040 - Tree Permit Application Processing

- A. **Application Filing.** Applications for tree permits not associated with discretionary projects shall be filed with the Planning Division. Applications for tree permits for regulated activities associated with a discretionary project shall be included as part of the land use permit and/or subdivision application for the discretionary project. All tree permit applications shall use the forms provided by the Planning Division, and shall include an arborist's report as specified by Section 19.66.050, and a site plan with information as deemed necessary by the Planning Manager. The application shall also be accompanied by any application fee required by the City Council.
- B. **Site Plan Map.** The requirement for a site plan map may be waived by the Planning Manager if the permit is for removal of dead trees or hazardous trees. A site plan map shall include the following information:
 1. **Physical Characteristics.** The site plan map shall accurately portray the following existing and proposed features:
 - a. Property lines.
 - b. Streets, access easements and/or public or private driveways and other paved areas.
 - c. Existing and proposed buildings or structures, including eaves and other architectural features.
 - d. Setbacks of all buildings and structures from property lines.
 - e. Parking and other paved areas.
 - f. Land uses on parcel (existing and proposed as applicable).
 - g. Proposed grading and construction - including utilities, if available.
 - h. Existing and proposed grades.
 - i. Location of chimney(s).
 2. **Tree Locations.** All protected trees located on the property must be depicted on the site plan map. Additionally, the site plan map shall indicate the exact location of the base and dripline for all protected trees within the project areas. A survey of the exact location(s) of the protected tree(s) trunks both horizontally and vertically shall be conducted by a professional engineer or a licensed land surveyor. The tree number(s) shall be shown on both the site plan and grading plan. The base elevation of each protected tree shall be shown on the grading plan.
 3. **Protected Zone of Protected Tree(s).** The exact location of the protected zone of a protected tree is crucial in order to evaluate any impacts resulting from construction. Consequently, rough approximations will not be acceptable. In certain cases, it may be possible to physically stake the surveyed corner of building(s) or related improvements in the field in order to assess the potential impacts upon the trees.

- C. Application Evaluation Criteria.** The following criteria shall be used to support the finding identified in Section 19.78.060(F) for action on a tree permit requested to allow removal of native oak tree(s) or to encroach within the Protected Zone of any native oak tree(s):

1. General:

- a. The proposed building' s gross floor area in relation to the "usable" size of the site and the amount of usable space on the parcel which does not require the removal of protected trees;
- b. Design features in comparison with other existing or approved building developments in the same vicinity and zone which have or had protected trees on the parcel;
- c. Factors that are unique to the proposed property such as topographic constraints, lot configuration and other physical limitations;
- d. The overall health and structural condition of the potentially impacted protected trees;
- e. The approximate age of the protected tree compared with the average life span for that species;
- f. The number of healthy protected trees that a given parcel of land will support, with and without the proposed development;
- g. The effect of removal on soil stability/erosion, particularly near water courses or on steep slopes;
- h. Whether or not there are any alternatives that would allow for the preservation of the protected tree; and
- i. Any other information the approving body finds pertinent to the decision, including, if necessary, information obtained at a public hearing.

2. For Removal:

- a. Age of the protected tree with regard to whether or not removal of the protected tree would encourage healthier, more vigorous growth of younger similar trees in the area;
- b. The number of existing protected trees in the area and the effect of removal upon public health, safety and general welfare of the area;
- c. The potential for the protected tree to be a public nuisance or interfere with utility service, as well as its proximity to existing structures; and
- d. Present and future shade potential with regard to solar heating and cooling.

3. For Encroachment:

- a. Whether or not the degree of encroachment is likely to result in the subsequent decline of the affected protected tree or create a future risk to public safety or pose a hazard to adjacent structures.

- D. Discretionary Project.** Any non-ministerial development project that must be approved by either the City Council, Planning Commission, or the Design Committee. Discretionary projects include, but are not limited to, conditional use permits, parcel maps, rezones, design review permits, subdivision maps, or variances.

- E. Limitation on Approved Activities.** Tree permits shall not be issued for temporary parking or storing of vehicles, trailers, equipment, construction materials or temporary structures within the protected zone of a protected tree.

- F. Permit Time Limits.** An approved tree permit shall be valid for a period of six (6) months from the date of issuance. An extension of time may be granted for a period not to exceed an additional six (6) months. Tree permits associated with discretionary projects shall be valid only as long as the approval for the discretionary project is valid.
- G. Subsequent Permits.** After all tree permit conditions have been complied with and occupancy has been granted or a notice of completion filed for a project involving a tree permit, the tree permit conditions shall be deemed satisfied. Any future work around the trees is subject to a new tree permit and pursuant to the criteria of Section 19.66.030.

(Ord. 4008 § 1 (part), 2003; Ord. 3088 § 13 (part), 1997; Ord. 3046 § 7, 1996; Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.66.050 - Arborist's Report

The Arborist's report required by Section 19.66.040 shall be prepared in accordance with this section.

- A. Minimum Information.** The Arborist's report shall include the following information:
1. Identification of each protected tree by number.
 2. Botanical name of tree(s) by tree number;
 3. Common name of tree(s) by tree number;
 4. Location of tree(s) by tree number;
 5. Diameter at breast height (DBH) by tree number;
 6. Height by tree number (optional);
 7. Dripline radius by tree number (measure longest radius);
 8. Condition by tree number; and
 9. Recommendations for each protected tree by number.
- B. Determination of a Tree's Condition.** The information on tree condition in the report shall be developed as follows:
1. **Rating system.** The condition of each tree is to be considered when determining a tree's rating according to the following categories: excellent (it is rare that a tree qualifies in this category); good; fair to good; fair; fair to poor; or poor.
 2. **Factors to be considered.** At least the following factors shall be considered in light of a tree's life expectancy under existing and planned conditions when determining a tree's rating:
 - a. The condition and environment of the tree's root crown (also roots, if applicable).
 - b. The condition of the trunk, including decay, injury callusing or presence of fungus sporophores.
 - c. The condition of the limbs, including strength of crotches, amount of deadwood, hollow areas, and whether there is excessive weight borne by the limbs.
 - d. The condition and growth rate history of the twigs, including pest damage and diseases.
 - e. Leaf appearance, including abnormal size and density as well as pest and disease damage.

- f. The dripline environment, including evidence of grade changes and presence of water courses or ponding.
- 3. **Formulation of Tree Condition.** Using an averaging of the above factors together with the Arborist's best judgment, the tree shall then be described using the above rating categories. It is important to rate the tree's structural condition separately from the tree's vigor condition if they are different. Root crown, trunk and limb ratings relate most to structure, while twigs and foliage, including growth rate, relate most to vigor. The structure of the root crown-trunk area is of primary importance and takes precedence over any other factor. This information should not be considered to be a formula but simply a guideline to help describe a tree's condition.
- C. **Arborist's Recommendations.** The arborist's recommendations shall be developed in compliance with the following:
 - 1. **Recommendations by tree number.** Based upon the conditions and findings, recommendations should be made that logically follow the report conditions. For instance, if weak crotches are reported, cabling may be a logical recommendation to include in the report. These recommended mitigation measures should be spelled out and in some cases may even improve the tree's condition ratings.
 - 2. **General recommendations.** Specific and general preservation measures to be taken for each tree not being removed. The specific recommendations must consider the impacts from the activities proposed.

(Ord. 4008 § 1 (part), 2003; Ord. Ord. 3088 § 13 (part), 1997; Ord. 3014 (part), 1996.)

Section 19.66.060 - Standard Policies and Procedures for Approved Work

Great care must be exercised when work is conducted upon or around protected trees. The purpose of this section is to define procedures necessary to protect the health of the affected protected trees. The policies and procedures described in this section apply to all encroachments into the protected zone of protected trees. All tree permits shall be deemed to incorporate the provisions of this chapter except as the tree permit may otherwise specifically provide.

- A. **Trenching Procedure.** Trenching within the protected zone of a protected tree, when permitted, may only be conducted with hand tools or as otherwise directed by an arborist, in order to avoid root injury.
- B. **Cutting Roots:**
 - 1. Minor roots less than one (1) inch in diameter may be cut, but damaged roots shall be traced back and cleanly cut behind any split, cracked or damaged area.
 - 2. Major roots over one (1) inch in diameter may not be cut without approval of an arborist. Depending upon the type of improvement being proposed, bridging techniques or a new site design may need to be employed to protect the root and the tree.
- C. **Ground Surface Fabric.** If any native ground surface fabric within the protected zone must be removed for any reason, it shall be replaced within forty-eight (48) hours.
- D. **Irrigation Systems.** An independent low-flow drip irrigation system may be used for establishing drought-tolerant plants within the protected zone of a protected tree. Irrigation shall be gradually reduced and discontinued after a two (2) year period.

E. Plant Materials Under Oaks. Planting live material under native oak trees is generally discouraged, and it will not be permitted within six (6) feet of the trunk of a native oak tree with a diameter at breast height (DBH) of eighteen (18) inches or less, or within ten (10) feet of the trunk of a native oak tree with a DBH of more than eighteen (18) inches. Only drought tolerant plants will be permitted within the protected zone of native oak trees.

F. Protective Fencing:

1. **Type of fencing.** A minimum five (5) foot high chain link or substitute fence approved by the Manager shall be installed at the outermost edge of the protected zone of each protected tree or groups of protected trees. Exceptions to this policy may occur in cases where protected trees are located on slopes that will not be graded. However, approval must be obtained from the Planning Division to omit fences in any area of the project.
2. **Fence installation.** The fences shall be installed in accordance with the approved fencing plan prior to the commencement of any grading operations or such other time as determined by the review body. The developer shall call the Planning Division for an inspection of the fencing prior to grading operations.
3. **Signing.** Signs shall be installed on the fence in four (4) equidistant locations around each individual protected tree. The size of each sign must be a minimum of two (2) feet by two (2) feet and must contain the following language:

"WARNING, THIS FENCE SHALL NOT BE REMOVED OR RELOCATED
WITHOUT WRITTEN AUTHORIZATION FROM THE ROSEVILLE
PLANNING DIVISION."

Signs placed on fencing around a grove of Protected Trees shall be placed at approximately fifty (50) foot intervals.

4. **Fence maintenance.** Once approval has been obtained, the fences shall remain in place throughout the entire construction period and shall not be removed, relocated, taken down, or otherwise modified in whole or in part without prior written authorization from the Planning Division.

G. Performance Guarantee. A minimum \$10,000 deposit (or greater, if deemed necessary by the approving authority) shall be posted and maintained to insure the preservation of protected trees during construction. The deposit shall be posted in a form approved by the City Attorney prior to any grading, delivery of materials, or movement of heavy equipment onto the site, or issuance of any permits. Each violation of any tree permit condition regarding tree preservation shall result in forfeiture of a portion or the entirety of the deposit, at the discretion of the approving authority, provided that such determinations may be appealed as provided by Chapter 19.80.

H. Retaining Walls and Root Protection. Where a tree permit has been approved for construction of a retaining wall(s) within the protected zone of a protected tree, the developer will be required to provide for immediate protection of exposed roots from moisture loss during the time prior to completion of the wall. The retaining wall shall be constructed within seventy-two (72) hours after completion of grading.

I. Preservation Devices. If required, preservation devices such as aeration systems, oak tree wells, drains, special foundation systems, special paving and cabling systems must be installed per approved plans and certified by the project Arborist.

J. Grading:

1. Every effort should be made to avoid cut and/or fill slopes within or in the vicinity of the protected zone of any protected tree.

2. No grade changes are permitted which would cause water to drain to the area within twice the longest radius of the protected zone of any protected tree.
 3. No grade changes are permitted which would result in the ground being lowered on all sides of the tree.
- K. Chimney Locations.** A chimney for wood burning fireplaces or stoves shall not be located within the canopy of the tree or in such a location that sparks emitted from the chimney may damage a tree.
- L. Certification Letters.** Certification letters are required for all regulated activities within the protected zone of protected trees, attesting that all work was conducted in accordance with the appropriate permits and the requirements of this chapter. The project arborist will be required to submit a certification letter to the Planning Division within five (5) working days of completing any regulated activity.
- M. On-site Information.** The following information must be continuously maintained on-site while any construction activity is ongoing for a project requiring a tree permit:
1. Arborist's Report and all modifications;
 2. Tree location map with a copy of the tree fencing plan;
 3. Tree permit conditions of approval and compliance verification and inspection checklist;
 4. Approved, stamped construction plans;
 5. Tree Preservation Guidelines; and,
 6. Approved planting and irrigation drawings.
- N. Information on Standard Policies and Procedures.** The developer shall be responsible for informing all contractors, subcontractors and persons who will be performing work around protected trees, of the Standard Policies and Procedures for working around trees and conditions of approval for the project's tree permit. The developer shall provide all such information in writing.
- O. Utility Trenching Pathway Plan.** As a condition of the tree permit, the developer will be required to submit a utility trenching pathway plan for approval concurrent with approval of the project improvement or civil plans.
1. **Contents.** The trenching pathway plan shall depict all of the following systems: storm drains, sewers, easements, water mains, area drains, and underground utilities. The trenching pathway plan must show all lateral lines serving buildings. To be completely effective, the trenching pathway plan must include the surveyed locations of all protected trees on the project as well as an accurate plotting of the protected zone of each protected tree.
 2. **Standards for plan.** The trenching pathway plan should be developed considering the following general guidelines:
 - a. The trenching pathway plan must be developed to avoid encroaching into the protected zone of any protected tree.
 - b. Where it is impossible to avoid encroachment, the design must minimize the extent of such encroachment. Encroachments and mitigation measures must be addressed in a supplemental Arborist's Report.
- P. Final Certification of Tree Work.** All of the tree preservation measures required by the conditions of the discretionary project approval, the Arborist's report and the tree permit, as applicable shall be completed and certified by the project arborist prior to issuance of an occupancy permit.

(Ord. 4008 § 1 (part), 2003; Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.66.070 - Oak Tree Planting and Replacement Program

The approving authority may condition any tree permit involving removal of a protected tree upon the replacement of trees in kind. The replacement requirement shall be calculated based upon an inch for an inch replacement of the DBH of the removed tree(s) where a fifteen (15) gallon tree will replace one inch DBH of the removed tree; a 24 inch box tree will replace two inches, and a 36 inch box tree will replace three inches. The replacement trees shall have a combined diameter equivalent not less than the total diameter of the tree(s) removed. A minimum of fifty percent (50%) of the replacement requirement shall be met by native oaks. Up to fifty percent (50%) may be met by non-native species. The approving authority may approve a replacement program using one of the following four methods or any combination of the four (4) methods. The preferred alternative is on-site replacement.

- A. Replacement Trees.** Replacement trees may be planted on-site or in other areas where maintenance and irrigation are provided to ensure survival of the trees.
- B. Relocation of Trees.** In certain cases, the City may consider the relocation of Native Oak Trees from one area in a project to another. Credit shall be given for relocation on the same basis as replacement. The guidelines and limitations for relocation are as follows:
 - 1. The tree(s) being recommended for relocation must be approved by the approving authority whose decision will be based upon factors relating to health, type, size, time of year and proposed location.
 - 2. The relocation of a tree shall be conditioned to require a secured five-year replacement agreement for the tree with security provided by the developer in a form satisfactory to the City Attorney. If at the end of five (5) years the tree is deemed by an arborist to be in a substantially similar condition to that prior to the transplanting, the agreement will be terminated. If the tree dies during the five (5) year period, it shall be replaced as required by this section.
- C. Revegetation Requirements.** The Approving Authority may, instead of requiring replacement trees, require implementation of a revegetation plan. The Developer shall enter into a written agreement with the City obligating the developer to comply with the requirements of the revegetation plan. A performance security or bond for 150 percent of the cost of the revegetation plan shall be required to insure that the agreement is fulfilled. The Approving Authority shall approve the proposed plan. The revegetation program shall propagate native oak trees from seed using currently accepted methods. A revegetation program shall identify the seed source of the trees to be propagated, the location of the plots, the methods to be used to ensure success of the revegetation program, an annual reporting requirement, and the criteria to be used to measure the success of the plan. A revegetation program shall not be considered complete until the trees to be propagated have reached one-half (1/2) inch in diameter or the revegetation plan demonstrates the need for alternative success criteria and achieves mitigation on an inch for inch basis as approved by the Planning Commission.
- D. In-Lieu Mitigation Fee.** The Approving Authority may determine that the remedies described above are not feasible or desirable and may require instead payment of a cash contribution based upon the cost of purchasing, planting, irrigating and maintaining the required number of fifteen (15) gallon trees. The cost of purchasing, planting, irrigating and maintaining a fifteen (15) gallon oak tree shall be set by City Council resolution. The cash contribution shall be deposited into one or both of the following funds as determined by the Planning Manager:
 - 1. **Native Oak Tree Propagation Fund.** This fund shall be used to propagate, purchase, plant, protect and maintain native oak trees. Uses of the fund include,

but are not limited to, purchasing property to plant or protect native oak trees, propagating native oak trees from seed or container stock and maintaining existing and replacement native oak trees.

2. **Non-Native Tree Fund.** This fund shall be used to purchase, plant, irrigate and maintain non-native trees within Roseville. Uses of the fund include, but are not limited to, purchasing and propagating non-native trees from seed or container stock and maintaining existing and replacement non-native trees.

(Ord. 4008 § 1 (part), 2003; Ord. 3353 § 1, 1999; Ord. 3014 (part), 1996; Ord. 4662 (part), 2008; Ord. 5428 (part), 2014)

Section 19.66.080 - Violations and Enforcement

- A. **Penalty:** Violation of this chapter shall be punishable as a misdemeanor or an infraction in the discretion of the City Attorney.

- B. **Administrative Remedies:**

1. **Administrative Enforcement**

- a. In addition to any other penalties allowed by this Code, the Manager may issue a citation or citations upon finding that a violation of this Code and/or a violation of the conditions of approval of a permit issued pursuant to this Code has occurred. The citation shall be issued in accordance with Chapter 2.50 (Administrative Enforcement Ordinance) of the Roseville Municipal Code.
- b. If, upon review of a report prepared by a Certified Arborist and/or the City Arborist, the Manager determines that damage to a native oak tree or trees has resulted due to violation of this Code, the Manager shall forward the matter to the Planning Commission for determination of the appropriate remedial action and/or restitution.
- c. Whenever any construction work or other regulated activity is being performed contrary to and/or in violation of the provisions of this Chapter or the conditions of a Tree Permit, the Manager may issue a written notice to the responsible party to stop work on the project on which the violation has occurred or upon the property where the native oak trees are located. The notice shall state the nature of the violation and the risk to the trees. No work shall be allowed to continue and no subsequent permits shall be issued until the violation has been rectified.

2. Planning Commission Enforcement - Remediation and Restitution

- a.** In addition to any other penalties allowed by this Code, in cases where a native oak tree or multiple native oak trees are damaged, killed, removed or damaged to the point where their long term survival cannot be assured, due to violation of this Code, the Planning Commission may require remediation and/or restitution. Any person or entity who commits, allows, causes, maintains or assists in any violation of any provision of this Chapter or who damages, kills, or removes any tree in violation of this Chapter, or assists another in doing so, may be required to provide remediation and/or restitution to the City.
 - b.** The remediation amount for a damaged tree or trees shall be as determined by the Planning Commission and shall be the amount recommended by a Certified Arborist and/or the City Arborist upon inspection of the tree(s) and development of a detailed course of remediation designed to repair the damage and ensure the long term survival of the tree(s), in order to assure the recovery of the tree(s).
 - c.** The restitution amount for a removed, killed or damaged tree or trees, where the damage is to the extent that the tree's long term survival cannot be assured, shall be as determined by the Planning Commission and shall be calculated at triple the rate stated in Section 19.66.070D.
- 3.** A remediation or restitution requirement may be appealed to the City Council as provided in Chapter 19.80.
- 4.** In addition to any other penalties allowed by this Title, the Planning Commission may recommend revocation of a permit per the provisions of Chapter 19.88.

(Ord. 4008 § 1 (part), 2003; Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

CHAPTER 19.67 – REPEALED

Chapter 19.67 was repealed by Ordinance 5659 on March 16, 2016

The Water Efficient Landscape Ordinance is now R. M. C. Chapter 14.18

CHAPTER 19.68 - USED GOODS COLLECTION CENTERS

Section 19.68.010 - Purpose

The following regulations shall apply to the operation of used goods collection centers where allowed by the Accessory Use Regulations of Section 19.22.020 (E)(8).

(Ord. 3014 (part), 1996.)

Section 19.68.020 - Permit Requirements

Prior to the installation or operation of a used goods collection center, an administrative permit shall be obtained from the Planning Manager.

(Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.68.030 - Development and Performance Standards

Used goods collection centers shall be designed, developed, and operated in compliance with all of the following:

- A.** The location of collection trailers shall not obstruct any required parking spaces or disrupt either automobile or pedestrian traffic to or within the site. Trailers shall be located so as not to be detrimental to the appearance of the neighborhood or so as to create a public or private nuisance. They shall be operated by nonprofit organizations.
- B.** Only one (1) trailer is permitted per parcel.
- C.** Collection trailers shall be kept clean, well maintained, neatly painted, and in good operating condition.
- D.** Each collection trailer shall be clearly marked with the name of the non-profit organization doing the collection and the local telephone number of the organization.
- E.** Any litter or spillage shall be immediately removed and cleaned.
- F.** Upon termination of a collection campaign or program, trailers shall be removed and the site restored to its original condition within forty-eight (48) hours.
- G.** The collection trailer shall be manned at all times the trailer is in use.
- H.** The written consent of the property owner shall be provided at the time permission is requested to use a collection trailer.

(Ord. 3014 (part), 1996.)

ARTICLE V

ADMINISTRATION AND PROCEDURES

ARTICLE V

ADMINISTRATION AND PROCEDURES

CHAPTER 19.70 – AUTHORITY TO ADMINISTER TITLE

- 19.70.010 – General
- 19.70.020 – Planning Manager and Planning Division
- 19.70.030 – Planning Commission
- 19.70.040 – Design Committee

CHAPTER 19.72 – ZONING CLEARANCE CERTIFICATION

- 19.72.010 – Purpose
- 19.72.020 – Zoning Clearance Required
- 19.72.030 – Application Filing and Processing

CHAPTER 19.74 – PERMIT AND VARIANCE REQUIREMENTS

- 19.74.010 – Permit Requirements
- 19.74.020 – Variance to Development and Parking Standards
- 19.74.030 – Concurrent Processing

CHAPTER 19.76 – APPLICATION PROCESSING PROCEDURES

- 19.76.010 – Purpose
- 19.76.020 – Application Submittal
- 19.76.030 – Eligible Applicants
- 19.76.040 – Submittal Requirements
- 19.76.050 – Application Acceptance and Initial Review
- 19.76.060 – Project Referral
- 19.76.070 – Project Evaluation Meeting
- 19.76.080 – Acceptance As Complete
- 19.76.090 – Application Review
- 19.76.100 – Approving Authority Action
- 19.76.110 – Notice Of Action
- 19.76.120 – Effective Date
- 19.76.130 – Effect of Permit
- 19.76.140 – Expiration
- 19.76.150 – Effectuation
- 19.76.160 – Diligent Pursuit Required After Effectuation
- 19.76.170 – Phased Construction
- 19.76.180 – Modifications
- 19.76.190 – Reconsiderations
- 19.76.200 – Reapplications
- 19.76.210 – Extension
- 19.76.220 – Permit to Run With Land

CHAPTER 19.78 – PUBLIC REVIEW PROVISIONS AND APPROVAL STANDARDS

- 19.78.010 – Purpose
- 19.78.020 – Required Public Hearings, Authorized Approving Authority and Public Notice
- 19.78.030 – Contents of Public Notice When a Public Hearing May be Waived
- 19.78.040 – Contents of Public Notice When a Public Hearing is Required
- 19.78.050 – Requests for Notification
- 19.78.060 – Required Findings for Approval or Conditional Approval of Permits and Variances

CHAPTER 19.80 – APPEALS

- 19.80.010 – Purpose
- 19.80.020 – Appeal of Decision or Findings
- 19.80.030 – Filing an Appeal of the Planning Manager's Action or Decision
- 19.80.040 – Filing an Appeal of the Design Committee or Planning commission's Action or Decision
- 19.80.050 – Effect of Filing an Appeal
- 19.80.060 – Hearing and Notices
- 19.80.070 – Action on Appeal
- 19.80.080 – Referrals
- 19.80.090 – Action by Council is Final

CHAPTER 19.82 – MAJOR PROJECTS PERMIT PROCESSING

- 19.82.010 – Purpose
- 19.82.020 – Applicability
- 19.82.030 – Procedure
- 19.82.040 – Amendments to an Approved Major Project

CHAPTER 19.84 – DEVELOPMENT AGREEMENTS

- 19.84.010 – Purpose
- 19.84.020 – Application Requirements
- 19.84.030 – Hearing Notice
- 19.84.040 – Review by Planning Commission
- 19.84.050 – Council Hearing
- 19.84.060 – Amendment or Cancellation
- 19.84.070 – Recordation of Agreement, Amendment or Cancellation
- 19.84.080 – Periodic Review

CHAPTER 19.86 – ZONING ORDINANCE AMENDMENTS

- 19.86.010 – Purpose
- 19.86.020 – Initiation of Amendment
- 19.86.030 – Application Form, Fees and Processing
- 19.86.040 – Planning Manager Report
- 19.86.050 – Recommendation on Amendment
- 19.86.060 – City Council Action

CHAPTER 19.88 – REVOCATION PROCEDURE

- 19.88.010 – Purpose
- 19.88.020 – Automatic Revocation of a Permit
- 19.88.030 – Revocation or Modification of a permit for Cause
- 19.88.040 – Revocation Hearing

CHAPTER 19.90 – ENFORCEMENT

- 19.90.010 – Purpose
- 19.90.020 – Enforcement
- 19.90.030 – Penalty for Violation
- 19.90.040 – Nuisances Declared – Abatement
- 19.90.050 – Revocations
- 19.90.060 – Remedies Cumulative

CHAPTER - 19.70 - AUTHORITY TO ADMINISTER TITLE

Section 19.70.010 - General

This Title shall be administered by the Planning Manager under the policy direction of the Council, working with the Planning Commission and Design Committee, as the duties of each are described by this Chapter.

(Ord. 3141 § 5, 1997; Ord. 3014 (part), 1996.) (Ord. 4662 (part), 2008; Ord. 5428 (part), 2014)

Section 19.70.020 - Planning Manager and Planning Division

The Planning Manager shall have the responsibility and authority to administer this Title. The responsibilities of the Planning Manager may also be carried out by Planning Division employees under the supervision of the Manager. The Planning Manager shall have authority to make interpretations and take actions on permits and certificates as set forth in this Title.

(Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.70.030 - Planning Commission

The Planning Commission shall have the authority to perform the duties and functions delegated by the City Council as set forth in this Title. The Planning Commission shall have authority to act on permits and variances as set forth in Chapter 19.74, and to act on such other permit and variances as the Council may delegate from time to time. The Commission shall also make recommendations to the Council on amendments to this Title and adoption of Development Agreements.

(Ord. 3014 (part), 1996.)

Section 19.70.040 - Design Committee

- A.** Design Committee established. The Design Committee shall be composed of three members. Two of the members shall be appointed by the City Council, and the remaining member shall be a current member of the Planning Commission, selected annually by a majority vote of the Planning Commission. The Planning Commissioner shall serve as the chair of the Committee. The City Council shall endeavor to appoint to the Committee at least one member who is a design - related professional such as an architect or engineer.
- B.** Terms and Vacancies. Except as otherwise provided in this Chapter, all Committee members shall serve a term of four years, and may be reappointed for one succeeding term; provided however, that a member may be removed at any time at the pleasure of the City Council. In the event of a vacancy on the Design Committee other than a vacancy resulting from the expiration of a term, a person shall be appointed to fill the unexpired term of the vacant member. Such appointment to fill an unexpired term shall not be considered to be one of the two-term limit established above. The two public members of the Committee shall serve overlapping terms, with initial appointments consisting of one member appointed for four years, and the other member appointed for the two year term.
- C.** Powers and Duties. The Design Committee shall review signs as provided in Title 17 hereof, the Sign Ordinance, and shall review permit and variance applications as provided in Title 19 hereof, the Zoning Ordinance.

(Ord. 3141 § 6, 1997; Ord. 3014 (part), 1996.)

CHAPTER 19.72 - ZONING CLEARANCE CERTIFICATION

Section 19.72.010 - Purpose

A zoning clearance certificate verifies conformance with all current requirements of this Title and, if applicable, the terms and conditions of any previously approved permit or variance.

(Ord. 3014 (part), 1996.)

Section 19.72.020 - Zoning Clearance Required

A zoning clearance certification shall be required prior to the issuance of a building permit for a parcel, and prior to the initiation of a home occupation as provided in Chapter 19.42 (Home Occupations). In addition, any person may request and the Planning Division shall issue a zoning clearance certification stating the zoning standards for any parcel located within the City.

(Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.72.030 - Application Filing and Processing

- A. Application, General.** A request for a zoning clearance certification, not associated with a Building Permit application, may be made by any individual and shall be made on a form provided by the Department. The application shall be accompanied by plans, specifications and information as may be required by the Department to determine compliance with this Title.
- B. Application Associated with a Building Permit.** Plans submitted to the Building Department shall include plans, specifications and information that demonstrates conformance with this Title. The zoning clearance certification associated with the issuance of a building permit shall be the plans approved by the Planning Division for issuance of a building permit.
- C. Processing Applications.** Within seven (7) calendar days of receipt of a request for a Zoning Clearance Certification, the Planning Division shall review the request for conformance with this Title and, if applicable, the terms and conditions of any previously approved permit or variance.
- D. Notice.** If a zoning clearance certification is required for issuance of a Building Permit, written notice of the Manager's certification shall be provided directly to the Building Department and included in the issuance of the Building Permit. If a zoning clearance is requested that is not part of a building permit, it will be mailed to the applicant.
- E. Appeal.** An appeal of a zoning clearance certification shall be processed as an appeal of the Planning Manager's decision and shall be made as provided by Chapter 19.80.
- F. Expiration of Zoning Clearance Certificate.** A zoning clearance certificate shall expire upon the earlier event of the following:
 - 1. 180 days after issuance, unless otherwise indicated on the zoning clearance certificate; or
 - 2. When the proposed use or development no longer conforms with all applicable provisions of this Title.
 - 3. If a zoning clearance is issued in conjunction with a building permit, the zoning clearance shall expire when the building permit expires.

(Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

CHAPTER 19.74 - PERMIT AND VARIANCE REQUIREMENTS

Section 19.74.010 - Permit Requirements

In addition to any other approval required by this Code or by applicable law, the following discretionary approvals may be required:

- A. **Administrative Permit (AP).** An Administrative Permit shall be obtained pursuant to this Title prior to initiation of certain activities or construction of improvements which are permitted pursuant to Articles II, III and IV of this Title and only upon compliance with specific standards as specified in this Title. The Approving Authority for Administrative Permits shall be the Planning Manager, and following public notice, may waive the requirement for a public hearing. If a public hearing is requested, the Planning Manager shall schedule and notice the permit for public hearing by the Planning Commission except as otherwise specified by this Title.
- B. **Conditional Use Permit (CUP).** A Conditional Use Permit shall be obtained prior to initiation, modification or expansion of a use pursuant to Article II and III, and upon compliance with specific standards, as applicable, of Article IV of this Title. The Approving Authority for Conditional Use Permits shall be the Planning Commission.
- C. **Design Review Permit (DRP).** A Design Review Permit shall be obtained prior to the issuance of a building permit for any new construction; exterior remodeling; site design and circulation modifications (except as specified below), including parking; modification of previously approved use permit for site review, or site review; new, modified or alterations to landscaping; addition of mechanical equipment; modification or alteration of driveway locations; relocating or moving buildings; demolition of a significant building as defined in Chapter 19.61 of this Title; and as otherwise required by this Title. With the exception of projects involving a significant building, a Design Review Permit is not required for a single family residence or a two family residence. The Approving Authority for a Design Review Permit shall be as provided in subsection (C)(2) below.
 1. **Minor Improvements Exempt from Design Review Permit:** The following minor improvements are exempt from the requirements to obtain a Design Review Permit provided the Planning Manager determines, in writing, that the project is substantially consistent with existing development and adjacent land uses and the project consists of one or more of the following activities:
 - a. Repair and maintenance including repainting and replacement;
 - b. Replacement of landscaping with at least equal or greater water efficient landscaping (consistent with the Water Efficient Landscape Ordinance), provided that the planted area is not diminished thereby;
 - c. New landscaping within designated landscape easements for which landscape guidelines have been adopted, if the landscaping is consistent with such guidelines;
 - d. Modifications to parking areas including compliance with Americans with Disabilities Act and re-striping where there is no net decrease in the number of parking spaces;
 - e. Minor building facade improvements such as the rearrangement or addition of doors, windows and awnings;
 - f. Addition of Security Facilities including security gates and gate houses at a project entrance;

- g.** Other minor improvements designated by resolution of the City Council as exempt from a Design Review Permit (e.g. Vernon Street C.B.D. for Historic Building Designation) "State Historic Building Code" applied at Building' s Official' s election;
- h.** The City' s facade grant program; and
- i.** Other minor alterations, enlargements or remodels to existing buildings, structures and/or improvements (including new construction on partially developed properties) which are: 1) compatible with and in substantial conformance with the existing development and the previously approved permit; 2) do not create the need for new parking nor affect existing or required parking; 3) are not visible from any public street or area held open to the public; and 4) meet all the requirements of this Title and the Community Design Guidelines.

2. Approving Authority:

a. Administrative Process.

- I.** The Planning Manager may approve, conditionally approve, or deny a Minor Design Review Permit provided the improvement complies with the following:
 - 1)** There has been no previous Design Review Permit for the building/site;
 - 2)** The improvement is limited to facade improvements;
 - 3)** The improvement consists of a color change;
 - 4)** The improvement consists of a modification to or the introduction of a new exterior building material; or
 - 5)** The project is within the Downtown Specific Plan area and is consistent with the design guidelines and regulations outlined within the Downtown Code.
- II.** The Planning Manager may approve, conditionally approve or deny a Minor Design Review Permit pursuant to the Administrative Permit procedures, except those identified as required by this Title, to be reviewed by the Design Committee or Planning Commission. Design Review Permits approved by the Planning Manager shall be in substantial conformance with adopted Specific Plan.

If in the opinion of the Planning Manager, a project is not in substantial conformance with applicable, adopted design guidelines, prior conditions of approval, or if the Planning Manager determines that, because of location, size or design that the public hearing should not be waived, the Planning Manager shall refer the project for public hearing by the Design Committee or the Planning Commission. The Manager shall determine whether the project is to be heard by the Design Committee or the Planning Commission.

The Planning Manager may approve:

- 1)** Design Review Permit extensions and modifications, including changes in project phasing.
- 2)** Design Review Permits for projects within a master or specific plan area where the applicable plan provides for an administrative process.

- 3) Within specific plan areas, subsequent Design Review Permits following Design Committee approval of the first Design Review Permit as provided for in Sub Section b. 2) of this Section.
- 4) Within infill areas, subsequent Design Review Permits following Planning Commission approval of the first Design Review permit as provided in Sub Section c2) of this Section.

- b. **Design Committee.** The Design Committee may approve, conditionally approve or deny Design Review Permits, tree permits and variances when processed concurrently with a Design Review Permit normally reviewed by the Design Committee, or as otherwise provided for in this Title, and such other improvements subject to design review permit as designated by resolution of the City Council from time to time.

If in the opinion of the Planning Manager, a project is not in substantial conformance with an approval or condition of approval applied by the Planning Commission to that project in a prior action, or if the Planning Manager determines that, because of location, size or design that the public hearing should be held by the Planning Commission, the Planning Manager shall refer the project for public hearing by the Planning Commission.

The Design Committee may approve:

- 1) Design Review permits which deviate from the requirements or standards of adopted Community Design Guidelines or an applicable, adopted specific plan;
- 2) Within Specific Plan areas, the first Design Review Permit for a specific plan large lot parcel designated for non-residential (commercial, business professional, industrial, etc.) use. As part of any approval, the Design Committee shall specify if subsequent Design Review Permits may be acted on as an Administrative Permit or shall require a public hearing by the Design Committee.
- 3) Design Review Permits for infill projects not otherwise reviewed by the Planning Commission as provided for in Sub section c. 2 of this Section.
- 4) Any modification to a Design Review Permit previously approved or conditionally approved by the Committee where the proposed modification significantly differs from the project originally approved or conditionally approved by the Committee.
- 5) Design Review permits which also require the approval of a variance or tree permit.
- 6) Design Review Permit for Planned Development Districts shall be obtained concurrently with the determination and establishment of a Design Review Permit for commercial projects when projects do not include use related issues. Residential projects are subject to a Design Review permit for Residential Subdivisions (DRRS) when issues are focused only on deviations from standards and not use related issues.
- 7) Any project involving demolition of a significant building.

- c. Planning Commission.** The Planning Commission may approve, conditionally approve or deny any Design Review Permit processed in conjunction with any permit where Chapter 19.74 identifies the Planning Commission as the Approving Authority including:
- 1) Phase I and Phase II of Major Project permits.
 - 2) Design Review Permits for infill areas, where it is determined by the Planning Manager that because of location, size, design or community interest, a Design Review Permit requires Planning Commission action. As part of any approval, the Planning Commission shall specify if subsequent Design Review Permits may be acted on as an Administrative Permit or shall require a public hearing by the Design Committee.
 - 3) Design Review Permit in association with an application to modify the zoning ordinance, zoning map, General Plan or adopted Specific Plan.
 - 4) Design Review Permit submitted concurrently with a tentative subdivision map, conditional use permit, or Planning Development Permit.
 - 5) Any modification to a Design Review Permit previously approved or conditionally approved by the Commission where the proposed modification significantly differs from the project originally approved or conditionally approved by the Commission.
- D. Design Review Permit for Residential Subdivisions (DRRS).** A Design Review Permit for Residential Subdivisions shall be obtained when required in Article II concurrent or following processing an application for a tentative residential subdivision map. The Approving Authority for Design Review for Residential Subdivisions is the Planning Commission. If, in the opinion of the Planning Manager, a Design Review Permit for Residential Subdivision is not consistent with the goals and intent of the Compact Residential component of the Community Design Guidelines, the Planning Manager may refer the application to the Design Committee for an advisory recommendation to be considered by the Planning Commission.
- E. Extension (EXT).** An Extension shall be obtained pursuant to the requirements of Section 19.76.210. The Approving Authority for Extensions shall be the Planning Manager, unless the Manager determines that a public hearing is required. The Planning Commission shall be the Approving Authority for all other extensions requiring a public hearing.
- F. Flood Encroachment Permit (FEP).** A Flood Encroachment Permit shall be obtained prior to commencement of any use or activity, as listed in Chapter 19.18, within the Floodway or Floodway Fringe Zone. The Approving Authority for a Flood Encroachment Permit shall be the Planning Commission.
- G. Major Project Permit (MPP).** A Major Project Permit shall be obtained pursuant to Chapter 19.82, prior to initiation of construction on a project as defined in Section 19.82.020. The Approving Authority for each stage of a Major Project Permit shall be as indicated in Chapter 19.82.
- H. Modification (MOD).** A Modification shall be obtained pursuant to the requirements of Section 19.76.180. The approving Authority for Modifications shall be the Planning Manager, unless the Manager determines that a public hearing is required. If a public hearing is required for a Modification, refer to the Table in Section 19.78.020 for the Approving Authority of the original entitlement.

- I. Tree Permit (TP).** A Tree Permit shall be obtained, pursuant to Chapter 19.66 prior to conducting any regulated activity within the Protected Zone of a Native Oak Tree or the removal of a Native Oak Tree. The Approving Authority for Tree Permits shall be the Planning Commission, unless the Tree Permit is processed in conjunction with a permit reviewed by the Design Committee in which case the Approving Authority shall be the DC.
- J. Tree Permit, Administrative (ATP).** An Administrative Tree permit shall be obtained, pursuant to Chapter 19.66 prior to conducting any regulated activity within the Protected Zone of a Native Oak Tree or the removal of a Native Oak Tree, pursuant to Section 19.66.030. The Approving Authority for Administrative Tree Permits shall be the Planning Manager, unless the Administrative Tree Permit is processed in conjunction with another permit or variance under this Title, in which case the Approving Authority for the other permit or variance shall be the Approving Authority for the Administrative Tree Permit.

(Ord. 3922 § 16, 2003; Ord. 3450 § 11, 1999; Ord. 3287 § 1, 1998; Ord. 3270 § 8, 1998; Ord. 3141 § 7, 1997; Ord. 3128 § 2, 1997; Ord. 3088 § 14 (part), 1997; Ord. 3046 § 8, 1996; Ord. 3014 (part), 1996; Ord. 4656 (part), 2008; Ord. 4728 § 9 (part), 2009; Ord. 5428 (part), 2014)

Section 19.74.020 - Variance to Development and Parking Standards

- A. Variance (V).** A Variance shall be obtained to allow deviation from the provisions of this Title governing the application of development standards such as parking requirements, lot size, width, setbacks, area and height requirements thereof exceeding thirty-five (35) percent of the development standard. No variances from permitted uses for any zone district as set forth in this Title shall be granted. A variance to reduce parking requirements shall not be processed administratively. The Approving Authority for Variances shall be the Planning Commission, except as otherwise identified by this Chapter.
- B. Variances, Administrative (AV).** An Administrative Variance shall be obtained to allow deviations from this Title governing the application of development standards such as lot size, width, setbacks, area and height requirements thereof up to thirty-five (35) percent of the development standard. The Approving Authority for Administrative Variances shall be the Planning Manager.

(Ord. 3088 § 14 (part), 1997; Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.74.030 - Concurrent Processing

A permit normally processed administratively, that is processed with a permit or variance, shall be reviewed by the public hearing Approving Authority for the permit or variance. Whenever a proposed development or use requires the issuance of more than one permit or variance, the applicable processing requirements of this Chapter shall apply simultaneously.

(Ord. 3141 § 8, 1997; Ord. 3088 § 14 (part), 1997; Ord. 3014 (part), 1996.)

CHAPTER - 19.76 - APPLICATION PROCESSING PROCEDURES

Section 19.76.010 – Purpose

The purpose of this Chapter is to address the processing of an application for a permit or variance from the time it is submitted to the Planning Division, including acceptance as complete, through issuance of the permit or approval of the variance. This Chapter also addresses the process for modifying and extending permit approvals.

(Ord. 3014 (part), 1996.) (Ord. 4662 (part), 2008; Ord. 5428 (part), 2014)

Section 19.76.020 - Application Submittal

An application for a permit, variance, a permit modification or extension, or other approvals required by this Title shall be submitted to the Planning Division on an application form provided by the Planning Division, and shall include the consent of the lawful owner of record, fees as established by the City Council, plans, maps, and any information required by the Department. Approvals granted for an application which was submitted containing false or inaccurate information which the applicant knew or should have known, was false or inaccurate, shall be declared null and void and subject to immediate revocation.

(Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.76.030 - Eligible Applicants

A permit application may be filed by:

- A. The lawful owner of record of the parcel, or their duly authorized agents.
- B. A person with lawful power of attorney or other acceptable authority from the lawful owner of record. Evidence of authorization shall be submitted upon request of the Department.

(Ord. 3014 (part), 1996.)

Section 19.76.040 - Submittal Requirements

Every application for a permit shall include the following information:

- A. A description including maps, plans, and other relevant data, of the proposed development, project site and vicinity sufficient to determine whether the project complies with the requirements of these regulations, including sufficient information concerning the existing use of land and water areas in the vicinity of the site of the proposed project insofar as the applicant can reasonably ascertain for the vicinity surrounding the project site.
- B. A description of the applicant's interest in the property upon which work is to be performed.
- C. A dated signature by the property owner, or owners, authorizing the processing of the application, and, if so desired by the property owner, authorizing a representative to bind the property owner to matters concerning the application.

- D. Such other or additional information that the Planning Manager may deem necessary in his or her discretion to determine whether the development as applied for, is consistent with the City's General Plan and these regulations.

(Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.76.050 - Application Acceptance and Initial Review

The Department shall review all applications for compliance with the submittal requirements. In order to be accepted for processing, an application shall include the required application, filing fees, and plans as defined in Chapter 19.76. Applications submitted without the required information are not required to be accepted for processing.

(Ord. 3014 (part), 1996.)

Section 19.76.060 - Project Referral

Upon receipt of an application, the Department shall refer copies of the application to any City Department, local, state or federal agency or other individual or group that the Department believes may have relevant authority or expertise on the proposed project.

(Ord. 3014 (part), 1996.)

Section 19.76.070 - Project Evaluation Meeting

Upon completion of the project referral, and prior to accepting an application as complete, the Planning Manager shall determine whether a Project Evaluation Meeting (PEM) is needed. If it is determined a PEM is needed, a PEM will be scheduled with the applicant and all City Departments and agencies having jurisdiction or providing services to the project site. The purpose of the meeting is to discuss:

- a. The status of application acceptance;
- b. The provision of services to the subject site;
- c. Compliance with the provisions of the General Plan, any applicable Specific Plan and this Title; and
- d. Compliance with other City standards.

(Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.76.080 - Acceptance as Complete

Within thirty (30) days of the application submittal, a determination shall be made whether or not the application is complete. Upon completion of the referral period or the PEM, when a PEM is held, a letter shall be sent to the applicant finding that all the submittal requirements have been satisfied and that the application has been accepted as complete, or itemizing any information which is necessary to complete the application. The letter shall also address areas in which the submitted plans are not in compliance with City standards and requirements. The applicant may appeal the determination pursuant to Chapter 19.80 that additional information is necessary to the Approving Authority for the permit requested. If additional information is required and the application is not made complete within six (6) months of application submittal, then the application shall be deemed withdrawn and no action will be taken on the application.

Permits which require approval of an amendment to this Title, the General Plan or a Specific Plan shall be processed concurrent with the legislative action, but the application for such permits shall not be deemed to be complete unless and until the legislative action becomes effective.

Upon acceptance of the application as complete, the Planning Division shall conduct an initial study pursuant to CEQA to evaluate the environmental impacts associated with the proposed project. The Planning Division shall then prepare and circulate for public distribution the appropriate environmental document.

(Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.76.090 - Application Review

Public Notice shall be given in accordance with Chapter 19.78. A written report and recommendations for action shall be prepared by the Planning Division, and shall be mailed or delivered to the Approving Authority, the property owner and the applicant not less than three days prior to the public hearing or action on the application.

(Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.76.100 - Approving Authority Action

The Approving Authority, as required by Section 19.78.020, shall approve, conditionally approve, or deny the proposed permit or variance in accordance with the requirements of this Title. In acting on a permit or variance, the Approving Authority shall make the applicable findings set forth in Chapter 19.78. An action of the Approving Authority may be appealed in accordance with the appeal procedures set forth in Chapter 19.80.

(Ord. 3014 (part), 1996.)

Section 19.76.110 - Notice of Action

Within two (2) working days of the action by the Approving Authority, a notice of action shall be mailed to the applicant at the address appearing on the application or to such other address designated in writing by the applicant. The notice shall contain the following information:

- A. The action taken by the Approving Authority.
- B. Any conditions of approval.
- C. The permit expiration date and extension or renewal requirements.
- D. Notice of the time for appeal.
- E. Notice of the legal requirement to pursue administrative remedies.

(Ord. 3014 (part), 1996.)

Section 19.76.120 - Effective Date

An action which approves or denies a permit or variance, or which modifies or revokes a permit or variance or denies an application for modification or revocation of a permit or variance, which is subject to appeal shall be effective upon the expiration of the ten (10) day appeal period. No action shall be final until all appeal periods have expired, or until the final action on appeal has been rendered pursuant to this Title.

(Ord. 3450 § 12, 1999; Ord. 3014 (part), 1996; Ord. 4662 (part), 2008.)

Section 19.76.130 - Effect of Permit

The approval of a permit or variance authorizes the applicant to proceed with the proposed project upon the effective date of the permit, subject to all conditions or restrictions imposed by the Approving Authority; provided, however, that all other permits, licenses, certificates and other grants of approval to which the proposed development project is subject must be secured before the development or use may be commenced.

No person shall obtain any right or privilege to use property for any purpose or in any manner described in an application for a permit or variance, or a modification thereof, unless and until the decision granting the permit or variance or modification becomes effective.

(Ord. 3014 (part), 1996.)

Section 19.76.140 - Expiration

A permit shall expire and become null and void if not effectuated within the time specified in the permit, as otherwise specified in this Title or within twenty-four (24) months after the effective date whichever period is longer. The original approval date of a permit shall be defined as the date in which the Approving Authority took action.

(Ord. 3014 (part), 1996.)

Section 19.76.150 - Land Use Permit Effectuation

A. The effectuation of a land use permit (e.g., Conditional Use Permit, Variance, Design Review Permit, Administrative Permit and a Major Project Permit) may occur under any of the following applicable circumstances:

1. With regard to a land use permit authorizing the construction or modification of a building(s) or structure(s), a land use permit shall be effectuated when a building or foundation permit is issued by the City Building Division; or,
2. With regard to a land use permit authorizing the construction or modification of a building(s) or structure(s), a land use permit shall be effectuated when improvement plans have been approved by the Engineering Division, and substantial construction occurs. Substantial construction shall be defined as underground or utility improvements and/or frontage improvements not associated with a land division; or,
3. With regard to land use permit not associated with the construction or modification of property, building(s), or structure(s), the land use shall be effectuated when the use is initiated in full compliance with all applicable conditions, ordinances or resolutions.

- B.** A "land use permit modification" subsequently approved under a separate action from the original permit, where the original approval has not been effectuated as aforementioned, is subject to the original expiration date associated with the original land use permit. However, in the event the original approval has been effectuated prior to action on the land use permit modification, then such land use permit modification shall be subject to the expiration date as stated within its conditions of approval and shall additionally be subject to above sub-sections 19.76.140 (A) (1) - (3).

(Ord. 3922 § 17, 2003; Ord. 3014 (part), 1996.)

Section 19.76.160 - Diligent Pursuit Required After Effectuation

Following the effectuation of the permit, the completion of the project shall be diligently pursued. If, in the judgment of the Planning Manager, the project is not being diligently pursued to completion, the Planning Manager may require the applicant to submit a schedule for completion of construction. If in the opinion of the Planning Manager, the schedule for completion of construction does not demonstrate compliance with the conditions of approval, the Planning Manager may initiate revocation or modification proceedings as specified in Chapter 19.88.

(Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.76.170 - Phased Construction

For projects that involve construction in phases, the time periods for the phases may be stated in the conditions of the permit so as to avoid a lapse of progressive development following the completion of the preceding phase.

Section 19.76.180 - Modifications

Any person holding a permit granted under this Title may request a modification to that permit. For the purpose of this section, the modification of a permit may include modification of the terms of the permit itself, project design, or the waiver or alteration of conditions imposed in the granting of the permit. Requests of modification shall be processed as follows:

- A.** Substantial Conformity. If the proposed modifications are in substantial conformity with the approved permit, the Manager may determine that no formal action is required and shall approve the modifications which shall be incorporated into the permit.
- B.** The Approving Authority for Modifications shall be the Planning Manager. Following a public notice, the Manager may waive the requirement for a public hearing. If a public hearing is requested, the Planning Manager shall schedule and notice the permit for public hearing by the Planning Commission or the Design Committee as specified by this Title. A public hearing may be required for any modification at the discretion of the Planning Manager.

(Ord. 3141 § 9, 1997; Ord. 3088 § 15 (part), 1997; Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.76.190 - Reconsideration

If there are any new or different facts, circumstances, or law which could not have been presented at the hearing on the application and which may affect the action taken, the Approving Authority may reconsider such action, if a request for reconsideration, along with the fee established by the City Council, is filed with the Planning Division within 15 days following the date of the action. The requested reconsideration shall be subject to a public hearing and notice of such hearing shall be given as specified in Chapter 19.78. The failure of the applicant to present information which was available at or prior to the original action is not grounds for reconsideration.

(Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.76.200 – Reapplication

No application shall be accepted or acted upon, if within the preceding twelve (12) months, an application has been made and denied by an Approving Authority which involves substantially the same parcel and which requests approval of substantially the same permits, unless the Planning Manager permits such reapplication because either of the following applies:

- A. New evidence has become available which was unavailable or unknown to the applicant at the time of the previous action and which could not have been discovered in the exercise of reasonable diligence by the applicant; or
- B. There has been a substantial and permanent change of relevant circumstances since the previous decision, which materially affects the parcel involved in the application.

(Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.76.210 - Extension

The period within which effectuation of a permit must occur may be extended by the Planning Manager's approval of an Administrative Permit, except for Major Project Permits. An application for such an extension shall be filed pursuant to Chapter 19.76.

The Planning Manager may grant a single one (1) year extension for a permit which has been approved but has not been effectuated. The approval of an extension extends the expiration date for one year from the original permit date except for Major Permits. No additional extensions shall be granted for a permit which has been active for a period of three (3) years, unless otherwise provided for in the conditions of approval or by this Title. The permit as extended, may be conditioned to comply with any development standards which may have been enacted since the permit was initially approved. The extension shall be granted if the findings specified in Section 19.78.060(C) are made. Any extension may require a Public Hearing at the discretion of the Planning Manager.

(Ord. 3270 § 9, 1998; Ord. 3088 § 15 (part), 1997; Ord. 3046 § 9, 1996; Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.76.220 - Permit to Run With Land

Unless otherwise conditioned, a permit or variance granted pursuant to the provisions of this Chapter shall be transferable upon a change of ownership of the site, business, service, use or structure, provided that the use and conditions of the original permit or variance are fully complied with and not modified or enlarged.

(Ord. 3014 (part), 1996.)

CHAPTER 19.78 - PUBLIC REVIEW PROVISIONS AND APPROVAL STANDARDS

Section 19.78.010 - Purpose

The purpose of this Chapter is to specify the public notice and hearing process for an application for a permit or variance, and the findings upon which an approval, conditional approval or denial is based.

(Ord. 3014 (part), 1996.)

Section 19.78.020 - Required Public Hearings, Authorized Approving Authority and Public Notice

Type "A": The public hearing may be waived. Notice of an intent to approve a development entitlement shall be mailed or delivered at least ten (10) days prior to an action to the applicant, the property owner, the owners, as shown on the most recent secured Assessor' s Roll, of property within 300 feet of the property involved in the application, and all persons who have requested notice, pursuant to Section 19.78.050 of this Title.

Type "B": Public hearing is required. Notice of the hearing shall be mailed or delivered at least ten (10) days prior to the public hearing to the applicant, the property owner, the owners, as shown on the most recent secured Assessor' s Roll, of property within 300 feet of the property involved in the application, and each local agency expected to provide water, sewer, streets, roads, schools or other essential facilities or services to the site. Notice shall also be provided to all persons who have requested notice, pursuant to Section 19.78.050 of this Title. The radius list for notice of a permit application for an adult establishment shall be expanded as required by Section 19.32.030 of this Title. The radius list for notice of a permit application for a nightclub use shall be expanded as required by Section 19.49.040 of this Title.

Ten (10) days prior to the public hearing, notice shall also be provided by at least one of the following methods:

1. Publication in a newspaper of general circulation within the City; or
2. Posting in at least three (3) public places within the City and posting the application site.

Type "C": The public hearing may be waived. Notice of intent to approve a development entitlement shall be posted on the subject site, by the property owner, at least ten (10) days prior to an action to the applicant and/or the property owner(s).

Type "D": No public hearing required and no public notice is required.

REQUIRED HEARINGS, AUTHORIZED APPROVING AUTHORITY AND PUBLIC NOTICE

TYPE OF PERMIT OR VARIANCE	APPROVING AUTHORITY		
	PLANNING MANAGER	DESIGN COMMITTEE	PLANNING COMMISSION
	NOTICE TYPE		
Administrative Permit	A		
Conditional Use Permit			B
Development Agreement			B
Design Review Permit		B	
Design Review Permit, Admin.	A		
Design Review Permit, Minor	C		
Design Review Permit for Residential Subdivision			B
Extension	A		A
Flood Encroachment Permit			B
Major Project			
Stage I - Preliminary Development Plan			B
Stage II - Architecture & Landscape Review			B
Stage III - Final Plans	D		
Modification	A	B	B
Planned Development Permit			B
Tree Permit		B	B
Tree Permit, Administrative	D		
Variance			B
Variance, Administrative	A		

(Ord. 3922 § 18, 2003; Ord. 3450 § 13 (part), 1999; Ord. 3270 § 10, 1998; Ord. 3141 § 10, 1997;
Ord. 3088 § 16 (part), 1997; Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.78.030 - Contents of Public Notice When a Public Hearing May be Waived

Whenever the provisions of Section 19.78.020 permit the waiving of a public hearing, the notice of intent to take action shall contain the following information:

- A. The name of the applicant;
- B. The file number assigned to the application;
- C. A general description of the nature of the request;
- D. A general description, in text or diagram, of the location of property, if any, that is subject to the hearing;
- E. The identity of the Approving Authority as the Planning Manager and the scheduled date for action;
- F. The following statement:

 "The purpose of this notice is to inform you that an application for the described project has been submitted to the Roseville Planning Division. The Planning Manager may approve the application without holding a public hearing, unless a public hearing is requested in writing by you or any individual wanting to comment on the project prior to the scheduled approval date;"
- G. Notice that if a decision is challenged in court, the challenge may be limited to raising only those issues which were raised at a public hearing, if a public hearing is requested, or in written correspondence delivered to the Planning Manager at, or prior to, the public hearing; and
- H. A description of the procedure for requesting the scheduling of a public hearing or for filing an appeal.

(Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.78.040 - Contents of Public Notice When a Public Hearing is Required

The Public Notice when a public hearing is required shall contain the following information:

- A. The name of the applicant;
- B. The file number assigned to the application;
- C. A general description of the nature of the request;
- D. A general description, in text or diagram, of the location of property, if any, that is subject to the hearing;
- E. The date, time, and place of the public hearing;
- F. The identity of the Approving Authority and a brief description of the process and procedure for submitting public comment; and
- G. Notice that if a decision is challenged in court, the challenge may be limited to raising only those issues which were raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Manager at, or prior to, the public hearing.

(Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.78.050 - Requests for Notification

Any person who requests to be on a mailing list for notice of hearing for a development project or projects shall submit such request in writing to the Planning Division. The City may impose a reasonable fee by resolution of the Council for the purpose of recovering the cost of such notification.

(Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.78.060 - Required Findings for Approval or Conditional Approval of Permits and Variances

The Approving Authority may approve or conditionally approve an application for a permit or variance, as defined in Section 19.74.010, only if all of the following applicable findings, in addition to those findings that are applicable in this Title are made.

A. Findings for an Administrative Permit or a Conditional Use Permit. The Approving Authority shall make the following findings to approve an Administrative Permit or a Conditional Use Permit:

1. The proposed use or development is consistent with the City of Roseville General Plan and any applicable Specific Plan;
2. The proposed use or development conforms with all applicable standards and requirements of this Title; and
3. The location, size, design and operating characteristics of the use or development is compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements.

B. Findings for a Design Review Permit. The Approving Authority shall make the following findings to approve a Design Review Permit:

1. The project as approved preserves and accentuates the natural features of the property, such as open space, topography, trees, wetlands and water courses, provides adequate drainage for the project, and allows beneficial use to be made of the site for development.
2. The project site design as approved provides open space, access, vehicle parking, vehicle, pedestrian and bicycle circulation, pedestrian walks and links to alternative modes of transportation, loading areas, landscaping and irrigation and lighting which results in a safe, efficient, and harmonious development and which is consistent with the applicable goals, policies and objectives set forth in the General Plan, the Community Design Guidelines and the applicable Specific Plan and/or applicable design guidelines.
3. The building design, including the materials, colors, height, bulk, size and relief, and the arrangement of the structures on the site, as approved is harmonious with other development and buildings in the vicinity and which is consistent with the applicable goals, policies and objectives set forth in the General Plan, the Community Design Guidelines and the applicable Specific Plan and/or applicable design guidelines.

4. The design of the public services, as approved, including, but not limited to trash enclosures and service equipment are located so as not to detract from the appearance of the site, and are screened appropriately and effectively using construction materials, colors and landscaping that are harmonious with the site and the building designs.
- C. Findings for a Minor Design Review Permit.** The Approving Authority shall make the following findings to approve a Minor Design Review Permit.
1. The proposed improvement is minor in nature and substantially compatible with the existing structure and complimentary to the adjacent land uses.
 2. The proposed improvement complies with all applicable standards and requirements of this Title, with the applicable goals, policies and objectives set forth in the General Plan, the applicable Community Design Guidelines and the applicable Specific Plan.
- D. Findings for an Extension.** The Approving Authority shall make the following findings to approve an Extension:
1. The proposed development is in compliance with all standards in effect as of the date of application for the extension, or there is no public benefit to the imposition of current standards comparable to the cost of imposing item;
 2. No change has occurred in the circumstances or in the factual basis on which the approval was made since the date of original approval, which results in the inability to make findings of approval for the extension consistent with those originally made.
- E. Findings for a Flood Encroachment Permit.** The Approving Authority shall make the following findings to approve a Flood Encroachment Permit:
1. The flood encroachment will be constructed and will be operated in compliance with all standards and regulations set forth in Chapter 19.18 of this Title.
 2. The flood encroachment will not result in increased exposure of life and property to flood related hazards.
- F. Findings for a Tree Permit.** The Approving Authority shall make the following findings to approve a Tree Permit:
1. Approval of the Tree Permit will not be detrimental to the public health, safety or welfare, and approval of the Tree Permit is consistent with the provisions of Chapter 19.66.
 2. Measures have been incorporated in the project or permit to mitigate impacts to remaining trees or to provide replacement for trees removed.
- G. Findings for a Variance.** The Approving Authority shall make the following findings to approve a Variance:
1. There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, such that the strict application of the provisions of this Zoning Ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical land use district classification;

2. The granting of the Variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located; and
 3. The granting of the Variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel and will not constitute a grant of special privilege inconsistent with the limitations upon other property in the vicinity and under identical zoning classification.
- H. Findings for a Planned Development Permit.** The Approving Authority shall make the following findings to approve a Planned Development Permit:
1. The use and design of the proposed development conforms with the requirements of the applicable Specific Plan, Planned Development zone district and the requirements of this Title.
 2. The location, size, design and operating characteristics of the use or development is to be compatible with and will not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, and will not be detrimental or injurious to public or private property or improvements.
- I. Findings for a Design Review Permit for Residential Subdivision.** The Approving Authority shall make the following findings to approve a Design Review Permit for Residential Subdivisions:
1. The residential design, including the height, bulk, size and arrangement of buildings is harmonious with other buildings in the vicinity.
 2. The residential design is consistent with applicable design guidelines.
- J. Findings for a Modification.** The Approving Authority shall make the following findings to approve a Modification:
1. The proposed modification is substantially consistent with the intent of the original approval.
 2. The proposed modification complies with all applicable standards and requirements of this title, with the applicable goals, policies and objectives set forth in the General Plan, the applicable Community Design Guidelines and the applicable Specific Plan.

(Ord. 3450 § 13 (part), 1999; Ord. 3088 § 16 (part), 1997; Ord. 3014 (part), 1996.)

CHAPTER - 19.80 - APPEALS

Section 19.80.010 - Purpose

This Chapter identifies the procedures for filing and processing an appeal.

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008.)

Section 19.80.020 - Appeal of Decision or Findings

Any person aggrieved by an interpretation or action of the Planning Manager, Design Review Committee, or Planning Commission, made pursuant to this Article, may appeal such action to the appropriate Appeal Authority, as shown in Table 19.80, by filing a written appeal with the appropriate fee within ten (10) days from the date of action by the Planning Manager or the Committee's/Commission's action. If the tenth day falls upon a weekend or holiday the appeal period shall be extended to the end of the next available business day. All appeals shall be filed with the City Clerk's office, except appeals of the Planning Manager's action, which shall be filed at the Planning Division.

APPEAL FROM ACTION OR DECISION OF:	APPEAL AUTHORITY	
	PC	CC
Planning Manager	X*	
Design Committee		X
Planning Commission		X

* Appeal of the Planning Manager's decision on Design Review Permit Modifications or Design Review Permit Extensions would be heard by the Design Committee.

(Ord. 3922 § 19, 2003; Ord. 3450 § 14 (part), 1999; Ord. 3141 § 11, 1997; Ord. 3088 § 17 (part), 1997; Ord. 3014 (part), 1996; Ord. 4662 (part), 2008; Ord. 5428 (part), 2014)

Section 19.80.030 - Filing an Appeal of the Planning Manager's Action or Decision

The Planning Division shall provide a standard form for the filing of an appeal of the action of the Planning Manager. The appeal shall be filed within 10 days from the date of action and with the Planning Division with such fees as may be established by the City Council. The appeal shall specify the action being appealed and shall state the specific grounds for the appeal. If only certain conditions of an approval are being appealed, the specific conditions shall be identified and the specific grounds for appeal of the conditions shall be specified.

(Ord. 3450 § 14 (part), 1999; Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.80.040 - Filing an Appeal of the Design Committee's or Planning Commission's Action or Decision

The City Clerk shall provide a standard form for the filing of an appeal of the action of the Design Committee or the Planning Commission. The appeal shall be filed with the City Clerk with such fees as may be established by the City Council. The appeal shall specify the action being appealed and shall state the specific grounds for the appeal. If only certain conditions of an approval are being appealed, the specific conditions shall be identified and the specific grounds for appeal of the conditions shall be specified.

(Ord. 3141 § 12, 1997; Ord. 3014 (part), 1996.)

Section 19.80.050 - Effect of Filing an Appeal

A timely appeal of an action shall stay the effective date of the action, for that portion of the permit or variance being appealed, until the appeal has been acted upon or withdrawn. If only certain conditions are appealed, the effective date of approval shall remain the date of action by the Approving Authority.

(Ord. 3014 (part), 1996.)

Section 19.80.060 - Hearings and Notices

The Planning Manager or the City Clerk, as provided above, shall give notice of the Appeal Authority's public hearing to consider the appeal at least ten (10) days prior to the hearing date. The form, content, and method of providing notice shall be consistent with notice Type "B," Section 19.78.020 of this Title.

Such hearing shall be held within forty-five (45) calendar days from the last day of the appeal period. The appellant shall not be granted a continuance of the appeal beyond the forty-five (45) day period.

(Ord. 3088 § 17 (part), 1997; Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.80.070 - Action on Appeal

Each appeal shall be considered to be a de novo hearing on the matter being appealed. The appellate Approving Authority may grant the appeal, grant the appeal in part, or deny the appeal. In taking its action on an appeal, the Approving Authority shall state the basis for the action being taken on the appeal, and may refer the matter back to the original Approving Authority for further action. The appellate Approving Authority may modify or delete any conditions which have been appealed, or add such conditions as may be necessary to address the issues being appealed, or may modify or delete any other conditions of approval which are necessarily related to those which have been appealed. Any condition which was not appealed, and which has not been modified or deleted upon appeal, shall remain unaffected.

(Ord. 3014 (part), 1996.)

Section 19.80.080 - Referrals

The Council may refer a matter back to the Approving Authority if the Council finds that there is information that was not made available to the Approving Authority which may have affected the decision. The Approving Authority shall hold a public hearing on the matter within sixty (60) days following the City Council's date of referral.

(Ord. 3014 (part), 1996.)

Section 19.80.090 - Action by Council is Final

The decision of the City Council on an appeal is final, except as allowed under the provisions for Reconsideration (Section 19.76.190).

(Ord. 3014 (part), 1996.)

CHAPTER - 19.82 - MAJOR PROJECTS PERMIT PROCESSING

Section 19.82.010 - Purpose

This Section provides for staged approval of major projects. This allows for the resolution of site development issues early in the City's review and approval process for major projects. The level of required project information detail increases as each stage of approvals/entitlements are granted.

(Ord. 3014 (part), 1996.)

Section 19.82.020 - Applicability

This section applies to the following major projects that meet one (1) or more of the following criteria:

- A. Commercial center in excess of 250,000 square feet, as a total of all "proposed" building pads, and all phases (regardless if not all pads are proposed to be developed at one time);
- B. Office or Mixed Use development in excess of 250,000 square feet, aggregate total;
- C. Industrial development in excess of 500,000 square feet, aggregate total; or occupying more than fifty (50) acres;
- D. Motel or hotel development of more than 200 rooms;
- E. Original, non-residential specific plan parcels in excess of fifteen (15) acres, excepting publicly owned parcels; and
- F. Any non-residential or multi-family project where, based on the preparation of an initial study pursuant to California Environmental Quality Act, the Planning Manager determines that there is a potential for significant environmental impacts. Such impacts may include but are not limited to flooding, native oak trees, wetlands, grading, drainage, traffic and circulation, and public services and facilities.

Notwithstanding the above requirements, the Planning Manager may determine in writing that features of any proposed project do not warrant the staged review as provided by this section. In making this determination, the Planning Manager shall find that the size, scale and phasing of the project do not warrant a staged review, and development of the project shall have minimal environmental impacts. Such projects shall be processed in accordance with applicable zoning and site review ordinance requirements.

The Planning Manager's decision to require or to not require a project to be processed in accordance with this section may be appealed to the Planning Commission by filing a written appeal within ten (10) calendar days of the decision in accordance with Chapter 19.80.

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008; Ord. 5428 (part), 2014)

Section 19.82.030 - Procedure

- A. **Review Process.** All projects subject to this section shall be processed and reviewed in three (3) stages, as described below:
 - 1. **General.** The required development plans for a Major Project shall consist of three (3) types of plans, approved in three (3) stages: Stage 1 - Preliminary Development Plan; Stage 2 - Architectural and Landscaping Plan; and Stage 3 - Final Development Plans. The approved preliminary development plan shall be the basis and establish the conditions by which Stage 2 - Architecture and Landscaping and Stage 3 - Improvement Plans shall be applied.

2. **Stage 1** - While entitled "preliminary" this only refers to the level of detail of application materials required for Stage 1 processing. The preliminary development plan review shall [establish approved] configuration of buildings, parking, landscaping and open space locations, rough grading and drainage on and off-site, vehicular and pedestrian circulation and development phasing. Stage 1 approval shall be comprehensive and shall be detailed enough to complete all required environmental review. All Stage 2 and 3 submittals and approvals shall substantially conform to the Stage 1 approval. Approval of final development plans shall be required prior to issuance of grading or building permits, unless specifically conditioned to permit earlier issuance in conjunction with Preliminary Development Plan approval. Stage 1 review shall be performed by the Planning Commission.
3. **Stage 2** - Architecture and Landscaping Plan review shall include any conditions of approval or changes stipulated as part of the Preliminary Development Plan approval. The Architecture and Landscaping Plan shall be reviewed and approved by the Planning Commission.
4. **Stage 3** - Final Plans shall include all site development, architecture and landscaping, and shall incorporate all of the conditions and changes stipulated in the Preliminary Development Plan and Architecture and Landscaping Plan Review. Review and approval of the final plans shall be by the Planning Division.

B. Stage 1 - Preliminary Development Plan

1. **Application.** An application for a Stage 1 - Preliminary Development Plan shall be made on the form provided by the Planning Division, accompanied by the fee established by the City Council, and shall contain all of the information listed below. Such information shall be submitted in a form as specified by the Planning Manager.
 - a. Existing and proposed general topographical grades in sufficient detail to provide an overall grading and drainage plan;
 - b. Location of, and an arborist report for, all native oak trees on site and immediately adjacent to the project site, and a tree mitigation plan pursuant to the Tree Preservation Requirements contained in Chapter 19.66;
 - c. Location of significant natural features and resources, including wetlands, intermittent and perennial streams and copies of any resource mitigation plans or permits;
 - d. Location, estimated floor area and intended use of all proposed buildings, structures and other improvements, including maximum heights;
 - e. An on-site pedestrian and vehicular circulation and parking plan, including a table of parking spaces to be provided for projected uses/tenants, loading areas, transit facilities, and any off site traffic control devices or improvements necessary for public safety, and points of ingress and egress to the development;

- f. A traffic impact analysis as required by the Manager of Public Works/City Engineer;
- g. Location of proposed open space and landscaped areas, including a general "palette" of plant and landscape materials;
- h. Softline perspectives that convey the basic architectural intent/theme of the improvements. Such drawings shall not be required to include final details;
- i. A preliminary study of facilities and services required such as drainage, water, sewer, and public utilities;
- j. Location of existing and proposed public services and facilities, and easements;
- k. A plan, including any operational programs, to ensure compatibility between proposed development and adjacent land uses;
- l. If within an adopted specific plan area, a narrative statement indicating how the proposed major project conforms with the applicable plan and applicable design and landscape guidelines;
- m. A tentative construction, phasing and completion schedule, including completion of Stage 2 and Stage 3 application submittals; and
- n. Any information deemed necessary by the Planning Manager in order to complete an environmental review and as deemed necessary to complete Stage 1 review.

2. Planning Commission Review:

- a. The Preliminary Development Plan shall be reviewed by the Planning Commission, at a duly noticed public hearing. In addition to all other required findings, the following findings must be made before approval can be granted.
 - (1) The Preliminary Development Plan is consistent with the General Plan, applicable Specific Plan, and adopted City design guidelines; and
 - (2) The design and installation of the Preliminary Development Plan shall not be detrimental to the public health and safety, or be materially detrimental to the public welfare.
- b. In approving a Preliminary Development Plan, the Planning Commission may place conditions on the project to assure that the design and installation of the project shall be consistent with the public health, safety and welfare; and may add conditions or standards applicable to Stage 3 - Final Plans to assure that the project is reviewed and developed in an orderly manner. The Planning Commission shall not take formal action or condition building architecture or landscaping materials, but may make recommendations related to these for consideration in Phase II review.

3. Notice of Action. Within two (2) working days of the action by the Planning Commission, a notice of the decision shall be mailed to the applicant at the address appearing on the application, or to such other address designated in writing by the applicant, and to each City Council member and the City Manager. The notice shall contain the following information:

- a. Findings upon which the decision was based;
- b. The type of environmental document prepared and date ratified;
- c. The action of the Planning Commission;

- d. Conditions of approval;
 - e. A Preliminary Development Plan expiration date and extension requirements;
 - f. Notice of the appeal period and a brief description of procedure to file and appeal;
 - g. Notice of need to pursue administrative remedies; and
 - h. For City Council notices only, a copy of the Preliminary Development Plan.
4. **Appeal of Planning Commission Decision.** The Planning Commission decision on a Preliminary Development Plan may be appealed in writing to the City Council within ten (10) calendar days of the decision, as provided in Chapter 19.80.
5. **Preliminary Development Plan Expiration.** An approved Preliminary Development Plan shall expire two (2) years from the date of the Planning Commission's action, unless building permits have been issued, substantial site work has commenced and substantial liabilities have been incurred in good faith reliance on the permits. The approval may be extended for up to two additional years. Alternatively, the Planning Commission may as a condition of approval specify a longer period of time prior to the expiration of a Preliminary Development Plan.

A request to extend the approval shall be made on an application form provided by the Planning Manager, and shall be accompanied with a written narrative explaining the reasons for the extension and with a fee as established by the City Council. The application shall be submitted prior to the expiration of the Preliminary Development Plan and once the application is submitted to the Planning Division, the Plan shall be automatically extended for another sixty (60) days.

The Planning Commission shall approve the request for an extension if the Preliminary Development Plan is in compliance with all applicable City requirements in effect at the time such extension is considered by the Commission.

C. Stage 2 - Architecture and Landscape Review

1. **Application.** An application for Architecture and Landscaping Review may be made at any time provided a Preliminary Development Plan has been approved by the Planning Commission and such Plan has not expired. In such cases where the Preliminary Development Plan approval shall not impact the building design or landscaping, concurrent processing of a Preliminary Development Plan and Architecture and Landscaping applications may be approved by the Planning Manager. The application shall be made on the form provided by the Planning Division, accompanied by the fee established by the City Council, and shall contain the following information, at a minimum:
- a. Architectural renderings of typical structures and improvements, including elevations, materials, colors and either perspective drawings, scaled model or computer generated three dimensional video model. Architectural guidelines shall also be submitted for any buildings proposed for construction in a future phase;

- b. A landscaping plan indicating the quantity, size, and type of materials, parking lot shading and compliance with the Water Efficient Landscape Ordinance;
- c. A lighting plan depicting the location, type and intensity of all proposed external fixtures and including treatment to reduce or eliminate off-site glare;
- d. Typical design of outdoor furniture and water features, if proposed;
- e. The design of any project perimeter screens, fences and walls; and
- f. Any information deemed necessary by the Planning Manager to complete Stage 2 review and comply with the approved Preliminary Development Plan.

2. Planning Commission:

- a. The Architecture and Landscaping application shall be reviewed by the Planning Commission, at a duly noticed public hearing. Approval shall be granted provided the following findings are made:
 - (1) The Architecture and Landscaping is consistent with the General Plan, applicable Specific Plan, and adopted City design guidelines; and Phase I approval; and
 - (2) The design shall not be detrimental to the public health and safety, or be materially detrimental to the public welfare.
- b. In approving the Architecture and Landscaping, the Commission may place conditions on the project to assure that the architecture and landscaping of the project shall be consistent with the public health, safety and welfare; and may add conditions or standards applicable to Stage 3 - Final Plans to assure that the architecture and landscaping are reviewed and developed in an orderly manner.

3. Notice of Action. Within two (2) working days of the action by the Planning Commission, a notice of their decision shall be mailed to the applicant at the address appearing on the application, or to such other address designated in writing by the applicant, and to each City Council member and the City Manager. The notice shall contain the following information:

- a. Findings upon which the decision was based;
- b. The action of the Planning Commission;
- c. Conditions of approval;
- d. Planning Plan expiration date and extension requirements;
- e. Notice of the appeal period and a brief description of procedure to file and appeal; and
- f. Notice of need to pursue administrative remedies.

4. Appeal of Planning Commission Decision. The Planning Commission decision on a Preliminary Development Plan may be appealed in writing to the City Council within ten (10) calendar days of the decision.

D. Stage 3 - Final Plans

Final Plans may be submitted in segments or phased areas if approval to do so was obtained as part of Stage 1. The applicant shall submit a final development plan(s) to the Planning Division incorporating all of the changes and conditions stipulated as part of Stage 1 and 2 approvals. The Final Plans shall also contain such information as determined by the Planning Manager as necessary for approval of such plans or for carrying out the intent of Stage 1 and 2 approvals. A transportation systems management plan, as required by Roseville Municipal Code Article 37, shall be submitted concurrently with the Final Plans.

The Planning Manager shall review the plan(s) for substantial compliance and shall provide a written notice to the applicant indicating any areas that are not in compliance with Stage 1 and 2 approvals. Planning Division approval of Final Plans shall be in writing and shall be mailed to the applicant at the address appearing on the application or to such other address designated in writing by the applicant.

No building or final grading permits may be issued until Final Plans have been approved by the Planning Manager. Notwithstanding any other provision of this section to the contrary, a rough grading permit may be issued if the Planning Manager finds that there is no possibility that rough grading of the site shall prejudice or conflict with the approval of the Final Plans.

(Ord. 3141 §§ 13-17, 1997; Ord. 3014 (part), 1996; Ord. 4662 (part), 2008; Ord. 5428 (part), 2014)

Section 19.82.040 - Amendments to an Approved Major Project

A. A minor modification to an approved Major Project shall be limited to changes which:

1. Do not substantially increase the total project square footage or dramatically alter the location of buildings;
2. Are substantially consistent with the intent of the original approval and conditions;
3. Do not change the finding(s) upon which the approval was based; and
4. Do not have a substantial or significant effect on the property rights of adjacent landowners; or
5. Other minor modification as determined by the Planning Manager.

If a request for revision or amendment to the approved Major Project is found to be minor by the Planning Manager and the Manager finds that the revision requested is otherwise found consistent with the Major Project approvals and certified environmental document, the Planning Manager shall issue a letter of approval.

B. If a request for revision or amendment to an approved Major Project Permit is not found to be minor, as noted above, the request may be approved through the Administrative Permit Process. Planning Manager may approve, conditionally approve or deny a Major Project Permit Modification provided the improvement complies with one or all of the following:

1. The improvement meets the intent of the original approval, conditions of approval and environmental document;
2. The improvement is limited to facade, landscaping or parking lot improvements;
3. The improvements consists of color changes;
4. The improvement consists of a modification to or the introduction of a new exterior building material; and/or
5. The improvement meets all the requirements of this Title and the Community Design Guidelines and is minor in nature as determined by the Planning Manager.

- C.** All other requests for revision or amendment to the approved Major Project shall be reviewed in the same manner as required for the initial approval of that stage of the Project. The Planning Manager's determination whether a revision or amendment is minor shall be final.

(Ord. 3922 § 20, 2003; Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

CHAPTER 19.84 - DEVELOPMENT AGREEMENTS

Section 19.84.010 - Purpose

This Chapter is adopted in compliance with the provisions of California Government Code Sections 65864 through 65869.5.

(Ord. 3014 (part), 1996.)

Section 19.84.020 - Application Requirements

- A. Eligibility to Apply.** Only a qualified applicant may file an application to enter into a development agreement. A qualified applicant is a person who has legal or equitable interest in the real property that is the subject of the development agreement. The Manager may require an applicant to submit proof of the applicant's interest in the real property and of the authority of any agent to act for the applicant. Before processing the application, the Manager may obtain the opinion of the City Attorney as to the sufficiency of the applicant's interest in the real property to enter into the agreement.
- B. Application Content.** The Manager shall prescribe the form for each application along with a processing fee as adopted by the City Council. The Manager may require an applicant to submit such information and supporting data as the Manager considers necessary to process the application.
- C. Form of Agreement.** Each application shall be accompanied by the form of standard development agreement established by the City and approved by the Council with any additional alternatives, modifications or changes proposed by the applicant.

(Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.84.030 - Hearing Notice

The Manager shall give notice of the City's intention to consider adoption of a development agreement in conjunction with any other public hearing required by law or this Ordinance, at least ten (10) days prior to the hearing date. The form, content, and method of providing notice shall be consistent with notice type "B," Section 19.78.020 of this Title.

(Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.84.040 - Review by Planning Commission

After a hearing by the Planning Commission, which may be held in conjunction with other required hearings for the project including amendments to the general plan, rezonings, subdivision maps, or conditional use permits, the Planning Commission shall make its recommendation in writing to the Council. The recommendation shall include consideration of the following:

- A.** Consistency with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan;
- B.** Consistency with the provisions of this Title;

- C. Conformity with public health, safety and general welfare;
- D. The affect on the orderly development of property or the preservation of property values; and
- E. Whether the provisions of the Agreement shall provide sufficient benefit to the City to justify entering into the Agreement.

(Ord. 3014 (part), 1996.)

Section 19.84.050 - Council Hearing

Following notice as provided by Section 19.78.020 above, the Council shall hold a public hearing. It may accept, modify or disapprove the recommendation of the Planning Commission. The Council shall not approve the development agreement unless it finds that the provisions of the agreement are consistent with the General Plan and any applicable specific plan. If the Council approves the development agreement, it shall do so by the adoption of an ordinance. After the ordinance approving the development agreement takes effect, the City may enter into the agreement.

(Ord. 3014 (part), 1996.)

Section 19.84.060 - Amendment or Cancellation

Either party may propose an amendment to, or cancellation in whole or in part, of an executed development agreement. If proposed by the developer, the procedure for proposing and adoption of an amendment to or cancellation in whole or in part of the development agreement shall be the same as the procedure for entering into an agreement in the first instance. However, where the City initiates the proposed amendment to or cancellation of the development agreement, it shall first give at least thirty (30) days notice to the property owner of its intention to initiate such proceedings in advance of the giving of public notice of hearing.

(Ord. 3014 (part), 1996.)

Section 19.84.070 - Recordation of Agreement, Amendment or Cancellation

- A. Within ten (10) days after the City enters into the development agreement, the City Clerk shall have the agreement recorded with the County Recorder.
- B. If the parties to the agreement or their successors in interest amend or cancel the agreement as provided in Government Code Section 65865.1 for failure of the application to comply in good faith with the terms or conditions of the agreement, the City Clerk shall likewise have record notice of such action with the County Recorder.

(Ord. 3014 (part), 1996.)

Section 19.84.080 - Periodic Review

The City shall review the development agreement every twelve (12) months from the date the agreement is entered into.

- A. The Manager shall begin the review proceeding by giving notice that the City intends to undertake a periodic review of the development agreement to the property owner. The Manager shall give the notice at least thirty (30) days before the date when the matter shall be considered by the Council.
- B. The Council shall receive the Manager's report at a regularly scheduled City Council meeting. A public hearing may be held but is not required. At the meeting, the property owner must demonstrate good faith compliance with the terms of the agreement. The burden of proof on this issue is upon the property owner. If a public hearing is held, notice of the hearing shall be given as provided by Section 19.78.020.

- C.** The Council shall determine whether or not the property owner has, for the period under review, complied in good faith with the terms and conditions of the agreement.
- D.** If the Council finds and determines that the property owner has complied in good faith with the terms and conditions of the agreement during the period under review, the review for that period is concluded. If the Council finds and determines that the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the Council shall order the property owner to cure the default within sixty (60) days. If the property owner fails to do so, the Council may modify or terminate the agreement.

(Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

CHAPTER - 19.86 - ZONING ORDINANCE AMENDMENTS

Section 19.86.010 - Purpose

Any amendment to this Title, which changes the zoning on any parcel or which modifies any provision of this Title, shall be adopted in the manner set forth in this Chapter.

(Ord. 3014 (part), 1996.) (Ord. 4662 (part), 2008)

Section 19.86.020 - Initiation of Amendment

An amendment of this Chapter may be initiated in any of the following manners:

- A. Upon Motion of the City Council.
- B. Upon Motion of the Planning Commission.
- C. Upon application by a property owner or owners of a parcel to be affected by an amendment of the Zoning Map which rezones the parcel, or amending the text of this Title which applied to the parcel.
- D. Upon recommendation by the Planning Manager to clarify text, address changes mandated by State Law, maintain General Plan and Specific Plan consistency, to address minor boundary adjustments, or for any other reason beneficial to the City.

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008; Ord. 5428 (part), 2014)

Section 19.86.030 - Application Form, Fees and Processing

- A. **Application.** An application for an amendment to this Title shall be submitted to the Planning Division on a signed application form provided by the Planning Division. The application shall be accompanied by a description of the amendment, a fee as established by the City Council and any other information required by the Planning Division in order to determine compliance with this Title, the General Plan and any applicable specific plan.
- B. **Concurrent Processing.** An application for an amendment may be processed concurrently with other applications, at the discretion of the Planning Manager. Permits or variances approved in conjunction with a zoning ordinance amendment application shall not become effective until the zoning ordinance amendment is effective.
- C. **Review.** Upon acceptance of the application, the Planning Division shall review the request and shall prepare a written report.
- D. **Public Hearing.** The Planning Manager shall give notice of the Planning Commission's intention to consider an Amendment in accordance with Government Code Section 65854 as amended from time to time. The Planning Manager may also provide such additional notice as the Planning Manager deems appropriate or necessary based upon the nature of the proposed amendment.

(Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.86.040 - Planning Manager Report

The Planning Manager shall prepare a written report which shall be mailed or delivered to the Planning Commission and the applicant not less than three days prior to the hearing.

(Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.86.050 - Recommendation on Amendment

- A.** Following a public hearing, the Planning Commission shall consider the proposed Amendment and make a recommendation to the City Council. The Planning Commission shall include the reasons supporting their recommendation and shall, at a minimum, discuss if the proposed amendment is consistent with:
- 1.** The public interest, health, safety, or welfare of the City, and
 - 2.** The General Plan and any applicable Specific Plan of the City of Roseville.
- B.** The decision of the Planning Commission shall constitute a recommendation to the City Council.

(Ord. 3088 § 18 (part), 1997; Ord. 3014 (part), 1996.)

Section 19.86.060 - City Council Action

Prior to taking action on a recommendation by the Planning Commission for an amendment, the City Council shall consider the findings of the Planning Commission.

(Ord. 3088 § 18 (part), 1997; Ord. 3014 (part), 1996.)

CHAPTER 19.88 - REVOCATION PROCEDURE

Section 19.88.010 - Purpose

This Chapter provides the process for the revocation or modification of any permit, or variance granted under this Chapter.

(Ord. 3014 (part), 1996; Ord. 4662 (part), 2008)

Section 19.88.020 - Automatic Revocation of a Permit

Notwithstanding any other provisions of this Title to the contrary, a permit or variance shall cease to be valid, and all rights or privileges granted thereby shall lapse, whenever there becomes final any judgment of a court of competent jurisdiction declaring one or more of the conditions of approval to be void or unenforceable, or enjoining or otherwise prohibiting the enforcement or operation of one or more of such conditions.

(Ord. 3014 (part), 1996.)

Section 19.88.030 - Revocation or Modification of a Permit for Cause

A permit or variance may be revoked or modified for cause as provided by the provisions of this Section. For purposes of this Chapter, the modification of a permit or variance may include the modification of the terms of the permit or variance itself or the waiver, alteration or imposition of new conditions.

- A. Grounds for Revocation or Modification.** A permit may be revoked or modified upon a finding of any of the following grounds:
1. The permit was obtained or extended by false, misleading or incomplete information;
 2. One (1) or more of the conditions upon which the permit was approved have been violated, or have not been complied with.
- B. Initiation of Action.** The revocation of a permit or the modification of the conditions of approval of a permit shall be initiated by order of the Planning Commission. The order shall specify the basis upon which the action to revoke the permit or to modify the conditions is to be evaluated during the hearing to revoke or modify.

(Ord. 3014 (part), 1996.)

Section 19.88.040 - Revocation Hearing

- A.** The City Council shall hold a public hearing on the revocation of a permit or the modification of the conditions of a permit on the grounds stated by the Planning Commission. The hearing shall be held in a timely manner after the issuance of an order of the Planning Commission. The hearing shall be noticed in the manner provided for a Type "B" notice as set forth in Section 19.78.020. The Council may grant a continuance of the hearing date upon a showing of reasonable cause or to allow the permittee additional time to adequately prepare for the hearing.

- B.** At the hearing, the Planning Division shall present evidence showing the cause for revocation of the permit or modification of the conditions of the permit. The permittee shall be entitled to present additional or rebuttal evidence as he or she may desire regarding the issues in question. The City Council shall consider all of the evidence, and may revoke the permit or modify a condition of a permit if it finds by a preponderance of the evidence that:
- 1.** The permit was obtained or extended based upon false, misleading, or incomplete information submitted with the application for the permit, or;
 - 2.** One (or more) of the conditions upon which the permit was approved has been violated, or has not been fully complied with in a timely manner.
- C.** In its discretion, the City Council may modify or delete the conditions of approval or add new conditions of approval in lieu of revoking a permit in order to address the issues raised by the revocation hearing. The decision of the City Council shall be final.

(Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

CHAPTER 19.90 - ENFORCEMENT

Section 19.90.010 - Purpose

The purpose of these provisions is to provide uniform enforcement procedures for the requirements of this Title.

(Ord. 3014 (part), 1996.)

Section 19.90.020 - Enforcement

It shall be the duty of the Planning Manager to enforce the provisions of this Title pertaining to the erection, construction, reconstruction, moving, conversion, alteration, or addition to or of any building or structure. All departments, officials and public employees vested with the duty or authority to issue permits or licenses shall not issue a permit or license for uses, buildings or purposes in conflict with the provisions of this Title and any such permit or license issued in conflict with the provisions of this Title shall be null and void. The Planning Manager may delegate enforcement responsibilities to other City employees.

Any building, structure, or landscaping that is set-up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this Title, or any use of any land, building, or premises established, conducted, operated, or maintained contrary to the provisions of this Title, or failure to comply with any of the conditions of a permit or variance granted under this Title is declared to be unlawful. The City Attorney may initiate an action or proceeding to enforce the provisions of this Title, as appropriate.

(Ord. 3450 § 15 (part), 1999; Ord. 3014 (part), 1996; Ord. 5428 (part), 2014)

Section 19.90.030 - Penalty for Violation

Any property owner, person, firm, or corporation, whether as principal, agent, employee or otherwise, violating any provision of this Title shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than \$500.00 or by imprisonment in the County Jail for a term not exceeding six (6) months, or by both. The City Attorney in his or her discretion may reduce any violation of this Title to an infraction, punishable by a fine of not more than \$250.00. Any property owner, person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this Title is committed, continued or permitted by such person, firm or corporation, and shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this Title is committed, continued or permitted by such person, firm or corporation, and shall be punishable as provided herein. Penalties under the administrative enforcement provisions of Chapter 2.52 of this code may be imposed in lieu of, but not in addition to, penalties imposed by the court for any single violation.

(Ord. 3014 (part), 1996.)

Section 19.90.040 - Nuisances Declared -- Abatement

Any building, structure, or landscaping that is set-up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this Title, or any use of any land, building, or premises established, conducted, operated, or maintained contrary to the provisions of this Title, or failure to comply with any of the conditions of a permit or variance granted under this Title is declared to be a public nuisance. The City Attorney may initiate an action or proceedings for the abatement and removal and enjoyment of said public nuisance in the manner prescribed by law, and may take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as shall abate and remove such building or structure, and restrain and enjoin any property owner, person, firm, or corporation from setting up, erecting, building, maintaining, or using any such building contrary to the provisions of this Title.

(Ord. 3450 § 15 (part), 1999; Ord. 3014 (part), 1996.)

Section 19.90.050 - Revocations

- A. Failure to comply with any of the conditions of a permit or variance granted under this Title shall constitute grounds for revocation of such permit or variance pursuant to Chapter 19.88.
- B. In addition to the remedies provided above, any person violating a provision of this Title or failing to comply with the mandatory requirements of this Title may have any other related permits and/or related business licenses issued by the City revoked.

(Ord. 3014 (part), 1996.)

Section 19.90.060 - Remedies Cumulative

The remedies provided for herein shall be cumulative and not exclusive.

(Ord. 3014 (part), 1996.)

ARTICLE VI

DEFINITIONS

ARTICLE VI

DEFINITIONS

CHAPTER 19.95 – DEFINITIONS OF TERMS AND PHRASES

19.95.010 – Purpose

19.95.020 – General Rules for Construction of Language

19.95.030 – Definitions – (A-Z)

CHAPTER - 19.95 - DEFINITIONS OF TERMS AND PHRASES

Section 19.95.010 - Purpose

This Chapter provides definitions of the terms and phrases used in this Title that are technical or specialized, or that may not reflect common usage. This Chapter also determines how language used throughout the Title will be construed. Where any of the definitions in this chapter may conflict with definitions in other titles of the Roseville Municipal Code, these definitions prevail for the purposes of this Title.

(Ord. 3450 § 16 (part), 1999; Ord. 3014 (part), 1996; Ord. 4662 (part), 2008.)

Section 19.95.020 - General Rules for Construction of Language

The meaning and construction of words and phrases as set forth shall apply throughout this Title, except where the context of such words or phrases clearly indicates a different meaning or construction. Definitions contained in the Uniform Building Code shall be applicable except when in conflict with definitions contained in this Title, in which case the zoning definition shall apply.

The following general rules of construction shall apply to the textual provisions of this Title:

- A. Headings.** The section and subsection headings of this Title do not govern, limit, modify, or in any manner affect the scope, meaning or intent of any provision of this Title.
- B. Illustrations.** In case of any difference of meaning or implication between the text of any provision and any illustration, the text of the provision shall control.
- C. Shall, May and Should.** "Shall" is always mandatory and not discretionary. "May" is permissive or discretionary. "Should" is advisory and not mandatory.
- D. Tense, Number, and Gender.** Words used in the present tense include the past and future tense. Words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary. The masculine and feminine genders are both inclusive of the masculine, feminine, and neuter.
- E. Conjunctions.** Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

"**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.

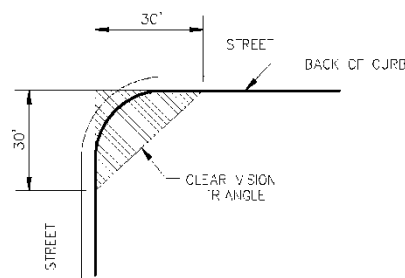
"**Either . . . Or**" indicates that the connected items or provisions shall apply singly but not in combination.

(Ord. 3450 § 16 (part), 1999; Ord. 3014 (part), 1996.)

Section 19.95.030 - Definitions - (A - Z)

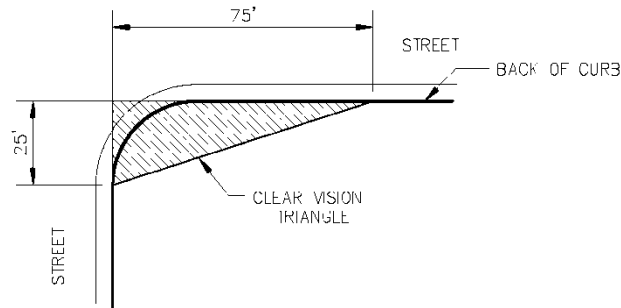
- A. 1. Accessory Building or Structure:** (See Building, Accessory).
- 2. Act:** The Fair Housing Amendments Act of 1988.
- 3. Amendment:** Any change, modification, deletion, or addition to the wording, text or substance of this Title or any change, modification, deletion, or addition to the application of this Title to property within the City of Roseville, including any alteration in the boundaries of a zone district, when adopted by ordinance passed by the City Council in the manner prescribed by law.
- 4. Antenna.** A device used in communications which transmits or receives radio signals. Common forms of antennae are panel arrays and whip antennas. Panel arrays are designed to concentrate a radio signal in a particular area and are typically flat and rectangular in design. Whip antennas transmit a signal 360 degrees and are cylindrical with an 18 foot height limit.
- a) Co-location.** Locating wireless communications equipment from more than one provider on a single site.
 - b) Telecommunication Facility.** A land use facility supporting antennas and microwave dishes that sends and/or receives radio-frequency signals. Communication facilities include structures (aka monopole, towers) and accessory buildings.
 - c) Dish Antenna.** A dish-like antenna used to link communication sites together by wireless transmission of voices or data. Also called microwave antenna or microwave dish antenna.
 - d) Equipment Building, shelter or cabinet.** A structure designed and used to house equipment used by telecommunication providers at a facility.
 - e) Monopole.** A structure of a single spire used to support communications equipment.
 - f) Related Equipment.** All equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit and connectors.
 - g) Satellite Antennas.** A satellite antenna is a dish like antenna used to link communications sites together by wireless transmission of voice or data. Also called microwave antenna or microwave dish antenna.
 - h) Stealth Facility.** Any communications facility which is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to look like light poles. Also called concealed antennas.
 - i) Telecommunication Tower.** A mast, pole, monopole or guyed or lattice, free-standing tower designed and primarily used to support antennas, to include dishes, arrays and similar devices.

5. **Appellate Approving Authority:** As designated in Section 19.80.020, it is either the Planning Commission or the City Council that is authorized to hear and act on appeals to actions and decisions provided by this Title.
 6. **Approving Authority:** As designed in Section 19.80.020, it means one of the following depending on the nature of the application: City Council, Planning Commission, Design Review Commission, Planning Manager, Community Development Manager or designee.
- B.**
1. **Building:** Any structure having a roof supported by columns and/or walls and intended for the shelter, housing and enclosure of any individual, animal, process, equipment, vehicles, goods or materials of any kind or nature.
 2. **Building or Structure, Accessory:** A building or structure detached from a principal building on the same lot and incidental to the principal building.
 3. **Building or Structure, Non-conforming:** A building or structure, or portion thereof, which was lawfully erected, altered or maintained, prior to the effective date of this Title, but which, because of the application of this Title to it, no longer conforms to the specific regulations applicable to the zoning district in which it is located.
 4. **Building Coverage:** The land area covered by all primary buildings on a lot.
 5. **Building, Primary:** A building devoted primarily to the principal or conditionally permitted use of the lot or building site on which it is situated, as permitted by this Title.
 6. **Bus Depot or Station:** A place of business serving as a point of arrival or departure for passengers traveling by intercity or interstate bus, except those buses operated by a governmental entity.
- C.**
1. **City:** The City of Roseville, California.
 2. **City Council:** The City Council of the City of Roseville.
 3. **Clear Vision Triangle, Commercial:** That portion of both private property and public right-of-way located at any corner defined by the triangular area created by the diagonal connection of two points measured thirty (30) feet back from the intersection of the prolongation of points measures along the front and corner street side back of curb (see figure below). The dimensions of the clear vision triangle may be required to be increased if the Director of Public Works determines that additional area is needed to ensure that a potential traffic hazard is not created.



CLEAR VISION TRIANGLE - COMMERCIAL
NO SCALE

4. **Clear Vision Triangle, Residential:** That portion of both private property and public right-of-way located at any corner defined by the triangular area created by the diagonal connection of two points measured twenty-five (25) feet along the front and seventy-five (75) feet along the side of a property measured from the back of curb. The third side of the clear vision triangle shall be the hypotenuse of the triangle described connecting the other two sides (see figure below). The dimensions of the clear vision triangle may be required to be increased if the Director of Public Works determines that additional area is needed to ensure that a potential traffic hazard is not created.



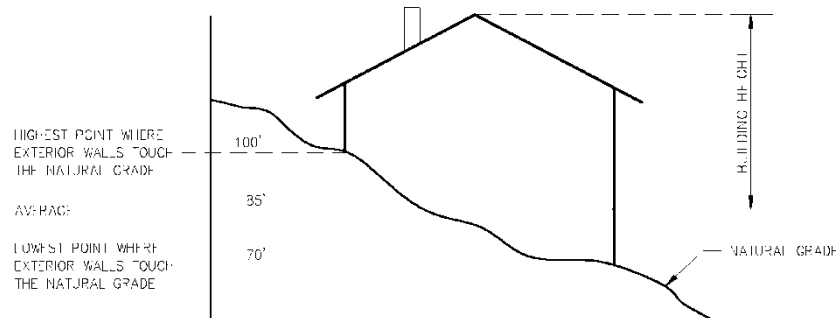
CLEAR VISION TRIANGLE - RESIDENTIAL
NO SCALE

5. **Compact Residential Development:** Attached or detached single family housing units on a parcel or parcels with a General Plan land use designation of Medium Density Residential or higher (seven dwelling units per acre or higher, as depicted on the General Plan Land Use Map).
6. **Condominium:** An estate in real property consisting of an undivided interest in common in portions of a parcel of real property together with a separate interest in a dwelling, industrial or commercial building on such real property, such as an apartment, office, warehouse or store. A condominium may include, in addition, a separate interest in other portions of such real property.
7. **Condominium Conversion.** Condominium conversion occurs whenever a multiple residential dwelling unit building or a residential housing project containing three or more dwelling units under the same ownership, or such a project that has been granted an occupancy permit is subdivided so that individual dwelling units are available for sale as condominiums within the meaning of Civil Code Section 783.
8. **Cooking:** As referred to in Sections 19.080.080(J) and 19.60.040(E), it means that the unit will contain a residential stove/oven/cooktop requiring dedicated utility connections such as large amperage wiring or a dedicated gas connection.
9. **Council, or City Council:** The City Council of the City of Roseville, California.
10. **Construction Trailer:** A trailer used as an on-site office only during actual construction of an approved building site.

(Ord. 4656 (part), 2008)

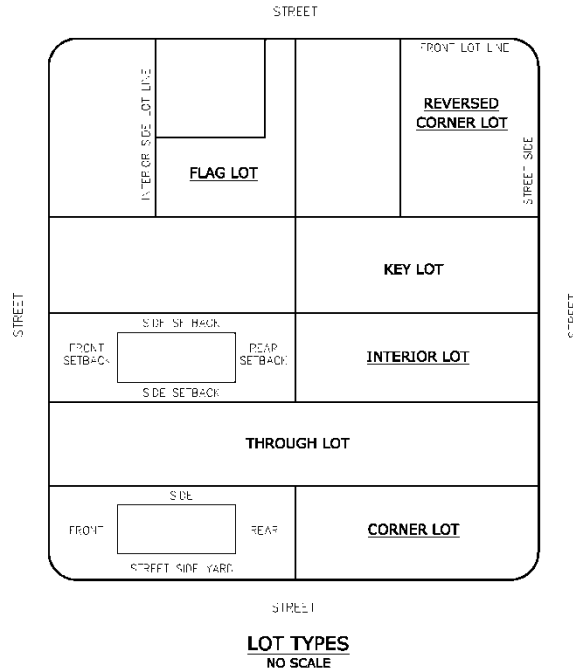
- D.**
1. **Density:** The number of dwelling units per gross acre.
 2. **Department:** The Planning and Redevelopment Department of the City of Roseville.
 3. **Design Guidelines:** A set of guidelines adopted by the City of Roseville, defining elements and dimensions to be followed in site, building design, landscaping and development.
 4. **Development:** Shall be as defined by California Government Code section 65927.
 5. **Development Standard:** Those parts of a zone district and any other regulation of this Title which regulates aspects of physical development, including, but not limited to, density, lot area, lot width, lot coverage, building height, and setbacks.
 6. **Disabled Person:** Any person who has a physical or mental impairment that substantially limits one or more major life activities; anyone who is regarded as having such impairment; or anyone who has record of such impairment. People who are currently using illegal substances are not covered under the Act unless they have a separate disability or otherwise qualify.
 7. **Distance between Structures:** The shortest horizontal distance measured between two vertical walls of two (2) structures.
- E.**
1. **Expansion, Building or Structure:** An alteration of a building/structure that results in an increase in its size, either in extent or bulk, or an increase in its area or volume.
 2. **Expansion, Use:** An alteration of a use that results in an increase in its size, either in extent, intensity or in the nature of the activities conducted.
- F.**
1. **Family:** An individual or group of two or more persons occupying a dwelling and living together as a single housekeeping unit in which each resident has access to all parts of the dwelling and where the adult residents share expenses for food or rent.
 2. **Fence:** An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.
- G.**
1. **Garage Sale:** The temporary sale of used household or personal articles held on the seller's own residential premises, also referred to as a yard sale or rummage sale.
 2. **General Plan:** As used in this Title, the term General Plan means the City of Roseville General Plan, and all revisions and amendments to the Plan.
 3. **"Group Home"** shall mean those uses or facilities identified with Sections 19.08.070(J)(3), 19.08.080(B), 19.08.080(C) and such other sections of this Title, which provide for the care of disabled or supervised individual(s).

- H. 1. Height, Building and Other Structures:** The vertical distance from the highest point of the building or structure to the average of the highest and lowest points where the exterior walls or supports touch the natural grade.

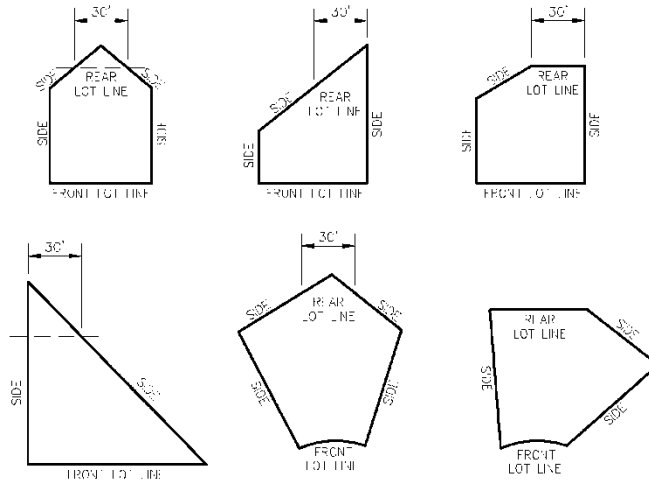


BUILDING HEIGHT FROM AVERAGE GRADE
NO SCALE

- 2. Height, Fence or Wall:** The height of a fence or wall shall be determined from the highest finished grade adjacent to the fence or wall.
- 3. Home, Model Complex:** One or more dwelling units or one temporary trailer temporarily used for display purposes as an example of dwelling units available or to be available for sale or rental for the first time in a particular subdivision or residential development which may be comprised of single detached, semi-detached, or multiple unit dwellings, or a combination thereof. It also includes one sales office and associated parking.
- I. Reserved**
- J. 1. Junk Yard:** Any area of 200 square feet or more used for the storage of junk, scrap materials, materials, salvaged from wrecked or demolished buildings, machinery or equipment; or used for the wrecking or demolishing of automobiles, other vehicles, or machinery.
- K. Reserved**
- L. 1. Landscaped Area:** An area devoted to lawn, ground cover, trees, or shrubs or hardscape, and as specified in this Title, the Design Guidelines, any applicable specific plan or by other City requirement.
- 2. Loading Space:** An area, other than a street, alley, or driving aisle, on the same lot with a building or a group of buildings which is permanently reserved and maintained for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.
- 3. Lot:** A legally created parcel of land used or capable of being used under the regulations of this Title.
- 4. Lot, Corner:** A lot located at the intersection of two or more streets, with one property boundary bordering on each street frontage. (see Figure below)



5. **Lot, Developed:** A lot with buildings or structures.
6. **Lot, Flag:** A lot having access to a public or private street by a narrow strip of land. (see Figure under Lot, Corner).
7. **Lot, Frontage:** That portion of the lot contiguous to the street.
8. **Lot, Interior:** A lot, other than a corner lot, abutting only one (1) street. (see Figure under Lot, Corner).
9. **Lot, Key:** A lot with a side line that abuts the rear line of any one (1) or more adjoining lots. (see Figure under Lot, Corner).
10. **Lot Line, Front:** The lot line separating a lot from a street right-of-way. The front lot line of a corner lot may face either street frontage, at the option of the owner, provided that the required rear yard setback is obtainable opposite from the front lot line.
11. **Lot Line, Rear:** That lot line, not intersecting a front lot line, which is most distant from and most closely parallel to the front lot line. In the case of an irregularly shaped lot or a lot bounded by only three lot lines, a line within the lot having a length of 30 feet parallel to and most distant from the front lot line shall be interpreted as the rear lot line for the purpose of determining required yards, setbacks, and other provisions of this Title. (see Figures below)



REAR LOT LINE - IRREGULAR LOTS
NO SCALE

12. **Lot Line, Side:** Any lot line which is not a front or rear lot line.
 13. **Lot, Reversed Corner:** A corner lot, the rear of which abuts the side of another lot (see Figure under Lot, Corner).
 14. **Lot, Area:** The area contained within the boundary lines of a lot.
 15. **Lot, Through:** A lot having frontage on two (2) generally parallel streets (see Figure under Lot, Corner).
 16. **Lot, Width:** The horizontal distance between the side lot lines, measured at the front setback line.
- M.**
1. **Manager:** The Planning Manager of the City of Roseville or the Manager's designee.
 2. **Manufactured Home:** A factory built or manufactured home permitted by State of California and federal laws.
 3. **Mobile Home:** Same as Manufactured Home, but subject to the National Manufactured Housing Construction and Safety Act of 1974.
 4. **Mobile Home Park:** Any area or tract of land where one or more mobile home lots are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation. The rental paid for any such mobile home shall be deemed to include rental for the lot it occupies.
 5. **Model Home Complex:** One or more dwellings used for the display and sale of units and lots within a subdivision.

- N. 1. Nonconforming Structure or Building:** A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning ordinance but that fails by reason of such adoption, revision, or amendment to comply to the present requirements of the zoning district.

2. Nonconforming Use: A use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to comply to the present requirements of the zoning district.
- O. 1. Open Air Vending Facilities:** The sale of prepared food, fresh cut flowers or plants, or the sale of items determined by the Planning Manager to be consistent with this type of use, from a stand or non-motorized non-stationary cart or pushcart.

2. Outdoor Sales Area: An outdoor area located on the same lot as the principal business used for merchandise display or storage as allowed under this Title.
- P. 1. Parcel:** Means an area of land.

2. Parcel, Nonconforming: A parcel of land having less area, frontage, or dimensions than required in the zoning district in which it is located.

3. Parking Lot: An area of land, a yard or other open space on a lot legally used for or designed for parking motor vehicles.

4. Parking Space: An unobstructed space or area other than a street or alley which is permanently reserved and maintained for the parking of one (1) motor vehicle.

5. Peak Load - The generation of electricity during the highest electrical demand within a particular period of time. Daily electric peaks on weekdays occur in late afternoon and early evening. Annual peaks occur on hot summer days.

6. Permitted: Means any use or activity allowed by the provisions of this Title, and subject to the applicable regulations contained within this Title.

7. Person: An individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, city, local agency, or any other group or combination acting as an entity.

8. Planning Commission: The Planning Commission of the City of Roseville.

9. Property Owner: A person or persons having a possessory interest in the property, other than a periodic tenancy, estate at will, or sufferance, or a person having a contractual right which will ripen into such a possessory interest in the property.
- Q. Reserved**
- R. Reserved**

- S. 1. Sale, Fund-Raising:** The temporary sale of new or used merchandise conducted by a charitable, eleemosynary, or non-profit organization or by groups associated with churches, schools and clubs.
- 2. Seating Capacity:** The actual seating capacity of an area based upon the number of seats of one seat per 18 inches of bench or pew length. For other areas where seats are not fixed, the seating capacity shall be determined as indicated by the Uniform Building Code.
- 3. Secondary Use:** A purpose for which land or a building is or may be intended, occupied, maintained, arranged, or designed, which is less visible, prominent, or important than the primary use(s) on the same lot or parcel.
- 4. Setback:** The required distance that a building, parking lot or other designated item must be located from a lot line.
- 5. Setback, Front:** The front setback is an area formed by a line parallel to a front lot line. The front setback is measured at right angles to the front lot line.
- 6. Setback, Rear:** The rear setback is an area formed by a line parallel to the rear lot line. Rear setbacks are measured at right angles to the rear lot lines.
- 7. Setback, Side:** The side setback is an area formed by a line parallel to the side lot line, that extends between front and rear setback areas. Side setbacks are measured at right angles to the side lot lines.
- 8. Shopping Center:** Two or more contiguous or separate retail commercial stores that share access and/or parking, which function by design, or ultimately function, as a single entity.
- 9. Street:** A public or permanent private way 30 feet or more in width, which affords a primary means of access to property.
- 10. Structural Alterations:** Any change in the supporting members of a building such as foundations, bearing walls, columns, beams, floor or roof joints, girders or rafters, or changes in roof or exterior lines.
- 11. Structure:** Anything constructed or erected which requires location on the ground or attachment to something having a permanent location on the ground, including but not limited to antennas, signs and billboards, but not including outdoor areas such as paved areas, tennis courts, driveways, parking spaces where the area is unobstructed from the ground up.
- T. 1. Theater** means a building or structure used for the purpose of conducting live dramatic, comedic or musical performances, the showing of motion pictures or similar recorded media, or other live performing arts.
- U. 1. Uniform Building Code:** The Uniform Building Code currently in use and adopted by the City of Roseville.
- 2. Usable Open Space:** One or more open areas adjacent to residential uses, the purpose of which is to provide an outdoor area designed for outdoor living and recreation, and which is located at, below, or above grade. This space is typically accommodated within side and rear yard areas.
- 3. Use:** The purpose of which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

4. **Use, Accessory:** See **Accessory Uses**, Article III, Chapter 19.22.
5. **Use, Conditionally Permitted:** A use type subject to a conditional use permit, which use may be essential or desirable to the public convenience or welfare in one (1) or more zones but which may also impair the integrity and character of the zone or adjoining zone or be detrimental to the public health, safety or welfare unless additional restrictions on location and extent of use are imposed and enforced. Such use shall be permitted when all specific additional restrictions are completed and permanently satisfied in conformance with an approved conditional use permit. Should such restrictions be of a continuing nature, the use will remain conditional so long as the restrictions are complied with, but shall become an illegal use whenever and so long as the restrictions are not complied with.
6. **Use, Primary:** The primary use or uses for which land or a building is or may be intended, occupied, maintained, arranged or designed and includes principally, conditionally and administratively permitted uses.
7. **Use, Principally Permitted:** The primary use of land or of a main building which use is compatible with the purpose of the zone and which is permitted in the zone. If a use is listed in a specific zone as a principally permitted use, it means that the owner, lessee or other person who has legal right to use the land, has right to conduct such principally permitted use subject to the regulations and procedural requirements of this Title.
8. **Use, Temporary:** See Temporary Uses Article IV, Chapter 19.64.
9. **Use Type:** A category or class of land uses which share common functional, product or compatibility characteristics and which have been classified under a discreet use type in these regulations, commencing at Article II of this Title.
- V. **Reserved**
- W. **Reserved**
- X. **Reserved**
- Y. **Reserved**
- Z. 1. **Zoning District:** A designated/mapped portion of the City within which a uniform set of regulations apply.

(Ord. 3922 § 21, 2003; Ord. 3450 § 16 (part), 1999; Ord. 3447 § 11, 1999; Ord. 3270 § 11, 1998; Ord. 3141 § 18, 1997; Ord. 3088 § 19, 1997; Ord. 3014 (part), 1996; Ord. 4662 (part), 2008; Ord. 5428 (part), 2014)