

Chapter 17.73

INTERPRETATIONS AND MISCELLANEOUS PROVISIONS

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- 17.73.01 PURPOSE AND APPLICATION. The purpose of this Chapter is to establish guidelines for the interpretations of this Ordinance and to enumerate miscellaneous requirements applicable generally to the matters included in this Chapter.
- 17.73.02 BOUNDARIES OF ZONING DISTRICTS. Where uncertainty exists as to the Official Zoning Maps, the following rules shall apply:

- A. Where district boundaries are indicated as approximately following street, highway, and alley lines or lot lines, such lines, shall be construed as extending to the centerline of such street, highway, or alley.
- B. In unsubdivided property or where a zoning district boundary divides a lot, the location of district boundary, unless specified by dimensions, shall be determined by use of the scale appearing on the map.
- C. In case any uncertainty exists, the Planning Department shall determine the location of district boundaries.
- D. Where any public street or alley is officially vacated or abandoned, the regulations applicable to abutting property shall apply to the vacated or abandoned street or alley.
- E. Where any private right-of-way or easement of any railroad, railway, canal, transportation, or public utility company is vacated or abandoned, the regulations applicable to abutting property shall apply to the centerline of such vacated or abandoned property, unless said right-of-way or easement has been previously zoned.

17.73.03 DETERMINATION OF SIMILAR USE. When a property owner or applicant, proposes or contemplates a use of property not expressly authorized as a permitted use or as a conditional use by the regulations of the applicable zoning district or districts, he/she may apply for a determination of similar use in accordance with the procedures set out in this Section.

A. Application Contents:

An application for similar use shall be in writing on forms provided by the Planning Department and shall include the following:

- 1. Name of applicant.
- 2. Description of the proposed or contemplated use.
- 3. Identification of the zoning district or districts in which the use is proposed or contemplated.
- 4. Identification of the use or uses listed as permitted uses or conditional uses that most nearly resemble the proposed or contemplated use.
- 5. Explanation of why the property owner, applicant, or potential applicant feels the proposed or contemplated use meets the criteria in Section 17.73.03.E for determination of similar use.

B. Time of Application:

An application for similar use may be submitted in conjunction with an application for a ministerial or discretionary permit described in this Chapter or at any other time as may be convenient to the applicant.

C. Determination of Similar Use by the Planning Department:

Where an application for similar use is submitted in conjunction with an application for a ministerial permit or if a proposed or contemplated use is asserted to be similar to a permitted use in the applicable zoning district or districts where no permit application is submitted, the Planning Department shall make the determination of similar use. Such determination shall be made in accordance with the following procedures:

1. The determination shall be made in conjunction with the ministerial or discretionary decision on the application submitted in accordance with the procedures set out in Section 17.73.02 or 17.75.03 or, where no ministerial or discretionary permit is involved, within forty-five (45) calendar days of submission of the application.
2. Written notice of such determination shall be given by mail within a timely manner after the date of the determination to the applicant and any person filing a written request for notice of the determination.
3. The decision of the Planning Department shall be final on the expiration of seven (7) calendar days from and including the date of mailing of notice of the decision, as required by paragraph 2, unless a notice of appeal is filed with the Planning Department pursuant to Chapter 17.75 within such time.

D. Appeal:

The determination of similar use by the Planning Department shall be subject to appeal to the Planning Commission:

1. The applicant for the determination may appeal from the decision of the Planning Department on the application for determination of similar use by filing a written notice of appeal with the Planning Department prior to the time the decision becomes final.
2. The Planning Commission may affirm or modify the determination of similar use by the Planning Department.

E. Basis for Determination of Similar Use:

The determination of similar use shall constitute a ministerial action. In making a determination of similar use, the Planning Department, acting on an appeal, shall determine that a proposed or contemplated use is similar to a use or uses expressly authorized in the applicable zoning district or districts if the proposed or contemplated use meets the following criteria:

1. The use resembles or is of the same basic nature as a use or uses expressly authorized in the applicable zoning district or districts in terms of the following:
 - a. The activities involved in or equipment or materials employed in the use.
 - b. The effects of the use on the surrounding area, such as traffic impacts, noise, dust, odors, vibrations, and appearance.
2. The use is consistent with the stated purpose of the applicable district or districts.

17.73.04 CITY REVIEW OF PUBLIC UTILITY USES. The provisions of this Ordinance shall not be construed to apply to the construction, installation, operation, and maintenance of public utility distribution and transmission lines, towers, and poles and underground facilities for providing gas, water, electricity, or telephone and telegraph services by public utility companies under the jurisdiction of the California Public Utilities Commission; provided, however, before any right-of-way for transmission lines is acquired for regional or interstate facilities, the proposed route shall be submitted for Planning Department review and recommendations.

17.73.05 INTERPRETATION OF MINIMUM LOT SIZES. For the purpose of complying with the minimum lot size and minimum lot area per dwelling unit requirements, and other provisions of this Chapter, the lot sizes or lot areas shall be net lot area and based on fractions or multiples of one acre equal to 43,560 square feet.

17.73.06 DETERMINATION OF ACCESSORY USES AND STRUCTURES. If any question arises as whether any particular uses or structure is accessory to the primary use or structure in question, it shall be resolved based on the definitions of accessory building or structure or accessory use found in Section 17.03.02 of this Ordinance and the following criteria:

- A. Nature and size of the primary use or structure
- B. Nature and size of the accessory use or structure

C. Relationship of the accessory use or structure to the primary use or structure

- 17.73.07 FRONT-YARD SETBACK EXCEPTION (SETBACK AVERAGING). Notwithstanding any of the minimum front-yard setbacks required in all of the Residential Districts, the front-yard minimum setback specified in these districts may be reduced where lots comprising forty (40) percent or more of the frontage on one (1) side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than ten (10) feet.
- In such cases, no building newly erected or structurally altered may project beyond the average front yard line established by the existing building. In making this determination, buildings located more than thirty-five (35) feet from the front property line or buildings facing a side street on a corner lot shall not be counted. In no case shall any building or structure be located within any planned future right-of-way.
- 17.73.08 LESS RESTRICTIVE USES PROHIBITED. The express enumeration and authorization in this Ordinance of a particular class of building, structure, premises, or use in a designated zoning district shall be deemed a prohibition of such building, structure, premises, or use in all zoning districts of more restrictive classification, except as otherwise specified.
- 17.73.09 LOCATION OF DWELLINGS. Except where otherwise provided for in this Ordinance, every dwelling shall face or have frontage upon a Street or permanent means of access to a Street by way of a public or private easement or passageway other than the alley.
- 17.73.10 HEIGHT OF BUILDINGS. No penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment, towers, steeples, roof signs, or other structures shall exceed the height limit provided in this Ordinance.
- 17.73.11 HEIGHT OF STRUCTURES. Radio and television mast, flagpoles, chimneys, and smokestacks shall extend not more than fifteen (15) feet above the height limit specified in this Ordinance, unless otherwise exempt.
- 17.73.12 ACCESSORY BUILDINGS. The following regulations shall apply to the location of accessory buildings unless otherwise provided in this Ordinance.
- A. Accessory buildings on a reverse corner lot shall be set back to the front yard depth on the lot to the rear.
 - B. No accessory buildings or structures shall be located within a required front, side or rear yard setback (exception: carports and garages only, are permitted within the rear yard setback).

- C. Accessory buildings may be considered a part of the main building if connected by a common wall of not less than five (5) feet in length, or if not more than twenty (20) feet from the main building and connected thereto by a roof of not less than five (5) feet in width.

17.73.13 THROUGH LOTS. On through lots, either line separating the lot from a public thoroughfare may be designated by the owner as the front yard; however, the rear-yard setback shall be the same as the front yard setback required on adjacent lots.

17.73.14 YARD ENCROACHMENTS. Where yards are required by this Chapter, those yards shall not be less in depth or width than the minimum dimension specified for any part, and they shall be at every point open and unobstructed from the ground upward, except as follows:

- A. Cornices, canopies, eaves, or other similar architectural features not providing additional floor space within the building may extend into a required front, side, or rear yard no more than three (3) feet.
- B. Open, unenclosed, covered porches, platforms, or landing places or other structures which are open on two or more sides which do not extend above the level of the first floor of the building may extend into any front yard not more than six (6) feet, provided, however, that an open work railing, not more than thirty-six (36) inches in height, be installed or constructed on any such porch, platform, or landing place. No variance may be granted for enclosure of these porches, platforms or landings.
- C. Stairwells and connected platforms or landings extending above the level of the first floor of a building may protrude into a required front yard no more than six (6) feet.

17.73.15 FENCES, WALLS AND HEDGES.

- A. In all Residential zones, no fence, wall, or hedge located in the rear or side yard shall exceed a height of six (6) feet.
- B. In all Residential zones, no fence, wall, or hedge located in the required front yard shall exceed a height of three and one half (3-½) feet. Chain link fences are not permitted.
- C. Maximum fence, wall, or hedge height shall be measured from the finished interior grade. That portion of a wall or fence functioning as a retaining wall shall not be counted in determining overall fence or wall height.
- D. In the Residential and Commercial zones, no barbed or concertina wire shall be used or maintained as part or on any fence, wall, or hedge located along the front, side, or rear lines of any lot, or within three (3) feet of said lines, and no

sharp wire or points shall project at the top of any fence or wall less than six (6) feet in height.

17.73.16 BUILDING ACROSS PROPERTY LINES. Provided legal parcels of record are owned by the same property owner (s), a building or buildings that establish the main use may be developed across property lines to merge the properties into one parcel for the determination of property development standards. A lot merger or lot line adjustment shall be required as a condition of approval.

17.73.17 RESIDENTIAL GARAGE CAPACITY. The capacity of single-family residential garages, whether attached or detached to the main dwelling unit, shall not be less than one car and shall not exceed three (3) automobiles with the exception of garages in the R-R zone.

17.73.18 SITE PLAN.

17.73.18.01 PURPOSE. The purpose of the site plan is to enable the planning commission to make a finding that the proposed development is in conformity with the intent and purpose of this title and to guide the department of public works in the issuance of permits.

17.73.18.02 APPLICATION-CONTENTS. Application shall be made in the number of copies designated by the city administrator and shall be filed in the office of the city administrator in *conformance* with the schedule of information as hereinafter required by this chapter and approved by the planning commission. Applications at the time of filing shall be accompanied by a legal description of the property involved, plot plan, drawings, photographs, and other pertinent information as may be required by the city administrator. The material listed in subsections A through W of this section shall be submitted with the application for site plan review.

- A. Access, pedestrian, vehicular and service, points of ingress and egress and internal circulation;
- B. Adjacent public right-of-way, including median island detail where applicable;
- C. All buildings and structures and their location, elevations, size, height and proposed use;
- D. Any phasing of a project shall be included as a part of the application;
- E. Composition of material comprising exterior surfaces;
- F. Environmental assessment;
- G. Existing utilities to the site;

- H. Generally the locations, size and height of signs;
- I. Lighting and its locations and general nature and hooding devices;
- J. Lading and its locations, dimensions, number of spaces and internal circulation;
- K. Location of address and mail delivery system;
- L. Location of irrigation systems for landscaping;
- M. Location, species, and maturity of landscaping and irrigation system;
- N. Location of trash pickup facilities and screening
- O. Lot dimensions;
- P. Off-street parking and its locations, number of spaces and dimensions of parking area and internal circulation pattern;
- Q. Preliminary Title or Lot Book Report for the parcel;
- R. Proposed drainage of the site;
- S. Proposed surfacing of all paved areas;
- T. Roof-mounted equipment and screening, existing and proposed;
- U. Street dedications and improvements as provided in Section 17.70;
- V. Walls and fences and their location, height and materials;
- W. Yards and space between buildings.

17.73.18.03 ADMINISTRATIVE REVIEW. When reviewing a request for a special permit, the city administrator may:

- A. Require that the applicant submit to the city administrator, of such type and in such form as he may specify, such additional information as he may deem relevant to the application;
- B. Require that the matter be heard before the city administrator at a department hearing in accordance with such procedure as the city administrator may establish;
- C. Extend, for reasonable periods, the time within which the city administrator is required to give his decision pursuant to Section 17.70.

- 17.73.18.04 ADMINISTRATIVE ACTION. Within twenty (20) days after initiation of a proceeding, the city administrator, based upon such information as may be available to him, shall in writing grant, grant in modified form, or deny the requested special permit.
- 17.73.18.05 NOTICE OF DECISIONS. The city administrator shall give notice of his decision as follows:
- A. Denial: if his action is to deny;
 - B. Grant: if his action is to grant a special permit in any form.
- 17.73.18.06 EFFECT OF DECISION. The decision of the city administrator shall be final, subject to appeal to the commission within the period of time prescribed.
- 17.73.18.07 APPEALS. When a proper appeal has been filed, the decision of the city administrator shall be set aside, and public hearing upon the matter shall be set before the commission.
- 17.73.18.08 COMMISSION ACTION ON APPEAL. On appeal the commission may grant, grant in modified form, or deny the requested special permit.
- 17.73.18.09 FINALITY OF DECISION. The decision of the commission shall be final.
- 17.73.18.10 ACKNOWLEDGEMENT AND ACCEPTANCE OF CONDITIONS. The applicant shall, upon receipt of the approved copy of the site plan with attached conditions, execute an acknowledgment and acceptance of conditions agreement with the City, certifying the acceptance of the conditions.
- 17.73.18.11 TIME LIMIT OF APPROVAL. Site plan approval granted under the authority of this chapter shall extend for a period of one (1) year. Site plans for which one (1) year approval period shall be deemed to have expired. Extensions for additional six (6) month periods, up to one (1) year may be granted by the city administrator.
- 17.73.18.12 SIGNATURES-COPY TO APPLICANT. The approved site plan, with any conditions shown thereon or attached thereto, and a dated copy of the acknowledgment and acceptance of conditions agreement bearing the signature of the city administrator and the applicant shall be mailed to the applicant.
- 17.73.18.13 REVISIONS TO APPROVED SITE PLAN. Revisions, requested by an applicant, to and approved site plan as determined by the city administrator to be minor modifications may be approved as a change to the original site plan. Any requested revision in an approved site plan, other than a minor modification, shall be processed as an original filing.

17.73.18.14 COMPLIANCE WITH CONDITIONS. All conditions of site plan approval shall be fully complied with prior to occupancy. It shall be unlawful for any person to construct, occupy or maintain any building, facility or site without fully complying withal of the conditions of site plan approval or any other applicable requirement of this title.

17.73.18.15 STREET DEDICATIONS AND IMPROVEMENTS REQUIRED. Because of changes that may occur in the local neighborhood due to increases in vehicular traffic generated by facilities requiring site plan review, and upon the principle that such developments should be required to provide street dedications and improvements as near as practicable in proportion to such increased vehicular traffic but should not be required to provide such street facilities for non-related traffic, the following dedications and improvements may be deemed necessary by the city administrator any may be required by him as a condition to the approval of any site plan.

A. When the development borders or is traversed by an existing street:

1.Minor Streets, Local Streets and Cul-De-Sacs. Dedicate all necessary rights-of-way to widen the street to its ultimate width as shown on any master or precise plan of streets and highways, install curbs, gutters, drainage, sidewalks, street trees, street signs, street lights, and required utilities, and grade and improve from the curb to the existing pavements;

2.Ma jor and Collector Streets. Dedicate all necessary rights-of-way to widen the street to its ultimate width as established on any precise plan, precise plan of streets and highways, or where the ultimate right-of-way lines are otherwise determinable and the grades have been established or can be determined, install curbs, gutters, drainage facilities, sidewalks, street trees, signs, street lights, and required utilities, and grade and improve the shoulder and one traffic lane abutting the development. In no case shall a person be required to dedicate or improve the right-of-way for a distance in excess of thirty (30) feet as measured from said ultimate right-of-way lines; and

3.Ma jor Thoroughfares (Expressways, Freeways and State Highways). Set back all facilities the required distance from the ultimate property line as shown on any master of precise plan of streets and highways and install curbs, gutters, drainage, sidewalks, street trees, street signs, street lights, and required utilities. No other dedication or improvements shall be required.

B. Frontage and Other New Roads. All frontage roads or new roads of any class made necessary by the development shall be dedicated and fully graded and improved with curbs, gutters, drainage, sidewalks, street trees, street signs, street lights, required utilities, grading and paving; provided, however, where

the street involved is indicated as an eventual major street or major thoroughfare upon any master or precise plan of streets and highways, the amount of grading and paving shall not exceed that required by such existing streets. Where a frontage road is provided and improved, the improvements will not be required.

- C. Standards. All improvements shall be to City standards as adopted by ordinance.