

CITY OF

Goleta

MODULE 3:

Regulations Applying to Multiple Districts

Chapter 17.38 - Nonconforming Uses, Structures, and Signs

Chapter 17.42 - Signs

Chapter 17.43 - Standards for Specific Uses

Chapter 17.44 - Telecommunications Facilities

DRAFT
FOR PLANNING
COMMISSION REVIEW

Prepared for
CITY OF GOLETA by:

DYETT & BHATIA
Urban and Regional Planners

AUGUST 4, 2014

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PART IV
REGULATIONS APPLYING TO
MULTIPLE DISTRICTS

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Chapter 17.38 Nonconforming Uses, Structures and Signs

Sections:

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17.38.020	Establishment of Legal Nonconforming Uses, Structures and Lots; Loss of Non-conforming Status
17.38.030	Nonconforming Uses
17.38.040	Expansion of Nonconforming Use
17.38.050	Limited Exception for Nonconforming Industrial Uses
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17.38.010 Purpose and Applicability

Where structures have been rendered nonconforming due only to revisions in development standards dealing with lot coverage, lot area per structure, height or setbacks, and the use therein is permitted or conditionally permitted in the zone, such structures are not required to be terminated under this Ordinance or future amendments to the Zoning Ordinance or the Zoning Map and may be continued and expanded or extended on the same lot, provided that the structural or other alterations for the expansion or extension of the structure are either required by law, or are in conformance with the regulations in effect for the zone in which such structures are located.

17.38.020 Establishment of Legal Nonconforming Uses, Structures and Lots; Loss of Non-conforming Status

- A. **Nonconformities.** Nonconforming status may result from any inconsistency with the requirements of this Ordinance, including but not limited to location, density, floor area, height, yards, usable open space, buffering, screening, landscaping, provision of parking, performance standards, or the lack of an approved Conditional Use Permit or other required authorization. Lawful nonconforming uses and structures are addressed in this Chapter.

- B. **Nonconforming Uses, Structures, and Lots.** Any lawfully established use or structure that is in existence on the effective date of this Ordinance or any subsequent amendment but does not comply with all of the standards and requirements of this Ordinance shall be considered legal nonconforming. Legal nonconforming uses and structures may only be continued subject to the requirements of this Chapter. Any use, structure, or lot not deemed to be legally conforming to this Ordinance is determined to be illegal and must be abandoned within 90 days of said determination.

17.38.030 Nonconforming Uses

- A. **Classification of Nonconforming Uses.** The Zoning Administrator may classify lawfully established nonconforming uses for the purpose of determining whether to permit substitution or expansion, subject to the requirements of this Chapter. The classification of any use or structure shall be optional and be based on written application by a qualified applicant, including such information as may be deemed necessary to determine that the use was lawfully established and to make any other findings that may be required.
- B. **Class I.** Class I nonconforming uses are designated by the Zoning Administrator after determining that:
1. The existing nonconforming use was lawfully established;
 2. The proposed expansion or substitution of the nonconforming use would not be detrimental to public health, safety, or welfare;
 3. The proposed expansion or substitution would not be inconsistent with the General Plan/Coastal Land Use Plan and would not preclude or interfere with implementation of any applicable adopted area plan;
 4. The proposed use will not depress the value of nearby properties; and
 5. No useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform.
- C. **Class II.** Class II nonconforming uses include any lawfully established non-residential use that involves one of the following:
1. Storage, use, or generation of hazardous materials, processes, products, or wastes;
 2. Activity that may be detrimental to public health and safety because of the potential to create dust, glare, heat, noise, noxious gases, odor, smoke, and vibration;
 3. Conditions that could be incompatible with surrounding uses; or

4. Any nonconforming Adult Oriented Business.
- D. **Changes of Use.** No legal nonconforming use can be substantially expanded or changed to a different use up to 10 percent of area without approval of a Conditional Use Permit, unless the new use is permitted by right. This requirement does not apply to a change of ownership, tenancy, or management where the new use is in the same classification as the previous use, as defined in this Ordinance, and the use is not expanded.
- E. **Change from Nonconforming to Permitted Use.** Any nonconforming use may be changed to a use that is allowed by right in the Zoning District in which it is located and complies with all applicable standards for such use.
- F. **Absence of Use Permit.** Any use that is nonconforming solely by reason of the absence of a use permit may be changed to a conforming use by obtaining a Conditional Use Permit if allowed under the respective Zoning District.
- G. **Discontinuance of Use.** If a legal nonconforming use is discontinued for a period of 90 days or longer, the use is determined to be abandoned and cannot be continued except as allowed under Section 17.18.040.
- H. **Parking.** If a use is nonconforming solely with respect to parking standards, the structure devoted to the use may be maintained and repaired, but the use may not be expanded, extended, or intensified in a manner that would increase the required number of off-street parking spaces, unless parking is provided under current standards for the addition or intensification of use only.
- I. **Involuntary Nonconformance.** Notwithstanding any other provision of this Chapter, no lot shall be considered nonconforming within the purview of this Ordinance if such lot is rendered nonconforming as a result of a conveyance of any interest in said lot to a public entity through eminent domain proceedings, under threat of eminent domain proceedings or to meet a requirement of any public entity having jurisdiction.

17.38.040 Expansion of Nonconforming Use

Only Class I nonconforming uses may be expanded as follows with approval of a Conditional Use Permit.

- A. **Within a Conforming Structure.** A nonconforming use in a structure that conforms to the applicable requirements of this Ordinance and to the requirements of the Building Code as adopted by the City, may expand the floor area that it occupies, subject to the approval of a Conditional Use Permit, provided that no structural alteration is proposed or made for the purpose of the expansion.
- B. **Within a Structure That Does Not Conform to the Building Code.** Any nonconforming use in a structure that does not conform to the Building Code, as

adopted by the City, may not expand the area it occupies until and unless the structure is brought into conformance with all applicable Building Code requirements.

- C. **Expansions to Other Structures or Lots.** A nonconforming use may not be expanded to occupy all or a part of another structure or another lot that it did not occupy on the effective date of this Ordinance.
- D. **Area Limit.** The expansion of the nonconforming use shall not exceed 50 percent of the floor area that the nonconforming use legally occupies at the time of application.
- E. **Abandonment.** No legal nonconforming use may be resumed, reestablished, or reopened after it has been abandoned or vacated for a period 90 days, except:
 - 1. The legal nonconforming status of a single-residence or duplex residence will not lapse, regardless of the length of time of non-use; or
 - 2. The owner/operator can provide evidence of continual operation, including:
 - a. Monthly business receipts and an active business license with no lapse;
 - b. Tax returns received within the previous 12 months; or
 - c. Other materials acceptable by the Zoning Administrator.

17.38.050 Limited Exception for Nonconforming Industrial Uses

- A. **Limited Exception Determinations for Certain Nonconforming Industrial Uses.** Notwithstanding the foregoing, the City finds that the need may exist to improve the safety or reduce the environmental effects of certain nonconforming industrial uses by allowing minor changes that could result in minor enlargements, extensions, expansions or structural alterations (e.g., installation of emergency back-up generator for fire protection equipment, modifications to emergency shutdown system) to buildings or structures dedicated to such nonconforming uses, despite the fact that they do not conform to all current provisions of this Ordinance. Therefore, an improvement comprising minor enlargements, extensions, expansions or structural alterations of a building or structure dedicated to an industrial, public works or energy-related nonconforming use may be allowed, subject to the following process and findings:
 - 1. **Process.** No permits will be issued for development, including grading, unless and until a Limited Exception Determination by the Planning Commission is first granted for the proposed improvement. Where no discretionary permit has previously been issued for the existing nonconforming industrial use, appropriate nondiscretionary permits may be issued after a Limited Exception Determination has been granted. Where a discretionary permit has been previously issued, changes to that permit may be made pursuant to this Section

and the appropriate non-discretionary permits may be issued after a Limited Exception Determination has been granted.

2. Unless otherwise specifically waived by the Planning and Development Director, the following information must be submitted:
 - a. Description of project objectives;
 - b. Project description, including construction requirements (schedule, equipment, labor, parking), physical changes to existing facilities, and any changes to facility operations or ancillary operations (truck trips, hazardous materials storage, etc.) as a result of the improvement;
 - c. A map showing contiguous properties, including Assessor Parcel Numbers and property owners' names;
 - d. Site plan to scale showing all existing and proposed facilities on the site. The new components, modifications to existing equipment, and any components to be removed must be highlighted;
 - e. Design specifications for any new components;
 - f. Estimated expenditures for the improvement, including materials, labor, and equipment;
 - g. Photographs of the site showing the area where the improvement is proposed;
 - h. Identification of any increase in utility use or demand as a result of the improvement (water, electricity, natural gas);
 - i. Written justification and such data, report(s), and documentation that demonstrate and verify the improvement's public health and safety or environmental benefit. In all cases, the burden of proof will be on the applicant to provide evidence verifying the public health and safety or environmental benefit; and
 - j. Any other supplemental data or information requested by the Planning and Development Department.
- B. The Planning and Development Department will distribute the material to the appropriate City and County Departments for a 30-day application completeness review.
- C. Upon determination of application completeness, the Planning and Development Department will conduct an assessment of the public health and safety and/or environmental benefits of the application and will conduct environmental review. Information from such benefit assessment or the environmental review will be

included for use to support the Planning Commission's action on a Limited Exception Determination.

D. **Limited Exception Determination Findings.** A Limited Exception Determination for an improvement that results in the minor enlargement, extension, expansion or structural alteration to a building or structure dedicated to an industrial, public works, or energy-related nonconforming use may be granted provided that the following findings are made by the Planning Commission at a noticed public hearing:

1. The improvement has a demonstrable public health and safety, or environmental benefit (e.g., would reduce the risk of a hazardous material spill or reduce air emissions).
2. The improvement does not result in any new un-mitigated significant environmental impacts.
3. The improvement does not result in an increase in the overall intensity of use beyond the existing permitted use (e.g., output/throughput per day) or, for facilities where no permits exist, would not increase the overall intensity of use beyond the current operating limits.
4. The improvement does not extend or expand the existing developed industrial site boundary within a parcel.
5. The improvement does not result in an expansion or extension of life of the nonconforming use due to increased capacity of the structure dedicated to the nonconforming use, or from increased access to a resource, or from an opportunity to increase recovery of an existing resource. Any extension in the life of the nonconforming use affected by the improvement results solely from improved operational efficiency and is incidental to the primary purpose of improving public health and safety or providing an environmental benefit.
6. The improvement does not allow for processing of "new production" as defined in Chapter 17.35, Energy Facilities.
7. If prior Limited Exception Determinations have been made for the same nonconforming use under this Section, the successive Limited Exception Determinations cumulatively provide a public health and safety or environmental benefit.

17.38.060 Nonconforming Structures

A. **Nonconforming Building or Structure.** This term means any building or structure that was lawfully established and in compliance with all applicable codes and laws, but no longer complies with all applicable regulations and standards of development in the Zoning District in which it is located.

- B. **Right to Continue.** Any legal nonconforming building or structure that was lawfully established prior to the effective date of this Ordinance or of any subsequent amendments to its text or to the Zoning Map may only be continued and maintained provided there is no alteration, enlargement, or addition to any building or structure; no increase in occupant load; nor any enlargement of the area, space, or volume occupied by or devoted to such use, except as otherwise provided in this Chapter. The right to continue a nonconforming building or structure shall attach to the land and shall not be affected by a change in ownership. No substitution, expansion, or other change in use and no alteration or other change in structures is permitted, except as otherwise provided in this Chapter. Legal nonconforming structures may be repaired, maintained, or replaced in compliance with the requirements of this Section, unless deemed to be a public nuisance because of health or safety conditions.
- C. **Enlargements or Alterations.** Nonconforming structures may be enlarged, extended, structurally altered, or repaired in compliance with all applicable laws, subject to the following provisions:
1. Alterations and enlargements that comply with the following, subject to only require the approval of the Zoning Administrator:
 - a. Alterations or enlargements necessary to meet City or state requirements; and
 - b. Alterations or enlargements necessary to meet current requirements of the Zoning District in which the structure is located or otherwise allowed in that Zoning District.
 2. Alterations and enlargements that comply with the following are subject to approval of a Conditional Use Permit:
 - a. Alterations or enlargements that extend into a nonconforming yard or height limit, where the alteration or enlargement would not:
 - (1) Further reduce any existing nonconforming yard;
 - (2) Exceed applicable building height limits;
 - (3) Further reduce existing nonconforming lot coverage or floor area ratio requirements; and
 - (4) Increase the required number of off-street parking spaces unless parking is provided under current standards for the addition of the use only.
 3. Alterations or enlargements up to 50 percent of floor area of a legal, nonconforming single residence or duplex residence may be made without providing any additional parking space or changes to an existing driveway,

provided that such alterations or enlargements do not increase the number of dwelling units on the lot and a Conditional Use Permit is approved.

4. Notwithstanding the requirements of Subsection (3), a second unit in compliance with this Ordinance may be developed when parking is provided to meet the applicable requirements of this Ordinance for both the primary dwelling and the second dwelling unit.
- D. **Maintenance and Nonstructural Repairs.** Maintenance, non-structural repairs, and non-structural interior alterations are permitted to a nonconforming structure or to a structure occupied by a nonconforming use, so long as the changes and improvements do not enlarge or extend the structure.
- E. **Structural Repairs.** Structural repairs that do not enlarge or extend the structure, including modification or repair of bearing walls, columns, beams, or girders, may be undertaken only when the Building Division determines that such modification or repair is immediately necessary to protect public health and safety of the occupants of the nonconforming structure, or occupants of adjacent property, or when the cost of such work does not exceed 50 percent of the appraised value of the nonconforming structure.
- F. **Restoration of a Damaged Structure.**
1. A legal nonconforming building or structure that is damaged or partially destroyed may be restored or rebuilt if the cost of repair or reconstruction does not exceed 50 percent of the appraised value of the building or structure. Replacement of the damaged portions of the building is allowed by right provided that the replaced portions are the same size, extent, and configuration as previously existed and repair work commences within 12 months of the date of damage.
 2. If the cost of repair or reconstruction exceeds 50 percent of the appraised value of the building or structure replacement, the land and building will be subject to all of the requirements and applicable zoning standards of this Ordinance in effect at the time of the loss. However, the Zoning Administrator may approve an Administrative Permit for the structure to be rebuilt to the same size, extent, and configuration as previously existed as long as the previous use is continued or the original use is reestablished, as provided for in this Chapter.

17.38.070 Nonconforming Parking and Site Features

- A. **Nonconforming Uses Due to Changes in Parking Requirements.** Uses that have been rendered nonconforming due only to revisions in parking requirements shall be subject to the following regulations:

1. **Expansion and Conformance.** Expansion of the particular use shall be permitted if the current parking requirements for the use can be met, and the addition or enlargements otherwise conform to the regulations in effect for the Zoning District in which it is located.
 2. **Exception.** A single-family dwelling may be expanded when the proposed expansion does not meet current parking requirements, if all of the following conditions exist:
 - a. The dwelling has at least one covered parking space;
 - b. The existing lot configuration does not allow for a second covered space, or does not allow for access to a second covered space;
 - c. The proposed addition otherwise conforms to the provisions of this Chapter.
- B. **Changes of Use.** Changes of use to a similar use, with the same or less parking requirements and type of permit allowed in the same zone, shall be allowed provided that current requirements for parking can be met. Where parking cannot meet the current requirement for the new use, the required permit under this Ordinance must be obtained. In such cases, the parking requirements shall be determined to the satisfaction of the Zoning Administrator and be specified by the permit. The parking specified under the permit shall not be considered conforming.

17.38.080 Nonconforming Signs

Nonconforming and illegal signs are subject to the provisions of this Section.

- A. **Uncompensated Removal.** The City may require the removal, without compensation, of an on-premises sign that meets any of the following criteria:
1. A sign erected without first complying with all City codes and regulations in effect at the time of its construction and erection or use.
 2. A sign that was lawfully erected but the use of which has ceased or the structure upon which the sign was erected has been abandoned for a period of 90 or more days following written notice.
 3. A sign that has been more than 50 percent destroyed, where the destruction involves more than the sign face/copy and the sign cannot be repaired within 30 days of the date of its destruction.
 4. A nonconforming sign that is located on a building that is remodeled or expanded such that more than 50 percent of the building is affected by the remodel or expansion.

5. A sign for which there has been an agreement between the sign or property owner and the City for its removal as of any given date.
 6. A sign that is or may become a danger to the public or is unsafe as determined by the Building Official.
 7. A sign that constitutes a traffic hazard not created by relocation of streets or highways or by acts of any governmental entity.
 8. A sign that is not maintained in good repair as determined by the Zoning Administrator, 90 days after the sign owner or property owner is provided with written notice and direction to complete repairs.
- B. **Compensated Removal.** If the City elects to require the removal of an on-premise sign other than a sign meeting any of the criteria in Subsection (A), above, it shall pay fair and just compensation. For the purposes of this Section, fair and just compensation will be based on the fair market value of the sign as of the date written notice is given to the owner requiring that the sign be removed or brought into conformity. Fair market value will consist of the actual cost of removal of the sign, the actual cost to repair any damage caused to the real property or improvements as a result of the removal of the sign and either the actual cost to duplicate the sign or to replace it with a sign conforming with the provisions of this Chapter.

17.38.090 Abatement of Public Nuisances

The provisions of this Chapter shall not apply to a use or structure that is or becomes a public nuisance. In the event that a legal nonconforming use or structure is found to constitute a public nuisance, appropriate action may be taken by the City pursuant to Chapter 12.13, Public Nuisances, of the Municipal Code.

- A. **Exception for Agricultural Operations.** No agricultural activity, operation, or facility that is consistent with this Chapter and the General Plan, and is conducted or maintained for commercial purposes in a manner consistent with proper and accepted customs and standards as established and followed by similar agricultural operations in the same locality, will be or become a nuisance, private or public, due to any changed condition in or about the locality, after it has been in operation for more than one year if it was not a nuisance at the time it began.
1. This exception does not apply if the agricultural activity, operation, or facility, obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin, or any public park, square, street, or highway.
 2. The term "agricultural activity, operation, or facility" includes, the cultivation and tillage of the soils, dairying, the production, irrigation, frost protection, cultivation, growing, pest and disease management, harvesting and field processing of any agricultural commodity including timber, viticulture,

apiculture, or horticulture, the raising of livestock, fish, or poultry, and any practices performed by a farmer or on a farm as incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or market, or delivery to carriers for transportation to market.

17.38.100 Enforcement and Penalties

- A. **Applicability.** This Section establishes procedures for enforcement of the provisions of this Ordinance. The enforcement procedures set forth are intended to assure due process of law in the abatement or correction of nuisances and violations of this Ordinance.

- B. **Pending Violations.** No prosecution or action resulting from a violation of zoning regulations heretofore in effect will be abated or abandoned by reason of the enactment of any Ordinance amendment, but will be prosecuted to finality under the former provisions, the same as if the amendment had not been adopted and, to this end, the former provisions will remain in effect and be applicable until said prosecution or action has been terminated. Any violation that occurred prior to the effective date of the amendment, for which prosecution or legal action has not been instituted prior to the effective date of the amendment, may be hereafter subject to prosecution or action as if the amendment had not been adopted and, to this end, the former provisions will remain in effect and be applicable until said prosecution or action has been terminated.

- C. **Penalties.** Any person who violates any provision or fails to comply with any of the requirements of this Chapter or of any term or condition of, or applicable to any permit, variance or amendment thereto is guilty of a misdemeanor/infracton as specified in Section 13-1 of the Goleta Municipal Code and, upon conviction thereof, and is punishable in accordance with Section 13-2 of the Goleta Municipal Code. Each such person will be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Chapter is committed, continued, or permitted by such person, and shall be punishable therefor as provided in Chapter 17.57, Enforcement.

Chapter 17.42 Signs

Sections:

17.42.010	Purpose
17.42.020	Applicability
17.42.030	Exempt Signs
17.42.040	Prohibited Signs
17.42.050	Sign Design Principles
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17.42.080	Standards for Signs in Non-Residential Districts
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17.42.150	Maintenance, Abandonment, and Removal

17.42.010 Purpose

The purpose of this Chapter is to regulate signs as an information system that preserves and enhances the aesthetic character and environmental values of the City, its residential neighborhoods, its visitor-oriented uses, and commercial/industrial areas, while also providing an effective means for members of the public to express themselves through the display of signs. More specifically, this Chapter is intended to:

- A. Promote communications through signs that aid orientation and promote economic vitality;
- B. Maintain and enhance the city's appearance by regulating the design, character, location, number, type, quality of materials, size, illumination and maintenance of signs;
- C. Limit commercial signage to on-site locations to ensure that signage is primarily used as identification in order to protect the City's aesthetic environment from the visual

clutter associated with the unrestricted proliferation of signs, while providing channels of communication to the public;

- D. Restrict signs that may create a nuisance to nearby properties, violate privacy, or create hazards or unreasonable distractions for pedestrians or drivers; and
- E. Ensure that the constitutionally-guaranteed right of free speech is protected.

17.42.020 Applicability

This Chapter regulates signs that are located or mounted on private property within the corporate limits of the City, as well as signs located or mounted on public property that are owned or controlled by public entities other than the City, over which the City has land use or zoning authority. The provisions in this Chapter apply in all Zoning Districts of the City. No sign within the regulatory scope of this Chapter shall be erected or maintained anywhere in the City except in conformity with this Chapter.

17.42.030 Exempt Signs

The following signs are exempt from the provisions of this Chapter.

- A. **Address Signs.** Required address identification signs that are in conformance with the Building Code.
- B. **Barber Poles.** Barber poles not exceeding six feet in height, located wholly on commercial private property and bearing no lettering.
- C. **Change of Business Signs.** A temporary attachment or covering of wood, plastic, or canvas over a permanent sign indicating a change of ownership or activity may be displayed for no longer than 60 days following the change of ownership or activity for which the sign is intended. The sign must be no larger than the previously permitted permanent sign.
- D. **Commemorative Signs.** Commemorative plaques, memorial signs or tablets, or signs indicating names of buildings and dates of building erection, either attached to or cut into the surfaces of buildings, provided that no such sign exceeds three square feet in area.
- E. **Construction Signs.** A temporary construction sign may be erected on a construction site for the duration of construction activities provided that it is immediately removed after issuance of a Certificate of Occupancy or Certificate of Completion for the project, or abandonment of work. A temporary construction sign may not exceed 32 square feet in area or eight feet in height within non-residential zones or eight square feet in area or five feet in height within residential zones.

- F. **Equipment Signs.** Signs incorporated into permitted displays, machinery or equipment by a manufacturer, distributor or vendor and identifying or advertising only the product or service dispensed by the machine or equipment, such as signs customarily fixed to automated teller machines (ATMs) and gasoline pumps.
- G. **Flags.** Flags may be erected and located in accordance with the following standards:
1. **Location.** Flagpoles shall not be located within any required side yard setbacks.
 2. **Maximum Flagpole Height.** If a flag is on a flag pole, the pole height shall not exceed 30 feet or the distance from the base of the pole to the closest lot line plus two feet, whichever is less.
 3. **Maximum Size.** The maximum individual flag area on a lot is 24 square feet in residential districts and 32 square feet in all other districts.
- H. **Government Signs.** Official notices issued by a court, public body or office and posted in the performance of a public duty; notices posted by a utility or other quasi-public agency; signs erected by a governmental body to direct or regulate pedestrian or vehicular traffic; noncommercial bus stop signs erected by a public transit agency, or other signs required or authorized by law.
- I. **Informational Signs.** Noncommercial informational signs located wholly on private property not exceeding two square feet in area erected for the convenience of the public, such as signs identifying rest rooms, public telephones, walkways, and similar features or facilities.
- J. **Interior Signs.** Signs that are located in interior areas of a building or site and are not visible from public streets or adjacent properties. For the purpose of this regulation, “visible” means legible to a person of ordinary eyesight (with vision adequate to pass a state driver’s license exam) standing at ground level at a location on the public right of way or other private property.
- K. **Historical Plaques.** Plaques, not to exceed two square feet, commemorating the site of a historical event, the residence or workplace of a historical figure or a building whose architectural or historical character is recognized by the City as part of the City’s cultural heritage.
- L. **Holiday Displays.** Holiday and cultural observance decorations on private residential property that are on display for not more than 45 calendar days per holiday per lot or use) and do not include commercial advertising messages.
- M. **Manufacturers’ Marks.** Marks on tangible products, which identify the maker, seller, provider or product, and which customarily remain attached to the product even after sale.

- N. **Menu Displays.** Menu display boards, not exceeding two square feet in area mounted on a wall or in a window near the main entrance of establishments serving food to customers who eat on the premises. A-frame signs with menu displays may be permitted if they are located at the restaurant entrance.
- O. **Mobile Vendor Signs.** Signs fixed to mobile vending carts that identify or advertise the name, product, or service provided by the vendor. Each mobile vending cart is limited to a maximum sign area of eight square feet.
- P. **Murals.** Murals that do not contain any advertising copy or function as advertising.
- Q. **Newspaper Stands.** Signs that are part of newspaper stands, provided the sign area does not exceed six square feet.
- R. **Parking and Directional Signs.** On-site parking and directional signs not exceeding three square feet in area and limited to directional messages such as entrance/exit locations or instructions to direct on-site traffic circulation.
- S. **On-Site Real Estate Signs.** On-premises signs conveying information about the sale, rental, or lease of the appurtenant lot, premises, dwelling, or structure, provided that they comply with the following standards:
1. No more than one real estate sign per public street frontage per lot is displayed at any one time;
 2. The sign or signs do not exceed an aggregate area of 32 square feet within non-residential zones or eight square feet in area within residential zones;
 3. The maximum height is six feet;
 4. The sign or signs are not illuminated; and
 5. The sign or signs are removed within seven days after the sale, lease, or rental of the property has been completed.
- T. **Sponsorship Signs.** One sponsorship sign for each sponsor or one sign for all sponsors, which sponsor and contribute to the sports activities upon public premises, not to exceed 36 square feet in area, per site shall be permitted for a period not to exceed 90 days preceding the event. Such sign shall be removed within 15 days after the event.
- U. **Time and Temperature Devices.** Time and temperature devices, not taller in height than permitted signs, or larger than 12 square feet, located wholly on private property and bearing no commercial message.
- V. **Vehicle and Vessel Insignia.** On street legal vehicles and properly licensed watercraft: license plates, license plate frames, registration insignia, messages relating to the business of which the vehicle or vessel is an instrument or tool (not including

general advertising) and messages relating to the proposed sale, lease or exchange of the vehicle or vessel. The total area of such exempt signage shall not exceed one square foot per lineal foot of length of the vehicle or watercraft.

W. **Window Signs.** Window Signs, whether permanent or temporary, subject to the following provisions:

1. In residential zones and on residential properties, window signs not exceeding 10 percent of the area of window and transparent door frontage on any building façade, and subject to the requirements of Residential Signs.
2. In commercial, office and industrial zones, window signs not exceeding 25 percent of the area of window and transparent door frontage on any building façade. Any sign either hung within two feet of a window or attached to a display located within two feet of a window is considered a window sign.

X. **Political Signs.** Political signs are permitted subject to the following provisions:

1. Any such sign cannot be erected earlier than 60 days prior to the election and must be removed within 10 days after such election.
2. Signs located on residential lots may be a maximum of 16 square feet in area and erected to a maximum of six feet. On commercial or vacant sites, the sign may be a maximum of 32 square feet in area and erected to a maximum height of six feet.
3. No political or campaign sign can be attached and erected on public property or within the public right-of-way and cannot construct sight line visibility at intersections.

17.42.040 Prohibited Signs

Unless otherwise permitted by a specific provision of this Chapter, the following sign types are prohibited in all zones:

- A. **Animated and Moving Signs.** Signs that blink, flash, shimmer, glitter, rotate, oscillate or move, or which give the appearance of blinking, flashing, shimmering, glittering, rotating, oscillating or moving. This provision does not apply to signs using digital display technology, such as LED (light emitting diodes) or functionally equivalent display methods.
- B. **Banners, Balloons, Streamers, and Pennants.** Banners, balloons, streamers, and pennants that direct, promote, attract, service or that are otherwise designed to attract attention are prohibited in all Zoning Districts except for Old Town, except as temporary signs that comply with the requirements of this Chapter or those on automobile dealerships, but only for a period of 60 days.

- C. **Mobile Billboards.** Any sign carried or conveyed by a vehicle for the primary purpose of general advertising for hire, excluding signs on taxis and buses.
- D. **Permanent Signs Displaying Off-Site Outdoor Advertising (Billboards).** Permanent structure signs displaying general advertising for hire are prohibited in all zones.
- E. **Portable Signs.** Unless expressly allowed by another provision of this Chapter, portable signs are prohibited in all zones.
1. **Paper Signs and Placards.** Paper signs and placards that direct, promote, attract, service or that are otherwise designed to attract attention are prohibited in all zones except for temporary signs that comply with the provisions of this Chapter.
- F. **Prohibited Locations.**
1. **Public Right-of-Ways.** Other than official government signs or warning signs required by law, no inanimate sign can be placed in median strips or islands, on sidewalks, trees, retaining walls, bridges, benches, traffic signals, public fences, poles or utility equipment, street lighting, or utility poles or on traffic signs or traffic sign posts or supporting structures, or on utility poles or anchor wires or guy wires.
 2. **Trees.** No sign can be affixed to or cut into any tree or other living vegetation.
 3. **Terrain.** No sign may be cut, burned, marked or displayed in any manner on a cliff or hillside.
- G. **Prohibited Materials.** Signs cannot be made of lights, roofing, siding, paving materials, flora, or balloons, or any other similar building, landscaping, or decorative component.
- H. **Roof Signs.**
1. Attached signs that extend above the roof line or parapet (whichever is higher) of a building with a flat roof.
 2. Attached signs that extend above the deck line of a mansard roof, whether real or simulated.
 3. Signs on rooftop structures, such as penthouse walls or mechanical enclosures.
 4. However, signs that do not extend above the eave line of a sloped, gambrel, gable, or hip roof, that do not extend above the deck line of a mansard roof, that do not extend above the parapet (or the roofline if no parapet is present) of a flat roof are permitted.

- I. **Search Lights and Klieg Lights**, when used as attention attracting devices for commercial or special events or commercial film-making.
- J. **Signs Creating Traffic Hazards.**
 - 1. Signs located in such a manner as to constitute a traffic hazard or obstruct the view of traffic, any authorized traffic sign or signal device;
 - 2. Signs that may create confusion with any authorized traffic sign, signal, or device because their color, location or wording, or use of any phrase, symbol, or character interferes with, misleads, or confuses vehicular drivers in their use of roads or conflicts with any traffic control sign or device;
 - 3. Signs within five feet of a fire hydrant, street sign, or traffic signal.
 - 4. Sign at or near any street intersection that will obstruct the free and clear vision of drivers and pedestrians. Other than traffic control signals, no sign can be installed in the visibility triangle at intersections, extending horizontally 15 feet from the corner of the intersection and vertically, from a height of three feet to a height of eight feet.
- K. **Signs for Prohibited Uses.** A sign displaying a commercial message promoting a business that is a prohibited use and has not been established as a legal non-conforming use.
- L. **Signs on Public Property.** No sign, or supporting sign structure, may be erected in the public right of way, including portable A-frame signs. This provision does not prohibit signs that are mounted on private property but project into or over public property or the public right of way, when such sign is authorized by an encroachment permit or by this Chapter.
- M. **Signs that Produce Noise or Emissions.** Signs that produce visible smoke, vapor, particles, odor, noise or sounds that can be heard at the property line, excluding voice units at menu boards and devices for servicing customers from their vehicles, such as drive-up windows at banks.

17.42.050 Sign Design Principles

The following sign design principles will be used as criteria for review and approval of sign permits and Master Sign Programs.

- A. **Architectural Compatibility.** A sign (including its supporting structure, if any) should be designed as an integral design element of a building's architecture and be architecturally compatible, including color and scale, with any building to which the sign is to be attached and with surrounding structures. A sign that covers a window or that spills over "natural" boundaries or architectural features and obliterates parts of upper floors of buildings is detrimental to visual order and will not be permitted.

- B. **Legibility.** The size and proportion of the elements of the sign’s message, including logos, letters, icons and other graphic images, should be selected based on the average distance and average travel speed of the viewer. Sign messages oriented towards pedestrians may be smaller than those oriented towards automobile drivers. Colors chosen for the sign text and/or graphics should have sufficient contrast with the sign background in order to be easily read during both day and night.
- C. **Readability.** A sign message should be easily recognized and designed in a clear, unambiguous and concise manner, so that a viewer can understand or make sense of what appears on the sign.
- D. **Visibility.** A sign should be conspicuous and readily distinguishable from its surroundings so a viewer can easily see the information it communicates.

17.42.060 General Provisions for All Sign Types

- A. **Sign Permit Required.** Except as otherwise expressly provided in this Chapter, it shall be unlawful for any person to affix, place, erect, suspend, attach, construct, structurally or electrically alter (not including a face change of sign copy), move or display any temporary or permanent sign within the City without first obtaining a sign approval from the Zoning Administrator. No sign permit is required for cleaning or other normal maintenance of a properly approved sign, unless a color, text, structural or electrical change is made.
- B. **Owner’s Consent Required.** The consent of the property owner or business owner is required before any sign may be displayed on any real or personal property within the city.
- C. **Non-commercial Signs.** Non-commercial signs are allowed wherever commercial signage is permitted and are subject to the same standards and total maximum allowances per site or building of each sign type specified in this chapter. A permit is required only if the sign qualifies as a structure, subject to a building permit under the Building Code. For purposes of this Chapter, all non-commercial speech messages shall be deemed to be “on-site,” regardless of location.
- D. **Maximum Sign Area.** The maximum allowable, permittable sign area for permanent signs, exclusive of area of exempt signs, is based on the zoning district in which the sign is located and the type of sign to be used. These standards are established in subsequent sections of this Chapter. Maximum sign area limitations for temporary signs are established in Section 17.42.100. These standards are maximums permitted but the Design Review Board may reduce the sign area due to site context, visibility needs and sign design.
- E. **Applicable Codes.** In addition to complying with the provisions of this Section, all signs shall be constructed in accordance with the Uniform Building Code, the Uniform Sign Code, the Electrical Code, and all other applicable laws, rules, regulations and policies.

- F. **Encroachment Permits.** Signs mounted on private property may project into or above public property or the public right-of-way only with approval by the Director of Public Works of an encroachment permit under the provisions of the Municipal Code. The Director may exempt signs in Old Town from having to secure an encroachment permit if these signs meet the standards of this Chapter and are allowed by the Goleta Old Town Heritage District Architectural and Design Guidelines, as adopted by the City.
- G. **Calculation of Sign Area.** The area of an individual sign must be calculated as follows.
1. **Single-Faced Signs.** Sign area includes the entire area within a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of all sign elements, including, but not limited to, sign structures or borders, written copy, logos, symbols, illustrations, and color. Supporting structures such as sign bases and columns are not included in sign area provided that they contain no lettering or graphics except for addresses or required tags.
 2. **Double-Faced Signs.** Where two faces of a double-faced sign are located two feet or less from one another at all points, or located at an interior angle of 45 degrees or less from one another, the sign area must be computed as the area of one face. Where the two faces are not equal in size, the larger sign face will be used. Where two faces of a double-faced sign are located more than two feet or 45 degrees from one another, both sign faces will be counted toward sign area.
 3. **Multi-Faced Signs.** On a three-faced sign, where at least one interior angle is 45 degrees or less, the area of two faces (the largest and smallest face) must be summed to determine sign area. In all other situations involving a sign with three or more sides, sign area will be calculated as the sum of all faces.
 4. **Three-Dimensional Signs.** Signs that consist of, or have attached to them, one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), may have a sign area that is the sum of all areas using the four vertical sides of the smallest cube that will encompass the sign.
- H. **Changeable Copy.** Changeable copy on signs is permitted, subject to the following regulations.
1. **Maximum Area Allowed.** Changeable copy, except copy for gasoline prices on service stations, is subject to the following limits on the total sign area.
 - a. **Electronic Copy.** Electronic changeable copy is only allowed along Hollister Avenue but not within the Commercial Old Town District unless consistent with the Old Town Heritage District Guidelines.

4. External light sources must be directed, shielded, and filtered to limit direct illumination of any object other than the sign, according to Table 17.42.060.K, below.

TABLE 17.42.060.K: REQUIREMENTS FOR SHIELDING AND FILTERING		
<i>Fixture Lamp Type</i>	<i>Shielding Required</i>	<i>Filtering Required</i>
Low Pressure Sodium ¹	None	None
High Pressure Sodium	Fully	None
Metal Halide (Low Kelvin only)	Fully	Yes ⁴
Fluorescent	Fully ⁵	Yes ²
Quartz ³	Fully	None
Incandescent Greater than 100W	Fully	None
Incandescent 100W or less	None	None
L.E.D.	Fully	Fully
Mercury Vapor	Not permitted.	
Fossil Fuel	None	None
Glass Tubes filled with neon, argon, or krypton	None	None
Other Sources	As approved by the Director.	
1. This is the preferred light source to minimize undesirable light into the night sky affecting astronomical observations. 2. Warm white natural lamps are preferred to minimize detrimental effects. 3. For the purposes of this article, quartz lamps are not considered an incandescent light source. 4. Most glass, acrylic, or translucent enclosures satisfy these filter requirements. 5. Outdoor signs constructed of translucent materials and wholly illuminated from within do not require shielding.		

17.42.070 Aggregate Sign Area by Use Type

- A. **Sign Area for Non-Residential Uses.** For buildings and portions of buildings in non-residential use, the following regulations apply.

1. **Basic Maximum Sign Area Per Site.**
 - a. In all non-residential and mixed use Zoning Districts, the basic sign area allowance for all signs on a lot, excluding exempt signs for which no permit is required, is one square foot of sign area per lineal foot of public street frontage.
 - b. For legal non-residential uses in residential districts, the basic sign area allowance for all signs on a lot, excluding exempt signs, is one-half square foot of sign area per lineal foot of public street frontage.
2. **Sites with Multiple Frontages.** On sites with more than one frontage on a public street (excluding alleys), maximum permitted sign is calculated as follows:

- a. Where a lot fronts on two streets (a corner or “through lot”), either both the front and side, or front and rear lot lines as related to the applicable frontages may be used for calculating the allowable sign area.
 - b. Where a lot has three or more frontages on a public street, the length of only two contiguous sides, one of which must be the principal street frontage, are added together to determine allowable sign area.
3. ***Multiple-Occupancy Commercial Sites with Limited Frontage.*** Where a multiple-occupancy commercial site has public street frontage equal to 20 percent or less of the perimeter measurement of the site, the maximum allowable sign area for the site is as follows:
- a. One square foot of sign area per one lineal foot of public street frontage, plus
 - b. One lineal foot of exterior building walls fronting on driveways and parking lots that are generally used for public access and are located on the same site.
 - c. Pedestrian-only passageways that are lined on both sides by building walls are considered interior spaces, and although signs may be placed on such walls, the area of such walls is not included in the calculation of the maximum allowable sign area for the site.
4. ***Additional Allowance for Signs in Regional Commercial District.*** Lots within the RC Regional Center District may exceed the basic sign allowance by up to 25 percent.
5. ***Additional Allowance for Freeway-Oriented Signs.*** Lots abutting Highway 101 may exceed the basic sign allowance by 25 percent, provided that the total area of signs facing local streets does not exceed the basic allowance. This provision does not apply to lots entitled to the RC District bonus, above.
6. ***Minimum Allowance in Multi-Tenant Projects.*** For multi-tenant commercial projects, the aggregate sign area may be increased to the extent that each tenant has a minimum of 0.5 square feet of sign area per lineal foot of business frontage on a primary access way.
- B. **Sign Area for Residential Uses.** For buildings and portions of buildings in residential use, total sign area includes the area of exempt and permitted sign types.

17.42.080 Standards for Signs in Non-Residential Districts

This section establishes standards for signs in non-residential districts. These signs also are subject to the regulations in “General Regulations Applying in All Districts” and “Standards for Specific Sign Types”.

A. **Types of Signs Allowed.** Table 17.42.080.A establishes the types of permanent signs allowed in non-residential Zoning districts.

TABLE 17.42.080.A: PERMITTED PERMANENT SIGNS BY DISTRICT				
	■ Permitted <i>(subject to compliance with this Chapter)</i>	□ Permitted only as part of an approved Master Sign Program or <i>with compliance with the Old Town Design Guidelines</i>		
	<i>Wall</i>	<i>Awning and Canopy</i>	<i>Projecting</i>	<i>Freestanding</i>
Commercial Districts				
CR	■	■	■	□
CC	■	■	■	■
OT	■	■	□	□
VS	■	■	□	□
CI	■	■	■	■
CG	■	■	■	■
Office Districts				
BP	■	■	□	□
OI	■	■	□	□
Industrial Districts				
IS	■	■	□	■
IG	■	■	□	■

B. **Dimensional Limits for Signs in Non-Residential Zoning Districts.** Table 17.42.080.B establishes the maximum sign area in non-residential Zoning Districts, and Table 17.42.080.C the dimensional standards for permanent signs allowed in non-residential Zoning Districts:

TABLE 17.42.080.B: MAXIMUM AREA FOR SIGNS IN NON-RESIDENTIAL ZONING DISTRICTS				
	<i>Commercial Districts</i>	<i>Office Districts</i>	<i>Industrial Districts</i>	<i>Public and Institutional</i>
Total Sign Area Allowed (sq. ft.)*	1 x ln.ft. of frontage	0.5 x ln.ft. of frontage	0.5 x ln.ft. of frontage	0.2 x ln.ft. of frontage
* Total Sign Area is based on an allowance in square feet per lineal foot (ln.ft.) of street frontage.				

TABLE 17.42.080.C: STANDARDS FOR SIGNS IN NON-RESIDENTIAL ZONING DISTRICTS*					
<i>Sign Type</i>	<i>Maximum Number Permitted</i>	<i>Maximum Area per Individual Sign</i>	<i>Maximum Height</i>	<i>Maximum Horizontal Projection from Wall or Supporting Structure</i>	<i>Additional Regulations</i>
Wall Sign	1 per street frontage. Maximum of 2 per site.	1/8 of building face area or 100 sq. ft.	Roof line.	12 in.	
Projecting Sign	1 per building or tenant space.	See below.	See below.	See below.	
- located below canopy or awning		6 sq. ft.	Roof line.	Not beyond the canopy or awning	
- not located below canopy or awning		10 sq. ft.	20 ft.	4 ft.	
Freestanding Sign	1 per lot if parcel has street frontage of 125 feet or greater.	40 sq. ft.	8 ft. (24 ft. with Design Review Board approval)	n/a	No more than 2 separate signs can be placed on each freestanding sign.
Awning or Canopy Sign	1 per awning; Maximum 3 awning signs per tenant/use.	6 sq. ft. or 25% of exterior surface of awning or canopy, whichever is greater.	Top of awning or canopy.	6 in.	

* Subject to aggregate limits in Table 17.42.080.B.

17.42.090 Standards for Signs in Residential Districts

A. **Maximum Area.** Table 17.42.090 establishes the maximum sign area allowed in Residential Zoning Districts.

TABLE 17.42.090.A: SIGN STANDARDS FOR SIGNS IN RESIDENTIAL ZONING DISTRICTS		
	<i>Total Sign Area (square feet)</i>	<i>Address Sign and Name Plate (square feet)</i>
Detached Single Family and Duplex Units	6	2
Multi-family and Mixed Use Complexes <= 20,000 sq. ft. parcel	12	2
Multi-family and Mixed Use Complexes > 20,000 sq. ft. parcel	20	2
Multi-family Units	2	0
Gate or Entrance	20	2
Approved Institutional and Conditional Uses	20	2

- B. **General Advertising Prohibited.** Signs in Residential Zoning Districts must not display general advertising for hire.
- C. **Additional Standards for Single Family and Duplex Units, Multi-family Residential Complexes or the Residential Portions of Mixed Use Buildings**
1. **Sign Area.** The total sign area is an aggregate limit for all types of permitted signs and may be used for any combination of allowable commercial and noncommercial messages, including garage sale signs, real estate signs, name plates, or other signs as specifically allowed by this Section.
 2. **Sign Types.** Signs may be freestanding signs, window signs, or wall-mounted signs.
 3. **Location.** Signs may be posted or displayed from the yard, window, door, balcony, or outside wall of the residence.
 4. **Maximum Height – Multi-Family Complexes.** Four feet.
- D. **Additional Standards for Permitted Institutional Uses and Conditional Uses.** Signs for institutional and conditional uses in residential districts are allowed if they comply with the following standards:
1. **Sign Types.** Signs may be mounted on the wall or freestanding monument signs. Signs shall be permanent.
 2. **Location.** Freestanding signs must not be located closer than ten feet to any street line or five feet to any interior lot line.
 3. **Maximum Height.** Six feet.
 4. **Changeable Copy.** Non-illuminated, non-electronic changeable copy signs are allowed for uses characterized by public assembly and changing programs or events, provided such copy does not exceed 75 percent of the maximum allowable sign area.

17.42.100 Standards for Specific Sign Types

- A. **Awning and Canopy Signs.** Awning and canopy signs may be attached to or painted on the vertical edges of awnings, canopies, arcades, or similar features or structures. Awning and canopy signs are also subject to the specific Zoning District standards in (“Sign Standards for Non-Residential Districts” and “Sign Standards for Residential Zoning Districts”) and the following additional standards:
1. **Maximum Height.** 14 feet.
 2. **Minimum Vertical Clearance.** Eight feet above the sidewalk.

- B. **Freestanding Signs.** Freestanding signs are subject to the specific Zoning District standards (“Sign Standards for Non-Residential Zoning Districts” and “Sign Standards for Residential Zoning Districts”) and the following additional standards:
1. **Where Allowed.** Freestanding signs are permitted only on a parcel of land with at least 125 feet of continuous street frontage and where the main building is setback at least 20 feet from the lot line. The base of the supporting structure must be setback at least five feet for the street right-of-way line.
 2. **Maximum Number.** One per street frontage. No more than two separate signs may be placed on each freestanding sign structure.
 3. **Maximum Height.** Eight feet, unless a higher height, up to 24 feet, is approved by the Design Review Board.
 4. **Maximum Area.** If two signs are placed on the same freestanding structure, the lower sign cannot exceed 20 square feet and the areas of the two signs, added together, cannot exceed 100 square feet in area.
 5. **Landscaping Required.** All freestanding signs require landscaping at the base equivalent to two times the area of the sign copy. If necessary, planted landscaping shall have an automatic irrigation system.
- C. **Projecting Signs.** A sign may project horizontally from the exterior wall of a building provided that such projection conforms to the specific Zoning District standards (“Sign Standards for Non-Residential Zoning Districts” and “Sign Standards for Residential Zoning Districts”) and the following additional standards:
1. **Maximum Number.** One per building or tenant space.
 2. **Maximum Size.** Three square feet.
 3. **Maximum Height.** 15 feet from grade to the top of the sign.
 4. **Minimum Vertical Clearance.** Eight feet above the sidewalk.
 5. **Projection Allowed.** A projecting sign cannot extend more than three feet from the building to which it is attached and shall be designed and located so as to cause no harm to street trees.
 6. **Illumination.** No special illumination is allowed for projecting signs.
- D. **Wall Signs.** Wall signs are subject to the specific Zoning District standards (“Sign Standards for Non-Residential Zoning Districts” and “Sign Standards for Residential Zoning Districts”) and the following additional standards:
1. **Maximum Number.** One per street frontage or one per tenant space.

2. **Maximum Height.** 15 feet or the height of the wall of the building to which the sign is attached, whichever is lower.
3. **Projection Allowed.** Wall signs shall not extend more than 12 inches beyond the face of the wall to which they are attached.
4. **Placement.** No wall sign may cover, wholly or partially, any required wall opening.
5. **Orientation.** Unless a different orientation is specifically authorized, each wall-mounted sign must be placed flat against the wall of the building.

17.42.110 Historic Signs

The City Council may designate historic signs following a duly-noticed public hearing and a recommendation from the Planning Commission.

- A. **Criteria.** Historic signs must meet defined criteria, including but not limited to the fact that the sign is 50 or more years old and has significance to the Goleta community because it is associated with a significant historical event or it is associated with a historic business.
- B. **Allowances for Historic Signs.**
 1. **Structural Improvements.** Historic signs may have structural improvements completed in order to extend the life of the sign
 2. **Damage Repairs.** If the sign is damaged, it may be repaired and replaced with the original sign area and original height, even if the sign does not conform to the standards of this Section.

17.42.120 Temporary Signs

- A. **General Requirements.**
 1. **Number.** The maximum number of temporary signs that may be displayed by any establishment at the same time is based on the applicable requirements for specific sign types in this section.
 2. **Sign Area and Dimensions.** Temporary signage must comply with the following limits:
 - a. One banner not exceeding 60 square feet is allowed for a period not exceeding 60 consecutive days for newly opened or reopened establishments at the site where the banner is to be displayed. The banner must be stretched and secured flat against the building surface

and not extend higher than the building eave or the building parapet wall. No more than one banner is permitted per street frontage.

- b. Up to three temporary window signs that do not exceed a combined area of 40 square feet or 25 percent of the total window area, whichever is less. Such signs may be painted directly onto the window in water-soluble paints or constructed of paper, wood, fabric, plastic, vinyl or similar materials and securely adhered to, or oriented toward the street or public right-of-way.
3. **Material.** Exterior signs have to be made of a durable material other than standard paper.
4. **Duration.** Unless otherwise specified by these regulations, temporary signs may be displayed only for a maximum of 60 consecutive days, unless an extension is granted. Signs for promotional events and sales must be removed within 7 days of the conclusion of the event and are limited to a maximum of 90 total days per year per establishment.
5. **Illumination.** Temporary signs cannot be illuminated.

B. Standards for Specific Temporary Sign Types.

1. **Real Estate Signs.** On-premises signs conveying information about the sale, rental, or lease of the appurtenant lot, premises, dwelling, or structure, may be displayed without permits if they comply with the regulations and conditions of this subsection. The provisions of this subsection do not apply to signs for transient occupancy. The signs described in this subsection may be displayed on a property with a residential principal use subject to the following regulations and conditions:
 - a. One freestanding real estate sign may be displayed on each frontage;
 - b. Signs cannot exceed 4 square feet in area or 6 feet in overall height.
 - c. The sign or signs are not illuminated;
 - d. The sign or signs are not placed on roof tops or above parapet or eave lines;
 - e. Wall signs are not higher than seven feet above finished grade in residential zones or fifteen feet in non-residential zones. Freestanding signs do not exceed five feet in height in residential zones or ten feet in height in non-residential zones. The signs allowed under this subsection must be removed not more than 5 days after the proposed transaction has closed, or the property is withdrawn from the market; and

- f. Real estate signs are not permitted in the public right-of-way, and must not obstruct pedestrian walkways or motorists' line of sight, including line-of-sight for those exiting driveways.
2. ***Directional Signs for Open Houses.*** Up to three off-site signs directing the public to "open house" events for the viewing of lots, premises, dwellings or structures that are for sale, lease, or rent, are permitted on private land, provided they comply with the following standards:
 - a. No sign or signs exceeds four square feet in area, or three feet in height from finished grade.
 - b. The sign or signs may not be placed more than 12 hours before the start or remain more than 12 hours after the conclusion of the open house event.
3. ***Subdivision Signs.*** In all zones, a maximum of 3 unlighted double-faced temporary subdivision signs, not exceeding 40 square feet in area per display face and 15 feet in overall height, may be erected and maintained with a subdivision during sale of the lots. Such signs must be located within the subdivision and also be a minimum distance of 300 feet apart from each other. All subdivision signs must be removed at the close of escrow of the model complex houses.
4. ***Construction Site Signs.*** Unlighted freestanding or wall signs not exceeding 32 feet in area are allowed in all zones. All such signs can be displayed only on the lot or parcel on which the construction is occurring and only during the construction period. Such signs and support structures and fasteners must be totally removed prior to release for occupancy.
5. ***Protected Non-Commercial Political and Free Speech Signs on Residential Uses.*** Non-illuminated temporary signs displaying protected non-commercial messages that are no more than four feet in height and no more than six square feet in area may be displayed at any time. However, during the period of time beginning 60 days before a general, special, primary or runoff election, and ending 15 days after such election, the amount of display area may be doubled. All signage displayed under this Section must be removed 15 days after the corresponding election. Flags do not count toward the signage allowed under this provision. This display area allowance is in addition to that allowed under the message substitution provision of this Chapter.
6. ***Protected Non-Commercial Political and Free Speech Signs on Commercial, Business, Industrial and Manufacturing Uses.*** On commercial, business, industrial, and manufacturing uses, non-illuminated temporary signs displaying protected non-commercial messages, a maximum of six feet in height and totaling no more than 25 square feet in area, may be displayed at any time. However, during the period of time beginning 60 days before a general,

special, primary, or runoff election, and ending 15 days after such election, the amount of display area may be doubled. Flags do not count toward the signage allowed under this provision. This display area allowance is in addition to that allowed under the message substitution policy.

17.42.130 Master Sign Programs

A. **Purpose.** The purpose of a Master Sign Program (Sign Program) is to promote coordinated signage for all nonresidential and/or mixed use development subject to discretionary review. The establishment of a Sign Program is an alternative to the standard sign regulations contained in this Chapter. Signs within such a Sign Program may be permitted although no conforming to all of the requirements of this Chapter in order to achieve aesthetic compatibility of signs within a project, to allow design creativity, and to simplify the review process for individual signs once a Sign Program is adopted. The use of a Sign Program may allow some flexibility in the total number of signs, and the size and placement of signs. However, the total aggregate area of the signs permitted by the Sign Program shall not be greater than the total aggregate areas of all signs otherwise permitted by this Chapter. The Sign Program must demonstrate how it:

1. Improves the safety and welfare of the general public by minimizing distractions, hazards, and obstructions from sign design or placement;
2. Provides for sign design or placement appropriate for the area;
3. Incorporates sign design and placement related to architectural and landscape features on site; and
4. Incorporates sign design, scale, and placement oriented to pedestrian traffic;
5. Promote design compatibility by having one or more common design elements such as colors, materials, illumination, sign type, sign shape, letter size, and font style; and
6. Promote harmony between the building/complex and the signs used to identify the businesses within the complex including materials, colors, architecture, and other design features of the buildings.

B. **Applicability.**

1. **Sign Program Required.** A Master Sign Program is required for four or more occupancies in commercial or office developments, including mixed use projects, all separately identifiable commercial building groups and all construction and renovation projects involving more than 40,000 square feet of land area. A pre-existing overall sign program sign program can be used for specific sign designs with approval of the Zoning Administrator.

2. **Optional Sign Program.** A Master Sign Program may be substituted for specific sign designs and individual applications if requested by an applicant and approved by the Design Review Board.
- C. **Required Submittals.** Applications for a Master Sign Program must include the following plans and text:
1. Text and drawings, including plans drawn to scale, which identify all signs proposed for the development, establishing their location, size, function and other characteristics needed to evaluate the extent of the signage proposed. Plans and drawings must include a site plan, typical building elevations, and drawings of generic sign types proposed;
 2. Computation of allowable area for all signs, and of total area of all proposed signage.
 3. Design criteria for individual signs dealing with colors, materials, illumination, graphic styles and other sign features; and
 4. A written program of standards for all sign types to be distributed to future tenants, including color, size, illumination, construction details, and sign placement.
- D. **Findings.** The Design Review Board will only approve a Master Sign Program if the following findings are made:
1. That the proposed signs are in harmony and visually related to the common design elements of the buildings the signs will identify;
 2. The proposed signage does not cover or obstruct important architectural elements associated with the buildings;
 3. The proposed signage does not adversely affect other nearby properties;
 4. The choice of materials and colors are of sufficient quality and durability to enhance the project design;
 5. The proposed amount of signage does not exceed the total aggregate area of signage allow by this Chapter; and
 6. The Sign Program meets the purpose and criteria outlined in Section 17.42.130.A of this Chapter.
- E. **Review.**
1. New Sign Programs and modifications to existing Sign Programs will be reviewed and acted upon by the Design Review Board.

2. Individual signs submitted in accordance with the standards of previously approved Sign Programs will be reviewed by the Zoning Administrator. Sign designs may only be approved if it is determined by staff finds the signs comply in all respects with the applicable Sign Program.

17.42.140 Nonconforming Signs

A nonconforming sign is a sign that lawfully constructed and maintained prior to the adoption of the regulations codified in this Chapter but which does not conform to the provisions of this Chapter. The purpose of the regulations in this Section is to limit the number and extent of nonconforming signage by prohibiting alteration or enlargement of such signage so as to increase the discrepancy between their condition and the standards and requirements of this Chapter.

- A. **Continuance and Maintenance.** Reasonable and routine maintenance and repairs may be performed on signs that are nonconforming provided there is no expansion of any nonconformity with the current requirements of this Chapter.
- B. **Abandonment of Nonconforming Sign.** Whenever a non-conforming sign has been abandoned, or the use of the property has been discontinued for a continuous period of 90 days, the nonconforming sign must be removed.
- C. **Restoration of a Damaged Sign.** An on-premises sign may be restored that meets any of the following criteria:
 1. A sign with damage that does not exceed 50 percent of the total sign area, including hardware and attachments, provided that the repairs start within 30 days and diligently pursued to completion.
 2. A sign that is a danger to the public or is unsafe as determined by the Building Official.
- D. **Signs Rendered Nonconforming by Annexation.** Any sign that becomes non-conforming subsequent to the effective date of this Chapter by reason of annexation to the City of the site upon which the sign is located is subject to the provisions of this Section.

17.42.150 Maintenance, Abandonment, and Removal

- A. **Maintenance.** Each sign must be: (1) maintained in a secure and safe condition; (2) maintained in good repair; and (3) cleaned, painted and replaced as necessary to present a neat appearance. If the City determines that a sign is not secure, safe, or in a good state of repair, it must give written notice of this fact to the property owner and specify a time period for correcting the defect. If the defect is not corrected within the time specified by the City, the City may revoke the permit to maintain the sign, if a

- permit is required, and may remove the sign pursuant to the public nuisance abatement provisions of this Ordinance.
- B. **Abandoned or Obsolete Sign.** An on-premises sign advertising an activity, business, service or product must be removed within 90 days following the actual discontinuance of the activity, business, service or product. If the sign is not so removed, the Code Enforcement Officer may have the sign removed in accordance with the public nuisance abatement provisions of this Ordinance.
- C. **Illegal Signs.** Any sign, banner, or sign structure not erected, constructed or located in conformance with this Chapter is an illegal sign and is subject to abatement in accordance with the public nuisance abatement procedures set forth elsewhere in the Goleta Municipal Code.

Chapter 17.43 Standards for Specific Uses and Activities

Sections:

- 17.43.010 Purpose
- 17.43.020 Applicability
- 17.43.030 Accessory Uses
- 17.43.040 Adult Businesses - Adult Businesses - Reserved
- 17.43.050 Animal Keeping
- 17.43.060 Animal Sales, Services, and Uses
- 17.43.070 Automobile/Vehicle Sales and Leasing
- 17.43.080 Automobile/Vehicle Service and Repair
- 17.43.090 Automobile Washing
- 17.43.100 Bed and Breakfast Inns
- 17.43.110 Community Assembly
- 17.43.120 Cottage Industries
- 17.43.130 Day Care
- 17.43.140 Drive In and Drive Through Facilities
- 17.43.150 Eating and Drinking Uses
- 17.43.160 Emergency Shelters
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- 17.43.180 Farmworker Housing
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- 17.43.230 Large-Scale Retail
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- 17.43.250 Live/Work Units
- 17.43.260 Manufactured Homes
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- 17.43.280 Mobile Food Facility
- 17.43.290 Outdoor Dining and Seating
- 17.43.300 Outdoor Sales
- 17.43.310 Personal Services and Restricted Personal Services
- 17.43.320 Personal Storage
- 17.43.350 Residential Care Facilities
- 17.43.360 Second Dwelling Units
- 17.43.370 Service Stations/Mini-Marts

- 17.43.380 Temporary Uses
- 17.43.390 Tobacco Sales
- 17.43.400 Urban Agriculture
- 17.43.410 Visitor-Serving Resort Uses

17.43.010 Purpose

The purpose of this Chapter is to establish standards for specific uses and activities that are permitted or conditionally permitted in several or all Zoning Districts. These provisions are supplemental standards and requirements to minimize the impacts of these uses and activities on surrounding properties and to protect the health, safety, and welfare of their occupants and of the general public.

17.43.020 Applicability

Each activity covered by this Chapter must comply with the requirements of the Section applicable to the specific use or activity, in addition to any Zoning District standards where the use or activity is proposed, other applicable provisions of this Ordinance and the following:

- A. The uses that are subject to the standards in this Chapter are allowed only when authorized by the planning permit required by the base Zoning District regulations, such as a Conditional Use Permit, except where this Chapter establishes a different planning permit requirement for a specific use.
- B. An existing specific use shall not be subject to this Section if the use is in compliance with existing conditions of approval established by an existing planning permit.

17.43.030 Accessory Uses

Accessory uses must be located, developed, and operated in compliance with the following standards:

- A. **General Requirements.** No use will be considered to be accessory to a principal or conditional use which involves or requires any of the following:
 - 1. ***In Residential and Rural Districts.*** The use of more than one-quarter of the total floor area in the principal building and accessory building.
 - 2. ***In All Other Districts.*** The use of more than one-third of the total floor area in the principal building and the accessory building.
- B. **Prohibited Uses.** The following uses are prohibited from being accessory uses:
 - 1. ***In Residential and Agricultural Districts:***

- a. Any Bar/Nightclub/Lounge, Restaurant, or any other retail establishment that serves liquor for consumption on-site, except in resorts and golf courses; and
- b. The employment of any person not a resident in the dwelling unit, other than a domestic servant, gardener, janitor, farm employee, or other person concerned in the operation or maintenance of the dwelling unit unless allowed under Section 17.43.210, Home Occupations.

2. ***In All Other Districts:***

- a. Adult Oriented Businesses;
- b. Medical Marijuana Uses;
- c. Liquor Stores;
- d. Bar/Nightclub/Lounge, except in hotels, resorts, and golf courses; and
- e. General and Limited Industrial.

- C. **Limitations.** Accessory uses are restricted to interior areas of a structure except in Agricultural Districts where exterior accessory use on a lot is allowed, subject to other standards of this Ordinance. In addition, outdoor dining is permitted if specified standards are met.

17.43.040 Adult Businesses - Reserved

17.43.050 Animal Keeping

Animal keeping, except the keeping of household pets, must comply with the requirements of this Section in order to ensure that animal keeping does not create adverse impacts on adjacent properties by reason of bright lights, dust, insect infestations, noises, odor, or visual blight.

- A. **Residential Districts.** Animal keeping is allowed as an accessory use to a primary residential use. Animals may be kept in compliance with the following standards:

1. ***Pre-Existing Uses.*** Any legally established nonconforming animal keeping use is allowed to continue; however, animals may not be replaced after they are removed from the home and/or are deceased.
 - a. ***Exceptions.*** On parcels that previously permitted horses that became nonconforming upon adoption of this Ordinance, horses may be replaced and/or exchanged so long as the total number of horses is not increased to a number greater than what was previously permitted.

2. **Commercial Uses.** Animals cannot be kept for commercial purposes.
 3. **Minimum Gross Area.** 20,000 square feet per lot.
 4. **Number of Animals Permitted.** One horse, mule, goat, cow, swine, or other similar size animal for each 20,000 square feet, provided that not more than three swine or five such other animals shall be permitted on any lot. There shall not be more than three dogs permitted on any one lot.
 5. **Stables and Barns.** No stable, barn or other large animal enclosure (i.e., paddock) shall be located on a lot, excluding a combination of lots, having a gross area of less than 20,000 square feet. No portion of a stable or barn shall be located closer than:
 - a. 40 feet from any dwelling on another lot;
 - b. 70 feet to any street centerline and 20 feet to the right-of-way;
 - c. 15 feet from the rear property line; and
 - d. 10 feet from the side property lines.
 6. **Small Animals.** Small animals (e.g., chickens, birds, ducks, rabbits, bees, etc.) shall be permitted provided that:
 - a. Such small animals are for the domestic use of the residents of the lot only and are not kept for commercial purposes.
 - b. The keeping of such small animals is not injurious to the health, safety, or welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after advice from the County Health Department.
 - c. Enclosures for such small animals shall be no closer than 25 feet to any dwelling.
- B. No predatory wild animals, roosters, endangered, or protected animals are allowed to be raised within the City.
- C. The offspring of any permitted animal may be kept until weaned, unless they do not exceed the total number of animals allowed.
- D. **Animal Keeping Standards.**
1. **Enclosed Area.** Animals other than domestic pets must be kept or maintained in an enclosed area or structure, where applicable (e.g., barn, stable, hutch, pen, house).

2. **Odor and Vector Control.** Animal structures, including but not limited to pens, coops, cages, and feed areas must be maintained free from litter, garbage and the accumulation of manure so as to discourage the proliferation of flies, other disease vectors and offensive odors. Manure must not be allowed to accumulate within setback areas.
3. **Containment.** Animals must be effectively contained on the site and not be allowed to run free on any lot in a separate ownership or in a public right-of-way.
4. **Noise Control.** Animal keeping must comply with the Section 17.41.100 (Noise).

17.43.060 Animal Sales, Services, and Uses

- A. **Screening.** All outdoor areas used for animal sales, services and uses must be screened from public view pursuant to Section 17.28.120, Screening.
- B. **Noise.** All outdoor areas, including dog runs, must comply with the noise requirements of Section 17.40.100, Noise.

17.43.070 Automobile/Vehicle Sales and Leasing

This Section provides standards for the location and operation of automobile/vehicle sales and leasing facilities, where allowed by Part II, Base Zoning Districts.

- A. **Location.** Automobile/Vehicle Sales and Leasing are permitted on sites with at least one frontage on an arterial street or regional highway.
- B. **Minimum Lot Size.** 10,000 square feet.
- C. **Landscaping and Screening.** In addition to complying with the following standards, Automobile/Vehicle Sales and Leasing uses must meet landscaping standards in Chapter 17.36.
 1. **Maintenance.** All landscaped areas, walls, and barriers must be maintained in conformance with approved landscape plans in perpetuity.
 2. **Other Requirements.** Additional screening and landscaping may be required where necessary to prevent visual impacts on adjacent Residential Districts.
 3. **Accessory Sales and Leasing.** Automobile sales and leasing that are accessory to another use must meet the landscaping and screening requirements above.
 4. **Relation to Subdivision Ordinance.** Where the requirements of this Section conflict with landscaping and screening requirements of the Subdivision Ordinance, the most restrictive will govern. Where there is a conflict between

a general requirement and specific requirement, the specific requirement will apply.

- D. **Vehicle Display.** A minimum 12 foot wide planter strip must separate vehicle display areas from sidewalks and pedestrian entries.
- E. **Vehicle Loading and Unloading.** All vehicle loading and unloading must occur in the rear half of the site. If the lot abuts a property in a Residential District, the loading and unloading may be located to have a lesser impact on the adjacent properties, but in all cases, loading and unloading must occur during weekday business hours.

17.43.080 Automobile/Vehicle Service and Repair

This Section provides standards for the location and operation of automobile/vehicle service and repair facilities, where allowed by Part II, Base Zoning Districts.

- A. **Applicability** This Section applies to all automobile/vehicle service and repair uses, including preventive maintenance (i.e., and oil, air filters, belt replacements, etc.), engine, tire, wheel alignment, brakes, cooling system, radiator, muffler, emissions, transmission services, body and fender shops, upholstery, window repair, window tinting, radio/video installation, alarms, etc., as well as any other uses, such as auto dealerships or service stations, that perform auto servicing as an accessory activity.
- B. **Orientation of Bay Doors.** All bay doors must be oriented to minimize visibility from public streets by locating bay entries at least 90 degrees from the roadway and screen with a combination of landscaping, neighboring buildings, or the use of decorative screen walls, or in a manner acceptable to the Planning Commission or approving authority, whichever has purview.
 - 1. Service bay openings must be designed to minimize the visual intrusion on surrounding streets and properties. Bay doors must be screened from public right of way to the greatest degree feasible. On corner lots fronting two or more streets with different classifications in the General Plan, bay doors must face the street with the highest classification, unless the bay doors are screened from both streets.
- C. **Landscaping and Screening.** In addition to complying with the following standards, Automobile/Vehicle Service and Repair, Major, uses must meet landscaping standards in Chapter 17.36. All vehicular use areas that are adjacent to the public right-of-way shall provide a screening feature around the perimeter of the lot adjacent to the public right-of-way.
 - 1. Screening must add to the visual diversity of the use and need not be an opaque barrier. This feature must be at least one of the following:

- a. Ornamental fencing or a solid wall that is three feet in height and an eight-foot deep permeable surface with landscaping along the perimeter of the lot that is adjacent to a public right-of-way; or
 - b. A combination of permeable landscaping and ornamental fencing where the permeable surface and landscaping is the equivalent area of an eight-foot deep average perimeter landscaping that has been otherwise configured to result in either: a public space or amenity that is accessible from the public right-of-way, or a natural drainage system, such as combined swales, retention basins, detention basins, or rain gardens, to reduce stormwater runoff.
- D. **Work Areas.** All work must be conducted within an enclosed building except pumping motor vehicle fluids, checking and supplementing fluids, and mechanical inspection and adjustments not involving any disassembly.
- E. **Vehicle Storage.** Vehicles being worked on or awaiting service or pick-up must be stored within an enclosed building or in a parking lot on the property that is adequately screened, with an earth berm or screen wall, combination thereof, or a building. Screen walls must be located on property lines with the exception of yards along streets, where the screen wall must be located at outside of required setbacks. Unattended vehicles may not be parked or stored on the sidewalk adjoining the property, in the street, or in any portion of the public right-of-way within the City. Screen walls are not required when the site is located in an Industrial District that abuts a local street (major streets are required to have a screen wall).
- F. **Equipment and Product Storage.** Exterior storage, including tires, must not be visible from major streets or Residential District.
- G. **Spray/Paint Booths.** Spray Booths must be screened from major streets and must be separated a minimum of 100 feet from Residential Districts, Parks, Schools (K-12), public or private, and Daycare Centers.
- H. **Litter.** No used or discarded automotive parts or equipment or permanently disabled, junked, unregistered, or wrecked vehicles may be stored outside of the main building. Parts or equipment may be temporarily stored outdoors for no longer than one week but must be screened from view.
- I. **Noise.** All body and fender work or similar noise-generating activity must be enclosed in a masonry or similar building with sound attenuating measures incorporated into the building design and construction to absorb noise. Bay openings must be oriented so as to minimize the effects of sound emanating from the auto repair building towards residential uses, outdoor restaurant seating, and outdoor reception areas. Compressors must be located with separately enclosed, sound attenuated rooms.

17.43.090 Automobile Washing

This Section provides standards for the location and operation of automobile washing facilities, where allowed by Part II, Base Zoning Districts.

- A. **Design Review Required.** A carwash facility must undergo a design review of architecture, style and appearance to ensure similarity and compatibility with surrounding residential, commercial and industrial development.
- B. **Build Design.**
 - 1. Buildings must incorporate similar design features as the main building.
 - 2. Significant architectural or landscape features must be provided at the corner of intersecting streets to enhance the streetscape.
 - 3. No building or structure can be located within 30 feet of any public street or within 20 feet of any property line of a residential use or Residential District.
 - 4. Noise-generating uses, such as auto service bays, car wash openings, vacuum stations, outdoor loading areas, garbage storage and stacking lanes, must be located away from sensitive uses such as residential areas and schools.
 - 5. All canopies/shade structures must be made of permanent material.
 - 6. Buildings and equipment must be painted in similar color tones to those found in the surrounding neighborhood.
- C. **Landscaping.**
 - 1. There must be a 20 foot landscape setback along all streets.
 - 2. There must be a 10 foot landscape setback along Residential Districts.
 - 3. Vehicle lanes for car wash openings must be screened from public streets to a height of 30 inches. Screening devices must consist of walls and/or berms with supplemental plant materials to screen vehicles while allowing eye level visibility into the site.
- D. **Washing Facilities.**
 - 1. Building openings for vehicle access must be designed to minimize the visual intrusion on surrounding streets and properties.
 - 2. Service bay and/or drive-thru openings must be designed to minimize the visual intrusion on surrounding streets and properties.
 - 3. Lighting must be designed to be low-profile, indirect or diffused, create a pleasing appearance, and avoid adverse impacts on surrounding uses.

4. When feasible, washing facilities should utilize recycled water systems.
- E. **Hours of Operation.** Washing facilities are limited to 7 a.m. to 11 p.m. When abutting or adjacent to a Residential District, the hours of operation are limited to 8 a.m. to 7 p.m., seven days a week.
- F. **Litter.** The premises must be kept in an orderly condition at all times. Litter, including recycling, must be collected daily.
- G. **Noise.** All vacuuming, amplified music, intercoms, or similar noise-generating equipment shall be reduced according to Section 17.40.100, Noise.

17.43.100 Bed and Breakfast Inns

This Section provides standards for the location and operation of bed and breakfast inns, where allowed by Part II, Base Zoning Districts.

- A. **Type of Residence.** Bed and Breakfasts may only be located and operated in a single unit dwelling that is located on a parcel that conforms required in the Zoning District where the facility is located.
- B. **On-site Owner or Caretaker Required.** Bed and Breakfast establishments must be occupied by an on-site caretaker or owner of the property.
- C. **Appearance and Signage.** In all Residential Districts, the exterior appearance of a structure housing a bed and breakfast establishment must not be altered from its original single unit character. A sign that complies with the applicable requirements for single unit residential structures is permitted
- D. **Number of Rooms.** No more than 2 rooms may be rented unless the floor area of the structure exceeds 4,000 square feet in which case a maximum of 4 rental rooms may be permitted. Where a Use Permit is required by the District regulations, the use permit may further limit the number of rooms.
- E. **Parking.** A Bed and Breakfast establishment is only permitted where the existing primary residential use complies with the off-street parking spaces required by Chapter 17.39, Parking and Loading. Parking for the Bed and Breakfast use must be provided at a ratio of one space per room for rent in addition to the parking required for the primary residential use. Such spaces must be individually accessible and may not encumber access to a required parking space for the residential use.
- F. **Limitation on Services Provided.** Meals and rental of bedrooms must only be prepared and served to registered guests. Separate or additional kitchens for guests are prohibited.
- G. **Limitation on Rental Period.** No room can be rented to any guest for more than 15 days within any calendar year.

17.43.110 Community Assembly

This Section provides standards for the location and operation of community assembly facilities, where allowed by Part II, Base Zoning Districts.

- A. **Minimum Site Area.** Community Assembly uses may only be located on sites with at least 7,500 square feet in area or corner parcel that exceed 15,000 square feet in area.
- B. **Buffer.** A minimum buffer at least 20 feet in width must be provided adjacent to any Residential District or use.
- C. **Front Yard.** If an assembly hall is located within a Residential District, the required front yard may not be used for parking vehicles.
- D. **Landscaping.** The site on which a community assembly use is located must be landscaped consistent with the standards of Chapter 17.36, Landscaping.
- E. **Outdoor Activity Areas.** Outdoor areas used for recreation, meetings, services or other activities involving groups of persons shall be at least 50 feet from any Residential District or use.
- F. **Parking Area Screening.** Parking areas adjacent to any residential district shall be consistent with the standards of Section 17.28.120, Screening.
- G. **Hours of Operation.** Permitted hours of operation are 9:00 a.m. to 9:00 p.m., 7 days a week. Additional hours may be allowed with application for and approval of a Conditional Use Permit.
- H. **Accessory Uses.** Community assembly uses may include administrative offices, kitchen facilities, multi-purpose rooms, storage and other uses that are accessory to the facilities for public or private meetings. Places of worship may provide religious instruction as an accessory use; however, when a full school curriculum is offered, the school use shall be separately classified as a Public or Private School.

17.43.120 Cottage Industries

This Section provides standards for limited commercial and industrial uses (“cottage industries”) in conjunction with a dwelling which are more extensive than Home Occupations, but which, like Home Occupations, do not alter or disturb the residential or rural nature of the premises or its surroundings.

- A. Cottage Food Preparation is permitted subject to compliance with Government Code 51035 and Health and Safety Code 113758.

- B. All Cottage Industries, including Cottage Food Preparation, must conform to the following requirements:
1. **Employees.** Not more than one outside person may be employed on the premises in addition to the members of the family residing on the premises.
 2. **Secondary Use.** The Cottage Industry must be a secondary use of a parcel containing a dwelling occupied as a principal residence of the owner or operator of the Cottage Industry. Multiple uses may be permitted within a Cottage Industry.
 3. **Buffer.** A Cottage Industry and any equipment and storage related thereto should not be located within 50 feet of any property line unless fully enclosed within the residence or legal accessory structure.
 4. **Size Limitation.** No Cottage Industry may occupy more than 640 square feet of area within any building or buildings on the same parcel.
 5. **Signage.** One sign not exceeding two square feet in area, non-illuminated and attached flat to the main structure or visible through a window is permitted.
 6. **Merchandise Sales.** No merchandise (except articles produced on the premises or those items necessary for repair work in the equipment repair services, consumer use types and specialty shops) can be sold or displayed on the premises.
 7. **Customers.** Not more than 10 customers or clients can come to the dwelling unit for service or products during any one day.
 8. **Parking.** Not more than two vehicles may be parked on the premises or a street adjacent thereto while awaiting or undergoing repair, or awaiting removal after repair.
 9. **Limitations on Large Vehicles.** Large vehicles and construction equipment (including trucks of over one ton rating, tractor, bulldozer, backhoe, skip-loader, well-drilling rig, cement mixer, roller, welder, air compressor, forklift or grader) must not be operated, maintained, or parked in connection with a Cottage Industry except to the extent that such vehicles and equipment are of a type and number customarily used by residents of the surrounding neighborhood for their own agricultural or home use on their own property.

17.43.130 Day Care

This Section provides standards for the location and operation of day care facilities where allowed by Part II, Base Zoning Districts.

- A. **Residency.** The operator of a Large Family Day Care Home must be a full-time resident of the dwelling unit in which the facility is located.
- B. **Number of Children.** A Large Family Day Care Home may provide care for more than 12 children and up to and including 14 children, subject to compliance with Health and Safety Code 1597.465.
- C. **License.** The operator must secure and maintain a license from the State of California Department of Social Services.
- D. **Screening.** A periphery wall, constructed of wood or masonry, must be provided to screen and secure outdoor areas and must achieve 75-percent opacity. Chain metal fencing or barbed wire is prohibited.
- E. **Outdoor Space.** Pursuant to California Code of Regulations, Title 22 (Section 101238.2) Child Day Care Centers must provide a minimum of 75 square feet of outdoor space for each child over two years old. Swimming pools and adjacent pool decking may not count towards meeting this space.
 - 1. The outdoor area must not be located in any required front or street side yard. This area must be either owned or leased by the applicant and cannot be shared with other property owners unless written permission is granted by the other property owners.
- F. **Passenger Loading.** Curbside loading must be presumed adequate for drop-off and pick-up of children. However, where the Zoning Administrator, in evaluating a particular Day Care and Large Family Day Care center, determines that curbside loading is not adequate, a passenger loading plan will be required.

17.43.140 Drive In and Drive Through Facilities

This Section provides standards for the location and operation of drive in and drive through facilities, where allowed by Part II, Base Zoning Districts.

- A. **General.** Drive through Facilities must provide safe, unimpeded movement of vehicles at street access points, in travel aisles, and parking areas. Drive through aisles must be a minimum of 12 feet in width and 20 feet in length, or as otherwise required by Table 17.43.150.D. Drive through aisles must have a minimum interior turning radius of 15 feet and an exterior turning radius of 30 feet.
- B. **Screening.** Drive through aisles must be screened from view from public and private streets, areas accessible to the general public, and areas shown for residential use in the General Plan by:
 - 1. A decorative masonry fence a minimum of 3.5 feet in height measured from the grade of the aisle; or
 - 2. A continuous landscape planter a minimum of six feet in width and three feet in height; or

- 3. A combination of a masonry fence and landscape planter.
- C. **Landscaping.** Drive In and Drive Through Facilities must meet landscaping standards in Chapter 17.36, Landscaping.
- D. **Stacking.** Vehicular stacking areas must be provided in accordance with Table 17.43.150.D: Drive-Through Facility Stacking Space Requirements.

TABLE 17.43.150.D: DRIVE-THROUGH FACILITY STACKING SPACE REQUIREMENTS	
<i>Use Classification</i>	<i>Stacking Space Requirement</i>
Banks and Financial Institutions	5 spaces per teller or ATM drive through
Eating and Drinking Establishments	
Restaurants	3 spaces per window. See (E) below. (1)
Restaurants, Limited Service	4 spaces
Retail Sales	
Dry cleaning	2 spaces per window
Pharmacy	2 spaces per aisle
Automobile/Vehicle Equipment Sales and Services*	
Automobile/Vehicle Washing and Services, Automated or Self-service	4 space per bay
Automobile/Vehicle Washing and Services, Full Service	8 spaces minimum
Service and Gas Station	1 space on each end of each side of each fuel pump island (one-way facilities require 2 spaces on approach end of each island).
Fueling Facility, Alternative	1 space on each end of each side of each fuel pump island (one-way facilities require 2 spaces on approach end of each island).
Automobile/Vehicle Repair, Major	1 space per service bay
Automobile/Vehicle Repair, Minor	1 space per service bay
1. Drive-Through Restaurants' stacking shall be calculated beginning from call box.	
* See Chapter 17.39 for additional regulations.	

- E. **Parking for Take-out Customers.** Eating and Drinking Establishments providing a designated take-out counter or window must identify one or more parking spaces adjacent to the take-out entrance for exclusive use by take-out customers.
- F. **Site and Building Design.**
 - 1. If the proposed building is located within 50 feet of the public street, the main entrance door must be located directly off (oriented towards) the public sidewalk or provide clear and direct access from the public sidewalk to the main entrance or secondary entrance.
 - 2. Walls along the street face and visible from the street must be transparent with windows, doors and other forms of transparent building materials to maximize

views in and out of the building and the relationship between interior and exterior to support and animate the public street and sidewalk.

3. Drive through elements must be placed to the side or rear of the building. Drive through windows must be oriented away from the street frontage and provide adequate screen measures through landscaping and design to minimize visibility of drive through.
 4. The architecture of drive through uses must be compatible and harmonious with that of the shopping center motif or immediate neighborhood, in terms of building color, materials, mass, scale, and form.
- G. **Menu and Preview Boards.** All menu and preview boards are regulated in Chapter 17.42, Signs.
- H. **Pedestrian Walkways.** Interior pedestrian walkways must not intersect vehicle aisles, unless no alternative exists. In such cases, pedestrian walkways must have clear visibility, emphasized by enhanced paving or markings.
- I. **Litter.** Trash receptacles must be provided at the exit of the drive through facility. The establishment must pick up and dispose of any discarded beverage containers and other trash left by patrons within a 100 foot radius from the facility periodically during regular hours of operation.

17.43.150 Eating and Drinking Uses

This Section provides standards for the location and operation of eating and drinking uses, where allowed by Part II, Base Zoning Districts.

- A. The safety and cleanliness of the establishment and its adjacent area(s) must be maintained.
- B. Proper and adequate storage and disposal of debris and garbage must be provided.
- C. Noise and odors must be contained within immediate area of the establishment so as not to be a nuisance to neighbors.
- D. The establishment must pick up and dispose of any discarded beverage containers and other trash left by patrons within a 100 foot radius from the facility periodically during regular hours of operation.

17.43.160 Emergency Shelters

This Section provides standards is to ensure that Emergency Shelters, where allowed by Part II, Base Zoning Districts, do not adversely impact adjacent parcels or the surrounding neighborhood, and will be developed in a manner that protects the health, safety, and general welfare of the nearby residents and businesses while providing for the housing needs of a

needy segment of the community. Review and approval of emergency shelters will not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

- A. **Number of Residents/Beds.** Each shelter will contain a maximum of 50 beds and serve no more than 50 homeless persons.
- B. **Separation.** No emergency shelter can be located less than 300 feet from another emergency shelter, measured from the nearest property lines.
- C. **Length of Occupancy.** Occupancy by an individual or family may not exceed 180 consecutive days unless a management plan provides for longer residency by those enrolled and regularly participating in a training or rehabilitation program.
- D. **Hours of Operation.** To limit outdoor waiting, the facility must be open each day for at least eight of the hours between 7:00 a.m. and 7:00 p.m.
- E. **Lighting.** Adequate external lighting must be provided for security purposes. Lighting must comply with Chapter 17.37, Lighting.
- F. **Parking.** Off-street parking must be provided at the rate of one space per four beds plus one space for each employee on duty on the largest shift.
- G. **Common Facilities.** The shelter may provide one or more of the following common facilities for the exclusive use of the residents and staff:
 - 1. Laundry facilities;
 - 2. Central cooking and dining room(s);
 - 3. Recreation room;
 - 4. Counseling center;
 - 5. Child care facilities; and
 - 6. Other support services.
- H. **Outdoor Activities.** All functions associated with the shelter, except for children's play areas, outdoor recreation areas, parking, and outdoor waiting must take place within a building. Outdoor waiting for clients, if any, must be physically separated from the public right-of-way, and must be large enough to accommodate the expected number of clients.
- I. **On-Site Management and Security.** The agency or organization operating the shelter must submit a management plan to the Director demonstrating compliance with the following requirements:

1. Staff and services must be provided on-site to assist residents to obtain permanent shelter and income. Such services must be available at no cost to all residents of a provider's shelter or shelters.
2. The provider must not discriminate in any services provided.
3. The provider must not require participation by residents in any religious or philosophical ritual, service, meeting or rite as a condition of eligibility.
4. The management plan must include provisions for staff training, neighborhood outreach, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.
5. On-Site Security must be provided as follows:
 - a. Security guards must be provided at a ratio of at least one guard for every 25 shelter beds.
 - b. Security guards must be employed by a Private Patrol Operator (Security Company) that is currently licensed with the California Department of Consumer Affairs. The following information must be provided to the City: the name of the security company; proof of its liability insurance, including a copy of all exceptions; its State license number; and the guard registration numbers for all employed guards.
 - c. Digital security cameras must be installed and capture the activities of the shelter's waiting and intake area, as well as the entrance and exit from the shelter and the shelter parking lot. If the shelter includes a child care area as a common facility, then the child care area must also be monitored via a digital camera system. Recordings from digital security cameras must be maintained for no less than 14 days.

17.43.170 Farmers Markets

This Section provides standards for the location and operation of farmers markets, where allowed by Part II, Base Zoning Districts.

- A. **Definitions.** The following special definitions apply to this Section:
1. **Farm Products.** Fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), fish, and seafood.
 2. **Value-Added Farm Product.** Any product processed by a Producer from a Farm Product, such as baked goods, jams and jellies, canned vegetables, dried

fruit, syrups, salsas, salad dressings, flours, coffee, smoked or canned meats or fish, or sausages.

3. **Producer.** A person or entity that raises or grows Farm Products on land that the person or entity farms and owns, rents or leases; or a person or entity that creates (by cooking, canning, baking, preserving, roasting, etc.)
- B. **Operator.** Farmers Markets must be operated by one or more certified Producers, a nonprofit organization, or a local government agency.
 - C. **Permits.** The market operator and vendors must obtain an Administrative Use Permit and secure all necessary licenses, certificates and health permits, including permits for street closure, if applicable. All permits (or copies of them) shall be in the possession of the Farmers Market manager or the vendor, as applicable, on the site of the Farmers Market during all hours of operation.
 - D. **Management Plan.** A management plan must be prepared and provided to the Director. The management plan must include the following:
 1. Identification of a market manager or managers, who must be present during all hours of operation.
 2. A set of operating rules addressing the governance structure of the market; the method of assigning booths and registering vendors; hours of operation; maintenance; security; refuse collection; and parking.
 - E. **Hours of Operation.** Market activities may be conducted between the hours of 7 a.m. and 7 p.m. with specific hours and duration as approved by the City. Set-up of market operations cannot begin more than one hour prior to the operational hours of the market and take-down must be completed within one hour of the close of the market.
 - F. **Waste Disposal.** Adequate composting, recycling, and trash containers must be provided during hours of operation, and must be removed from site for appropriate disposal. The site must be cleaned at the end of each day of operations, including the removal of all stalls and debris.
 - G. **Pedestrian Clearance.** A Farmers Market may not obstruct a path that is part of a required pedestrian circulation system.
 - H. **Temporary Uses.** Any market that will be operated for no longer than one month may be approved as a temporary use, subject to the standards of Section 17.43.380, Temporary Uses, and pursuant to the procedure in Chapter 17.48, Use Permits.

17.43.180 Farmworker Housing

This Section provides standards for the location and operation of farmworker housing facilities, where allowed by Part II, Base Zoning Districts.

- A. All farmworker housing must comply, where applicable, with the California Health and Safety Code and any related regulations.
- B. Farmworker housing may be developed and/or maintained for the purposes of providing temporary, seasonal, or permanent housing for farmworkers.
- C. Prior to issuance of a building permit, the applicant must demonstrate that a permit to operate has been obtained from the California Department of Housing and Community Development.
- D. **Development Standards.**
 - 1. **Setbacks.** Notwithstanding any setback standards otherwise applicable in the underlying Zoning District, all farmworker housing must be located at a minimum of 75 feet from any barn, pen, or other structure that housing livestock or poultry, and a minimum of 50 feet from any other agricultural use.
 - 2. **Floor Area.** Notwithstanding any setback standards otherwise applicable in the underlying Zoning District, farmworker housing complexes that consist of group living quarters, such as barracks or a bunkhouse, must have a minimum floor area of 50 square feet per occupant for sleeping purposes.
 - 3. **Maximum Number of Beds.** A farmworker housing complex that consists of any group living quarters may contain no more than 36 beds.

17.43.190 Group Homes

This Section provides standards to ensure that Group Homes, where allowed by Part II, Base Zoning Districts, do not adversely impact adjacent parcels or the surrounding neighborhood and are developed in a manner that protects the health, safety, and welfare of nearby residents, while providing for the housing needs of the residents.

- A. **Maximum Number of Dwelling Units.** If the building contains a common kitchen, dining, and living space that is adequate to serve all residents, the total number of dwelling units may be granted an increase of 20 percent above the site's base density that otherwise is permitted by standards applicable to residential development in the Zoning District where the project is located.
- B. **Laundry Facilities.** The development must provide laundry facilities.

- C. **Security.** Parking garages, surface parking, and private and common areas located outside the building must be designed to protect the security of residents, guests and employees by controlling access to the facilities by other persons.
- D. **Outdoor Living Area.** Usable outdoor living area must be provided according to the standards of the underlying district and Section 9.26.080, Outdoor Living Area.
- E. **Senior Citizen Group Homes.** In addition to the standards listed in this Section, Senior Citizen Group Homes must also meet the following requirements:
 - 1. **Age Requirement.** Group homes that are specifically designed and built for seniors must be limited to single persons 60 years of age or older, or to couples in which one person is 60 years of age or older.
 - 2. **Density Bonus.** A developer agreeing to construct a senior housing development may be granted an increase of 20 percent above the site's base density and an additional incentive or financially equivalent incentive(s) pursuant to the requirements of the State Density Bonus Law and Chapter 17.29 (Affordable Housing Density Bonus Program) of this Ordinance.
 - 3. **Common Facilities.** The development may provide one or more of the following specific common facilities for the exclusive use of the senior citizen residents:
 - a. Central cooking and dining room;
 - b. Beauty salon and barber shop;
 - c. Small pharmacy;
 - d. Recreation room; and
 - e. Library.

17.43.200 Home Occupations

This Section provides standards for home occupations, where allowed by Part II, Base Zoning Districts.

- A. **Specific Objectives.** The specific objectives of this Section are to:
 - 1. Permit home occupations as an accessory use in a dwelling unit;
 - 2. Allow residents to operate small businesses in their homes, under certain specified standards, conditions, and criteria;
 - 3. Allow for “telecommuting” and reduced vehicle use;

4. Ensure that home occupations are compatible with, and do not have an adverse effect on, adjacent and nearby residential properties and uses;
 5. Ensure that public and private services, such as streets, sewers, or water or utility systems, are not burdened by the home occupation to the extent that usage exceeds that normally associated with a residential use; and
 6. Preserve the livability of residential areas and the general welfare of the community.
- B. **Applicability.** This Section applies to all residential units and properties in the City regardless of their zoning designation. It does not apply to Cottage Industries, which are regulated separately in Section 17.43.130, Cottage Industries, or Family Day Care, which are regulated separately in Section 17.43.140, Day Care.
- C. **Operational and Performance Standards.** Home occupations must be located and operated consistent with the standards of this Ordinance.
- D. **Residential Appearance.** The residential appearance of the unit within which the home occupation is conducted must be maintained, and no exterior indication of a home occupation is permitted.
1. **Location.** All home occupation activities must be conducted entirely within the residential unit, or within a garage that is dedicated to the residential unit. When conducted within a garage, the doors must be closed.
 2. **Structural Modification Limitation.** There can be no structural alterations to add floor area or the renovation of a space to accommodate a large commercial operation.
 3. **Maximum Size.** The space exclusively devoted to the home occupation (including any associated storage) must not exceed 25 percent of the residential unit floor area.
 4. **Employees.** One employee or independent contractor other than residents of the dwelling may be permitted to work at the location of a home occupation.
 5. **On-Site Client Contact.** No customer or client visits are permitted except for personal instruction services (e.g., musical instruction or training, art lessons, academic tutoring). A total of eight clients and/or students for personal instructional services (e.g., musical instruction or training, art lessons, academic tutoring) per day may be permitted, however there may be no more than eight clients/students at any one time.
 6. **Employee/Client Parking.**
 - a. Customers, clients, and/or employees must park on-site. If the site cannot accommodate an on-site parking space for the lack of drive approach or parcel width, they may park off-site.
 - b. Parking required for customers/clients/employees may be tandem.
 7. **Hours.** Employees, visitors, students, and/or clients are permitted between the hours of 7 a.m. to 7 p.m.

8. **Direct Sales Prohibition.** Home occupations involving the display or sale of products or merchandise are not permitted from the site except by mail, telephone, internet, or other mode of electronic communication, unless permitted per Cottage Food Preparation as detailed below.
9. **Storage.** There can be no storage of materials, supplies, and/or equipment in an accessory building, or outdoors. Storage may only occur within a garage if it does not occupy or obstruct any required parking space. Contractors whose work is conducted entirely off-site (and who use their home solely for administrative purposes related to the contracting business) may store construction, electrical, landscaping, plumbing, or similar supplies or materials within a single vehicle of one ton or less.
10. **Traffic and Parking Generation.** Home occupations must not generate a volume of passenger or commercial traffic that is inconsistent with the normal level of traffic on the street on which the dwelling is located or which creates the need for additional parking spaces, or involve deliveries to or from the premises in excess of that which is customary for a dwelling unit. There may be no deliveries and/or pick-ups from commercial vehicles, except those used by mail and package carriers.
11. **Vehicles.** Only one vehicle, owned by the operator of the home occupation, and not to exceed one ton in capacity, may be used by the operator in conjunction with the home occupation.
12. **Commercial Vehicles and Attachments.** Home occupations involving more than one commercial vehicle parked on-site is not permitted. No attachments of equipment or machinery used for business purposes is be permitted either on the vehicle or on the site when the vehicles are not in use and such equipment or machinery is within view from the public right-of-way or neighboring properties. Storage of equipment and machinery attachments, or trailers are not permitted in areas visible from public rights-of-way or neighboring properties, unless part of an active approved construction project on the site.
13. **Equipment.** Home occupations, which involve mechanical or electrical equipment which is not customarily incidental to domestic use is not permitted. Facsimile machines, copy machines, computers, and other similar business equipment are permitted. Small power tools, arts and crafts machinery, and similar equipment/machinery not exceeding two horsepower are also permitted. Commercial kitchens are prohibited.
14. **Hazardous Materials.** Activities conducted and equipment or materials used must not change the fire safety or occupancy classifications of the premises, nor use utilities different from those normally provided for residential use. There must be no storage or use of toxic or hazardous materials other than the types and quantities customarily found in connection with a dwelling unit.
15. **Nuisances.** A home occupation must be conducted such that no offensive or objectionable noise, dust, vibration, smell, smoke, heat, humidity, glare,

refuse, radiation, electrical disturbance, interference with the transmission of communications, interference with radio or television reception, or other hazard or nuisance is perceptible at or beyond any lot line of the unit or structure within which the home occupation is conducted, or outside the dwelling unit if conducted in other than a single-family detached residence.

- E. **Multiple Home Occupations.** Only one home occupation per home is permitted.
- F. **Signage.** Refer to Chapter 17.42, Signs.
- G. **Permitted Uses.** Home Occupations are limited to the following uses:
 - 1. Professional Offices;
 - 2. Offices for personal services, such as janitorial, garden, or office services;
 - 3. Dressmaking, tailoring, millinery, and other home sewing work;
 - 4. Handicrafts such as weaving, leatherwork, and other arts and crafts;
 - 5. Instructional classes, such as home tutoring, swimming, art, and gardening classes, not exceeding eight students overall and at any one time;
 - 6. Mail order or direct sales provided that no direct sales to customers occur from the residence;
 - 7. Uses that entail food handling, processing, or packing of specialized minor cooking or baking, as detailed in Subsection (E)(14); and
 - 8. Businesses such as plumbers, electricians, contractors, outdoor and garden maintenance, locksmiths, minor electronics, and watch repair.
- H. **Prohibited Uses.** The following uses are not permitted as Home Occupations:
 - 1. Fire arms manufacturing/storage/on-site sales;
 - 2. Medical marijuana dispensaries or commercial cultivation or medical marijuana infusion;
 - 3. The repair, reconditions, servicing or manufacture of any internal combustion or diesel engine or of any motor vehicle, including automobiles, trucks, motorcycles, and boats;
 - 4. Drop-off, repair, fix-it, or plumbing shops; and
 - 5. Kennels, storage, caring, or grooming of animals, unless permitted in the underlying Zoning District.

17.43.210 Hothouses or Plant Nurseries

This Section provides standards for the location and operation of hothouse and nursery facilities, where allowed by Part II, Base Zoning Districts.

- A. **Minimum Site Area.** A minimum lot area of five acres is required for the location of a nursery.
- B. **Products for Sale.** Products offered for sale shall be limited to nursery stock and related materials incidental to the planting, care, and maintenance of plants, including fertilizer, pesticides, seeds, and planting containers, but shall exclude general building materials, hardware, the sale and rental of tools other than for soil preparation, and general landscaping.
- C. **Enclosure.** All storage, display and sale of products other than nursery stock shall be conducted within a completely enclosed building or within an area enclosed by a solid wall or fence and gate between five and six feet in height.
- D. **Storage.** No storage can be higher than the enclosure surrounding the hothouse.

17.43.220 Hospitals and Clinics

This Section provides standards for the location and operation of hospitals and clinics, where allowed by Part II, Base Zoning Districts.

- A. **Location.** Hospitals are only allowed on sites with at least one frontage on an arterial street.
- B. **Minimum Frontage.** 100 feet minimum for hospitals and 50 feet minimum for clinics street frontage on the arterial street.
- C. **Landscaping and Screening.** In addition to complying with the following standards, Hospitals and Clinics shall meet landscaping standards in Chapter 17.36.
 - 1. **Ancillary Areas.** All service areas, ambulance, storage, trash storage areas, ground- or roof-mounted mechanical equipment must be screened from ground-level view from adjacent lots and public rights-of-way.
- D. **Litter.** One permanent, non-flammable trash receptacle must be installed in the parking area adjacent to the entrance/exit.

17.43.230 Large-Scale Retail

This Section provides standards for the location and operation of large scale retail facilities, where allowed by Part II, Base Zoning Districts, in order to ensure the compatibility of retail commercial operations with surrounding land uses.

- A. **Applicability.** The requirements of this Section apply to the following:
1. ***Two or More Acres.*** Shopping centers and large-scale commercial retail developments that are two or more acres or 35,000 square feet in size adjoining Residential Districts; and
 2. ***Less than Two Acres.*** Smaller retail commercial developments that are less than 35,000 square feet and where the Zoning Administrator determines that a significant potential exists for the proposed use to negatively impact adjoining Residential Districts.
- B. **Shopping Center Development Plan.** A Development Plan is required for the development, redevelopment or expansion of any shopping center.
1. ***Contents.*** The Development Plan must, at a minimum, include the following:
 - a. Location, size and configuration of any structures, including buildings, signs, lighting, waste compactors and recycling facilities and enclosures, walls/fencing, etc.;
 - b. Circulation and parking plans, including pedestrian and bike circulation, and loading areas or docks;
 - c. Nearest or on-site transit facilities, as applicable;
 - d. Landscaping, courtyards, outdoor seating areas and other active and passive open spaces; and
 - e. Operational and management plans (i.e., maintenance plan) to address shopping carts, recycling, storm water runoff, etc.
 2. ***Changes to Project Plan.***
 - a. Subsequent changes to approved uses within a shopping center will not require modification to the Development Plan unless the proposed use modifies the physical layout of the site.
 - b. The replacement of existing structures will not require a new or revised Development Plan if the new structure:
 - (1) Has the same or a smaller footprint, total square footage and height;
 - (2) Does not intrude closer to the property line than the demolished structure; and
 - (3) The proposed use does not independently require a discretionary permit from the City.

3. **Separate Permits.** Individual businesses and land uses must obtain separate permits. An amendment to the permit for the Development Plan shall not be required.

C. **Standards.**

1. **Location.** The shopping center or large-scale commercial retail site must have at least one public street frontage on:
 - a. *Neighborhood Shopping Centers.* A minor arterial street for Neighborhood Shopping Centers.
 - b. *Community Shopping Centers.* A minor or major arterial street for Community Shopping Centers.
2. **Design.** The shopping center or large-scale commercial retail development must be designed to:
 - a. Ensure that all on-site circulation occurs on private access easements. If the site consists of multiple lots, a reciprocal access and parking agreement must be recorded by the property owners and a copy filed with the City; and
 - b. Ensure that the on-site pedestrian, bicycle and vehicular circulation system minimizes pedestrian/bicycle/vehicle conflicts.
3. **Adjacent to Residential Districts.** If a proposed shopping center or large retail use is in a Commercial District and adjoins a Residential District, but is not separated by a street, the following shall be provided:
 - a. *Structure Setback.* The setback for a structure adjacent to a Residential District shall be equal to the height of the structure, but in no case will the setback be less than the landscaping strip required in compliance with Table 17.43.240.C.3.b.i, below.
 - b. *Screening Required.*
 - (1) A solid masonry sound wall with a minimum height of six feet, or higher if required by an acoustical analysis, must be constructed and maintained on the project site along the common property line in compliance with Section 17.28.070, Fences and Freestanding Walls. Pedestrian access may be provided through the wall from a residential neighborhood to a neighborhood-serving commercial use subject to the approval of the Zoning Administrator.

- (2) A landscaping strip must be provided adjacent to the commercial side of the wall for a planting area for trees and shrubs on the commercial site.

<i>Site Area (acres)</i>	<i>Width of Landscaping Strip (feet)</i>
2 - 10	15
10 - 25	30
25 or more	50

The minimum width of the landscaping strip shall be in compliance with the table below. If an existing shopping center or large-scale commercial retail use has existing physical constraints (structures, parking, circulation, etc.) that limit the amount of landscaping that can be provided when there is an addition or renovation, landscaping shall be required subject to the review and approval of the Planning Commission.

- i. Landscaping must be designed to visually screen the commercial development from the residences and to effectively break up the appearance of the wall.
 - ii. The landscaping must primarily consist of drought-tolerant evergreen shrubs and trees which may be located on berms;
 - iii. Trees must be provided at a minimum rate of one for every 10 linear feet of landscaped area; and
 - iv. The use of the landscaped strip for passive activities (e.g., lunch area, pedestrian path) will be subject to the approval of the Planning Commission.
4. **Sidewalks.** Sidewalks must be provided along the full length of any side of a structure that features a customer entrance and along any side of a structure that abuts a public parking area. Where there is no storefront window, sidewalks must be located at least six feet from the façade of the structure to provide planting beds for foundation landscaping.
5. **Service Areas.** Service areas (e.g., loading docks, trash areas, shopping cart storage and similar uses) must not encroach into the required setback between the commercial use and the Residential District/noise-sensitive use.

- a. Loading and unloading areas must be oriented away from street side elevations whenever possible and must be screened from public view in compliance with 17.28.070, Fences and Freestanding Walls;
 - b. Loading and unloading activities and other similar activities that may cause noise must be in compliance with Section 17.40.100, Noise;
 - c. Trash enclosures must be in compliance with Section 17.28.150, Refuse and Recycling Storage Areas; and
 - d. Storage areas for shopping carts must be located so as to not interfere with fire lanes or pedestrian, vehicle or other circulation.
6. **Transit facilities.** Provisions for transit facilities (e.g., bus stops and shelters) must be included as deemed necessary by the Zoning Administrator.
 7. **Signs.** A comprehensive sign program shall be provided in compliance with Section 17.42.130, Master Sign Program.
 8. **Temporary Sales Facilities.** Seasonal sales may occur on a parking lot of a shopping center or large format retail use on a temporary basis. Structures, such as cargo containers, may be used for storage and other business activities if they do not exceed two parking spaces in size. All temporary seasonal sales must comply with the regulations in Section 17.43.380, Temporary Uses.
- D. **Modification of Requirements.** The review authority may grant exceptions to any of the above requirements after considering the general intent of this Section and the particular circumstances of the proposed development.

17.43.240 Live Entertainment

This Section provides standards for the location and operation of live entertainment facilities, where allowed by Part II, Base Zoning Districts.

- A. **Exempt Activities.** The provisions of this Section do not apply to:
1. Entertainment conducted or sponsored by a non-profit or private club, organization or association to which members of the general public are not invited provided the event occurs in a location approved for such uses and all development standards outlined in Subsection (H) below are met;
 2. Special events that are regulated by Chapter 17.48, Use Permits;
 3. Activities regulated by Section 17.42.040, Adult-Oriented Businesses; or
 4. Cafe Musicians as defined in California Government Code Section 37101.5.

- B. **Entertainment License Required.** A person conducting, operating, owning or in control of a place of entertainment open to the public within the City must obtain and maintain an annual Entertainment License issued in compliance with this Section in order to lawfully conduct live entertainment upon the premises, or in or upon any adjoining room or premises under the person's control. The Director shall have the authority to issue Entertainment Licenses.
- C. **Application Filing and Processing.** An application for an Entertainment License must be filed and processed in compliance with Section 17.46.020, Application Submittal and Review (Permit Application Filing and Processing).
- D. **Applicant Eligibility.** No Entertainment License will be issued to an applicant who:
1. Is under the age of 21 years; or
 2. Has been found guilty by final judgment of a court of competent jurisdiction of a violation of the law involving any one of the following:
 - a. Felony;
 - b. Sex offense;
 - c. Soliciting for prostitution; and/or
 - d. Narcotics offense.
- E. **Application Review, Notice and Hearing.**
1. **Director's Review.** Each application will be reviewed by the Director to ensure that the proposed live entertainment complies with all applicable requirements of this Section and this Zoning Ordinance.
 2. **Investigation Required.** No application will be approved without the investigation and report of the Sheriff's Department. The Sheriff must include in a report all information and required conditions deemed reasonably necessary to protect the public health, safety and welfare. The Director will investigate the matters contained in the completed application form and the reports of the Sheriff's Department.
- F. **Findings and Decision.** An Entertainment License will be approved by the Director only after the Director first finds that the proposed live entertainment activity complies with applicable standards in this Section and protects the public health, safety and welfare.
- G. **Nontransferable.** An Entertainment License cannot be assigned, transferred or loaned to any other person, entity or establishment.

H. **Development Standards.** The following minimum requirements apply to the operation of places of live entertainment:

1. **Lighting.** Every establishment must be lighted throughout to an intensity of not less than three foot-candle power during all hours of operation except while the entertainment is conducted, provided however, that the immediate area on and around any performer must be lighted by not less than one-half foot-candle power at all times. Light intensity will be measured at a point no higher than 30 inches above the floor.
2. **Hours of Operation.** Live entertainment is prohibited between the hours of 1:00 a.m. and 9:00 a.m., except with the written consent of the Director.
3. **Noise.** The licensee will not permit the noise level of the attendees or entertainment to reach a level that is offensive or disturbing to the surrounding neighborhood, residences, motels, hotels or other uses that may be in the area. The licensee will meet the requirements of Section 17.40.100, Noise.
4. **Manager.** Every establishment must have a manager on the premises at all times when entertainment is conducted.
5. **Entrances and Exits.** Entrances and exits must be well illuminated, clearly marked and kept free of all obstructions at all times.
6. **Litter.** The premises must be kept in an orderly condition at all times. Litter, including recycling, must be collected daily.
7. **Additional requirements.** The licensee shall comply with other conditions, rules and regulations established by the City or Director in addition to the provisions of this Section.

17.43.250 Live/Work Units

This Section provides standards for the location and operation of live/work units, where allowed by Part II, Base Zoning Districts.

- A. **Establishment.** Live/Work Units may be established through new construction or through the conversion of existing residential, commercial and industrial buildings.
- B. **Allowable Uses.** Work activities in Live/Work Units are limited to uses that are permitted outright, or permitted subject to a Conditional Use Permit in the District in which the Live/Work Units are located. Live/Work Units may contain only residential uses, but they are not permitted to contain only “work” or commercial uses. On-site storage and sale of materials and merchandise is allowed.
- C. **Sale or Rental of Portions of Unit Above the Ground Level Prohibited.** No portion of a Live/Work Unit located above the ground level may be separately rented

or sold as a commercial space for a person or persons not living on the premises, or as a residential space for a person or persons not working on the premises.

- D. **Floor Area Distribution.** An applicant must submit a floor plan of all proposed units to the Zoning Administrator to show which areas are designated for work activities and which areas for living or as common areas.
- E. **Outdoor Living Area.** Common or private on-site open space must be provided for the use of occupants at a rate of 150 square feet per Live/Work Unit. This space may be attached to individual units or located on the roof or adjoining the building in a yard. Some temporary outdoor storage of materials and merchandise related to the work activity, such as merchandise, is allowed during hours of operation.

17.43.260 Manufactured Homes

This Section provides standards for the location and operation of manufactured home facilities, where allowed by Part II, Base Zoning Districts.

- A. **Required Certification.** A manufactured home will constitute a permitted use in all Residential Districts, provided that any such manufactured home is certified under the standards set forth in the National Manufactured Housing Construction and Safety Standards Act of 1976 (42 USC 5401 et. seq.), as amended at the time of any application for placement of such manufactured home.
- B. **General Requirements.** Manufactured homes developed in a Residential District are subject to the following requirements:
 - 1. **Permanent Foundation.** The manufactured home must be placed on a permanent foundation in accordance with the standards set forth in the Uniform Building Code.
 - 2. **Age of Home.** No more than 10 years may elapse between the date of the manufacture of the manufactured home and the date of the application for issuance of a permit to install a home on a lot in the City.
 - 3. **Exterior Materials.** Manufactured homes are to be covered with an exterior material compatible with residential structures in the surrounding area, and shiny or metallic finishes are prohibited. The exterior covering material must extend to finished grade. If a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend more than three inches below the top of the foundation. Alternative skirting materials, customarily used in conventional residential structures, are permitted.
 - 4. **Roofing.** All roofs on manufactured homes must be comprised of asphalt tile, shingles or other materials shall comply with the most recent edition of the California Building Standards Code for fire rating for residential structures. Eave overhangs must be at least 12 inches but not more than 16 inches.

5. **Utilities.** Each manufactured home must be provided permanent hookups for electricity, gas, water, and sewer connections in the same manner applicable to permanent buildings. Gas shutoff valves, meters, and regulators must not be located beneath the manufactured home, in compliance with the requirements of the UBC for comparable residential structures.

17.43.270 Medical Marijuana Uses

This Section provides standards for medical marijuana uses, where allowed by Part II, Base Zoning Districts.

- A. **Compliance with Law.** All medical marijuana uses shall conform with applicable codes including the California Health & Safety Code Sections 11362.5 et seq.
- B. **Pre-Existing Uses.** Any legally established nonconforming medical marijuana use is allowed to continue; however, no expansion of the use is permitted.
- C. **New Uses Prohibited.** New medical marijuana uses, including marijuana dispensaries, commercial cultivation, and medical marijuana infusion, are prohibited in all Zoning Districts.

17.43.280 Mobile Food Facility

This Section provides standards for the location and operation of mobile food facilities, where allowed by Part II, Base Zoning Districts.

- A. No vendors can conduct any vending operations other than the sales of food items for immediate consumption.
- B. No vendor will conduct vending operations from any device or vehicle other than a push cart or mobile truck. All pushcarts and mobile trucks must obtain any required permits and licenses, including a Zoning Certificate and County Health Department clearance and the City may, in its discretion, prohibit the use of any pushcart or mobile food truck on any reasonable grounds, including aesthetic or safety reasons.
- C. Pushcarts or mobile food trucks used by vendors must not:
 1. Be left unattended at any time;
 2. Be parked or placed within 5 feet of any right-of-way;
 3. Be permitted as a permanent or proprietary location on any property within the City;
 4. Inactive vendors must not leave their push cart or mobile food truck on-site;
 5. Leave mobile food vendor equipment on site for overnight storage;

6. Be parked or placed within 15 feet of the entrance or exit to any building; and
 7. Operate within 600 feet of a school, unless the school hosts pushcarts or mobile food trucks for special events.
- D. No sale of food items in glass containers is permitted.
- E. Mobile Food Vendors are responsible for keeping the area clean of any litter or debris.
- F. No vendor can ring bells, play chimes, play an amplified musical system, or make any other notice to attract attention to its business while operating within City limits.
- G. If a business is subject to a Certificate of Health or sanitary examination, the person applying for zoning approval must produce such certificate or permit within 90 days before a permit can be issued.
- H. Signage placed on the mobile unit is limited to one sign not to exceed 24 square feet. One A-frame sign is allowed within 10 feet of the Mobile Food Vendor.
- I. **Permitted Hours and Days of Operation:**
1. Mobile Food Facilities can operate between the hours of 7 a.m. to 10 p.m. Sunday through Thursday and 7 a.m. to 11 p.m. Friday and Saturday.
 2. Mobile Food Vendors are limited to 14 consecutive days maximum at each temporary location and shall remove their push cart or mobile food truck when the on-site business is not open.

17.43.290 Outdoor Dining and Seating

This Section provides standards for the location and operation of outdoor dining and seating facilities, where allowed by Part II, Base Zoning Districts, in order to ensure that they do not adversely impact adjacent properties and surrounding neighborhoods.

- A. **Applicability.** The provisions of this Section applies to all new sidewalk and outdoor areas that have eating and/or drinking, and to all existing sidewalk and outdoor areas at such a time as the Outdoor Dining and Seating is expanded or enlarged.
- B. **Accessory Use.** Outdoor Dining and Seating will be conducted as an accessory use to a legally established Eating and Drinking Establishment that is located on the same parcel, a contiguous adjacent parcel, or on public right-of-way immediately adjacent to the tenant space.
- C. **Encroachment Permit.** An encroachment permit for areas located in the Public Right of Way must be approved in a form required by the City.
- D. **Barriers.** If barriers are provided, they must be in the manner required by the City.

- E. **Enclosure.** Awnings or umbrellas may be used in conjunction with a sidewalk café, but there shall be no permanent roof or shelter over the Outdoor Dining and Seating area. Awnings must be adequately secured, retractable, and comply with the Building Code adopted by the City and any applicable design guidelines.
- F. **Fixtures.** The furnishings of the interior of the Outdoor Dining and Seating must consist only of movable tables, chairs and umbrellas. Lighting fixtures may be permanently affixed onto the exterior front of the principal building.
- G. **Music.** Amplified sounds from the establishments must not be audible at the property line.
- H. **Refuse Storage Area.** No structure or enclosure to accommodate the storage of trash or garbage will be erected or placed on, adjacent to, or separate from the sidewalk café on the public sidewalk or right-of-way. Outdoor Dining and Seating must remain clear of litter at all times.
- I. **Hours of Operation.** The hours of operation of the Outdoor Dining and Seating shall be limited to the hours of operation of the associated restaurant or other eating and drinking establishment.
- J. **Parking.** Where Outdoor Dining and Seating spaces occupy less than 200 square feet of area, additional parking spaces for the associated Eating and Drinking Establishment is not required. Parking must be provided according to the required ratio in Chapter 17.39, Parking and Loading, for any area exceeding 200 square feet dedicated to outdoor dining.
- K. **Access Requirements.** Outdoor eating and drinking areas must provide proper access in compliance with all federal and state disability laws.

17.43.300 Outdoor Sales

This Section provides standards for the location and operation of outdoor sale facilities, where allowed by Part II, Base Zoning Districts.

- A. **Access Requirements.** Outdoor sales facilities must provide proper access in compliance with all federal and state disability laws.
- B. **Seasonal and Temporary Sales.** For Seasonal and Temporary Sales, such as Christmas tree and pumpkin lots, refer to Section 17.43.380, Temporary Uses.
- C. **Permanent Outdoor Display and Sales.** The permanent outdoor display of merchandise, except for Automobile/Vehicle Sales and Leasing, which is subject to Section 17.43.080, requires approval and must comply with the following minimum standards:
 - 1. **Relationship to Main Use.** The outdoor display and sales area must be directly related to a business occupying a primary structure on the subject parcel.

2. **Display Locations.**
 - a. If located in the public right-of-way, an encroachment from the Public Works Department is required.
 - b. Location of the displayed merchandise may not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian walkways, or required landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.
3. **Building Setback of 15 feet or less.** Merchandise must be no closer than 15 feet from a public street unless the building is located closer to the street. If so, merchandise may be located closer than 15 feet
4. **Building Setback greater than 15 feet** Outdoor sales must be located entirely on private property outside any required setback (or landscaped planter in zoning districts that do not have required setbacks), fire lane, or fire access way. A minimum setback of 15 feet from any public right-of-way is required.
5. **Location of Merchandise.** Displayed merchandise must occupy a fixed, specifically approved and defined location that does not disrupt the normal function of the site or its circulation and does not encroach upon parking spaces, driveways, pedestrian walkways, or required landscaped areas. These displays must also not obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic. Specifically:
 - a. A four foot pedestrian pathway must be maintained and not blocked by merchandise. If there is more than a four foot wide pathway provided, merchandise may be displayed in an area outside of the required four feet.
 - b. If a portion of the pedestrian pathway is shaded by a building overhang, the four foot pedestrian pathway rather than the merchandise must be located under the overhang.
6. **Merchandise.** Only merchandise generally sold at the business is permitted to be displayed outdoors.
7. **Signs.** Additional signs, beyond those normally allowed for the subject use, must not be provided as a result of the outdoor display and sales area;
8. **Refuse/Litter.** The operator must provide waste removal and is responsible for collecting trash after each event, including the parking lot, in compliance with Section 17.28.150, Refuse and Recycling Storage Areas.
9. **Signs.** Signs may be provided in compliance with Chapter 17.42, Signs.
10. **Other Conditions.** The Director may impose other conditions that would ensure the operation of the proposed temporary outdoor sales in an orderly and efficient manner.

17.43.310 Personal Services and Restricted Personal Services

This Section provides standards for the location and operation of personal services and restricted personal services, where allowed by Part II, Base Zoning Districts.

- A. **Hours of Operation.** Hours of operation are limited to 7:00 a.m. to 10:00 p.m. unless otherwise specified.
- B. **Tattoo or Body Modification Parlor.**
 - 1. **Registration Required.** Any person who is engaged in the business of tattooing or body modification must provide evidence of registration with the Santa Barbara County Department of Health and City Codes.
 - 2. **No Persons under 18.** A sign must be posted on the door or in view of the entrance stating that no person under the age of 18 is allowed on site, unless accompanied by a parent or legal guardian.

17.43.320 Personal Storage

This Section provides standards for the location and operation of personal storage facilities, where allowed by Part II, Base Zoning Districts.

- A. **Business Activity.** All Personal Storage Facilities must be limited to inactive items. No retail, repair, or other commercial use can be conducted out of the individual rental storage units.
- B. **No Hazardous Materials Storage.** No storage of hazardous materials is permitted.
- C. **Notice to Tenants.** As part of the rental process, the Facility manager must inform all tenants of conditions restricting storage of hazardous materials and limitation on the use of the storage units including habitation. These restrictions must be included in rental contracts and posted at a conspicuous location within the front of each rental unit.
- D. **Open Storage.** Open storage, outside an enclosed building, must be limited to vehicles and trailers with a valid registration and screened from public view by building facades or solid fences of eight feet with view-obscuring gates.
- E. **Circulation.** Driveway aisles must be a minimum of 24 feet wide.
- F. **Exterior Wall Treatment and Design.** Exterior walls visible from a public street or Residential District shall be constructed of decorative block, concrete panel, stucco, or similar material. These walls shall include architectural relief through articulation, trim, change in color at the base, variations in height, the use of architectural “caps”, attractive posts, or similar measures. A gate(s) must be decorative iron or similar materials.

G. **Fencing.**

1. A six-foot-high security fence must be provided around the perimeter of the development at locations where the solid façades of the storage structures do not provide a perimeter barrier.
2. A wrought iron fence or gate or an approved equivalent is required at the entrance to the facility.

H. **Hours of Operation.** Hours of operation are limited to the hours 7 a.m. to 7 p.m. if the facility abuts residential uses or Districts, including residential uses that may be part of a mixed use development. If the facility abuts commercial, industrial or public facilities, it may remain open until 10 p.m.

17.43.330 Recreation Uses

This Section provides standards for the location and operation of commercial entertainment facilities, where allowed by Part II, Base Zoning Districts.

A. **Amusement Arcades.** Amusement arcades must comply with the following standards:

1. **Width of Aisles.** Where amusement machines are located along one side of an aisle, the aisle shall be a minimum of 60 inches in width and must be unobstructed. When amusement machines are located on both sides of an aisle, the aisle must not be less than 90 inches in width and must be unobstructed.
2. **Interior lighting.** A minimum of one foot-candle illumination generally distributed must be maintained in all parts of the premises at all times when the amusement arcade is open to the public.
3. **Supervision.** At least one permittee, manager or supervisory employee over the age of 18 must be on the premises at all times during hours of operation.
4. **Separation standards.**
 - a. **Playgrounds or schools.** An amusement arcade must be located a minimum of 100 feet away from the nearest street entrance to or exit from a public playground or public or private school of elementary to high school grades. The distance will be measured from any entrance or exit of the amusement arcade to the nearest property line of a playground or school.
 - b. **Residential Districts.** An amusement arcade entrance or exit must be located a minimum of 100 feet from a Residential District.

- c. *Retail Liquor Sales.* An amusement arcade must be located a minimum of 50 feet from the liquor retail department of a multi-department business establishment.
- B. **Billiard Rooms or Pool Halls.** Billiard rooms or pool halls (referred to as poolrooms) must be closed for business between the hours of 2:00 a.m. and 5:00 a.m. every day. Poolroom operators and law enforcement officers in the discharge of their duties must have access to poolrooms at all hours.
- C. **Cardrooms Prohibited.** Cardrooms must not be established or maintained in any Zoning District.

17.43.340 Recycling Collection Facilities

This Section provides standards for the location and operation of recycling collection facilities, where allowed by Part II, Base Zoning Districts.

- A. **Reverse Vending Machines.**
 - 1. *Accessory Use.* Reverse vending machines may be installed as an accessory use to a permitted or conditionally permitted primary use on the same site.
 - 2. *Location.* Machines must be located adjacent or as near as feasibly possible, to the entrance of the commercial host use and must not obstruct pedestrian or vehicular circulation. Machines shall be located against a wall and may not be located in parking areas.
 - 3. *Identification.* Machines shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.
 - 4. *Signs.* Machines can have a maximum sign area of four square feet exclusive of operating instructions.
 - 5. *Lighting.* Machines must be illuminated to ensure comfortable and safe operation between dawn and dusk.
 - 6. *Trash Receptacle.* Machines must provide a 40 gallon garbage can for nonrecyclable materials located adjacent to the reverse vending machine.
 - 7. *Hours of Operation.* No restrictions.
- B. **Recycling Collection Facilities.**
 - 1. *Size.* Recycling collection facilities must not exceed a building site footprint of 350 square feet or include more than three parking spaces (not including space periodically needed for the removal or exchange of materials or containers).
 - 2. *Equipment.* No power-driven processing equipment, except for reverse vending machines, may be used.

3. **Location.** Facilities must not be located within 50 feet of a Residential District.
4. **Setback.** Facilities must be set back at least 10 feet from any street lot line and not obstruct pedestrian or vehicular circulation.
5. **Containers.** Containers must be constructed of durable waterproof and rustproof material(s) and secured from unauthorized removal of material.
6. **Identification.** Containers must be clearly marked to identify the type of accepted material, the name and telephone number of the facility operator and the hours of operation.
7. **Signs.** The maximum sign area is limited to 20 percent of the area of the side of facility or container or 16 square feet, whichever is larger. In the case of a wheeled facility, the side is measured from the pavement to the top of the container. The Director may authorize increases in the number, size and nature of additional signs for necessary directional or identification purposes but not for outdoor advertising.
8. **Parking.** Patrons and the attendant must not reduce available parking spaces below the minimum number required for the main use unless a parking study shows available capacity during recycling facility operation.
9. **Site Maintenance.** Sites must be maintained clean, sanitary, and free of litter and any other undesirable materials.

C. **Recycling Processing Facility.**

1. **Location.** Facilities must not abut a Residential District.
2. **Screening.** The facility must be screened from public rights-of-way, by solid masonry walls or located within an enclosed structure.
3. **Outdoor Storage.** Exterior storage of material must be in sturdy containers or enclosures that are secured and maintained in good condition. Storage must not be visible above the height of the required solid masonry walls.
4. **Identification.** Facilities must be clearly marked with the name and phone number of the facility operator and hours of operation.

D. **Composting and Waste Disposal Facilities.** Waste disposal facilities, including composting facilities, solid waste landfills and solid fill or land reclamation projects that are not converted to other uses, shall be located, developed, and operated in compliance with the following standards:

1. **Maintenance—Pest Infestation Prohibited.** Waste disposal facilities shall be maintained in such a manner that vermin and pest infestation cannot take place.

2. ***Covering or Wetting to Prevent Dust.*** The owner, proprietor or caretaker of any composting facility or solid waste landfill must use a tarp, covering or wet down the waste disposal facility with water or chemical stabilizers at intervals sufficiently frequent to prevent dust.
- E. **Conversion Technology Facilities and Transformation (Waste-to-Energy) Facilities.**
1. ***Adjacency.*** Notwithstanding the requirement that waste-related facilities be located so as to avoid undue concentration, transformation (waste-to-energy) facilities and conversion technology facilities should be located in close proximity to existing solid waste facilities. Where this is not the case, the applicant must demonstrate that a location adjacent to existing solid waste facilities was not feasible.
 2. ***Hazardous Wastes.*** Conversion Technology Facilities and Transformation (Waste-to-Energy) Facilities shall not receive any form of hazardous waste as legally defined, including household hazardous waste, radioactive or medical wastes.

17.43.350 Residential Care Facilities

This Section provides standards for Residential Care Facilities (Assisted Living Facilities), where allowed by Part II, Base Zoning Districts, in order to ensure that they do not adversely impact adjacent parcels or the surrounding neighborhood and are developed in a manner that protects the health, safety, and welfare of nearby residents, while providing for the housing needs of the residents.

- A. **Applicability.** The standards of this section apply Residential Facilities for more than 6 persons, including General Residential Care, General Hospice, and Senior Residential Care (Assisted Living) facilities for more than 6 persons. Residential Facilities for six or fewer residents are a residential use and subject only to the same requirements as any permitted residential use of the same housing type in the district in which they are located.
- B. **Location.** Minimum distance from any other Residential Facility is 300 feet as specified by State Health and Safety Code Section 1267.9 (b).
- C. **Usable Open Space.** At least 20 square feet of usable open space must be provided for each person who resides in the facility. Open space must be designed and screened in compliance with the requirements applicable to residential development located in the same Zoning District.
- D. **Parking.** At least one parking space must be provided for every two persons who reside in the facility. Parking facilities must be designed, landscaped, and screened in compliance with the requirements applicable to residential development located in the same district and Chapter 17.39, Parking and Loading.

- E. **Licensed.** Residential care facilities must be licensed and certified by the State of California and must be operated according to all applicable State and local regulations.

17.43.360 Second Dwelling Units

This Section provides standards for the location and operation of second dwelling units, where allowed by Part II, Base Zoning Districts.

- A. **Permit Required.** A Zoning Clearance is required for construction of a residential second unit. An applicant must submit the following information to the Department:
1. A floor plan drawn to scale of the principal dwelling and the proposed residential second unit.
 2. A signed statement affirming the intent of the owner to occupy the dwelling or the second unit after construction of the second unit is required. The signed statement must be in a form approved by the City Attorney, and be recorded with the County Recorder.
- B. **Development Standards.** The following standards apply to residential second units:
1. No more than one residential second unit is permitted on any one lot.
 2. A residential second unit will only be permitted on a lot in which the principal dwelling and all other structures thereon conform to all minimum requirements of the applicable Zoning District.
 3. The minimum lot size on which an attached residential second unit may be located is 7,000 square feet. The minimum lot size on which a detached residential second unit may be located is 10,000 square feet.
 4. A residential second unit must comply with all development standards for the applicable Zoning District, including, but not limited to, standards for front, rear, and side yards setbacks when a second dwelling unit is attached to the principal residence, for the principal dwelling under the regulations of the applicable Zoning District. Detached dwelling units may have the setbacks reduced by the Zoning Administrator.
 5. The owner of the lot must reside on the lot, either in the principal dwelling or in the residential second unit. Prior to issuance of a permit, the property owner must enter into a restrictive covenant with the City regarding such owner-occupancy requirement on a form prepared by the City, which must be recorded against the property. Such covenant must further provide that the residential second unit must not be sold, or title thereto transferred separate from that of the property. If the owner ceases to reside on the property, use of the residential second unit must be discontinued and (a) if it is an attached residential second unit, the unit converted into a portion of the principal

- dwelling; or (b) if it is a detached residential second unit, the unit removed or converted to a legal use.
6. An attached residential second unit must share at least one common wall with the living area of the principal dwelling.
 7. In no event can the development of residential second unit be larger than 50 percent of the existing original living area if the primary unit exceeds 1,400 square feet. A detached second unit shall not exceed 1,200 square feet.
 8. The minimum gross floor area of an attached residential second unit is 300 square feet.
 9. The total gross floor area of all covered structures, including an attached residential second unit, must not exceed 40 percent of the gross lot area.
 10. No attached residential second unit must cause the height of the principal dwelling to exceed the height limitation for the applicable Zoning District. If the attached second residential second unit is not located above any portion of the existing principal dwelling, the maximum height of such unit must not exceed 16 feet.
 11. An attached residential second unit may have a separate entrance, which may be located on the side or the rear of the principal dwelling; provided, however, in no event will any external stairwell be placed within the side yard setback.
 12. A residential second unit is not be permitted on a lot where there is a guest house or other dwelling or structure used for habitation in addition to the principal dwelling. If a residential second unit exists or is currently approved on a lot, a guest house or other dwelling may not be approved unless the residential second unit is removed or converted into a portion of the principal dwelling.
 13. A residential second unit must contain separate kitchen and bathroom facilities from the principal dwelling unit.
 14. No detached residential second unit can be located forward of the principal dwelling on lot sizes under one acre. The distance between the principal dwelling and a detached residential second unit must be at least 10 feet.
 15. In addition to the required parking for the principal dwelling, a minimum of one off-street parking space must be provided on the same lot that the residential second unit is located on for (a) each bedroom in the residential second unit; and (b) for each studio unit. Additional parking must be

provided in accordance with the applicable parking regulations of the base Zoning District.

16. If Design Review Permit is required, in addition to the application of the City's standard design guidelines and policies, the Director must consider the following standards:
 - a. The second unit must be subordinate to the principal dwelling on the lot in terms of size, location and appearance.
 - b. The exterior appearance and character of the second unit must be consistent with that of the principal dwelling. The design will take into consideration the use of the same exterior materials, roof covering, colors, and other architectural features.
 - c. Any manufactured home proposed as a detached residential second unit must be consistent with the principal dwelling on the lot with regard to existing siding, and roof materials, roof pitch, and roof eaves and lot.
 - d. Detached residential second units must comply with the front, rear and side setback requirements for the Zoning District that are applicable to the principal residential building.
 - e. The dimensions and placement of windows within residential second units must be designed to protect the privacy of adjoining residences by minimizing views from windows within the second unit into the windows of the adjacent residential building or to outdoor living areas, such as decks, patios, terraces, and swimming pools.
17. A residential second unit must have no more than two bedrooms.
18. Upon approval of a residential second unit on a lot, the lot shall not be further divided unless there is adequate land area to divide the lot consistent with the General Plan and zoning designation.
19. In the event of any conflicts between the standards set forth in this Section and those set forth in the regulations of the applicable Zoning District, the provisions of this Section will prevail.
20. The Director may add other conditions, consistent with general law and applicable State and City standards, as necessary to preserve the health, safety, welfare and character of the residential neighborhood; provided, however, that such conditions must not unreasonably restrict the ability of an applicant to create a residential second unit.

17.43.370 Service Stations/Mini-Marts

This Section provides standards for the location and operation of service stations and mini-mart facilities, where allowed by Part II, Base Zoning Districts.

A. Site Design.

1. **Access.**
 - a. There must be no more than two vehicular access points to/from a public street. Additional access may be provided by neighboring properties.
 - b. Should a site be redeveloped (i.e., the existing building and/or fuel canopy is removed and reconstructed), and more than two vehicular points of access exist, they must be removed.
 - c. Fleet Fuel Stations in Industrial Districts may provide additional access points, as determined by the Director.
2. Designs must incorporate landscaping and half screen walls to screen vehicles while allowing eye level visibility into the site. Fleet Fuel Stations in Industrial Districts are excepted from this provision.
3. Noise-generating uses, such as audio/video monitors at pumps, auto service bays, car wash openings, vacuum stations, outdoor loading areas, garbage storage and stacking lanes, must be located away from sensitive uses such as residential areas, in compliance with Chapter 17.40, Performance Standards.
4. Propane tanks, vapor recovery systems, air compressors, utility boxes, garbage, recycling containers/enclosures, and other similar mechanical equipment must be screened from public view. Propane tanks, vapor recovery tanks, etc. must be laid horizontally and be screened with a hedge and/or wall.

B. Air and Water Stations. Air and Water Stations must be identified on plans and shall comply with the setbacks of the underlying Zoning District.

C. Pump Islands. Pump islands must be located a minimum of 15 feet from any property line to the nearest edge of the pump island, unless a greater setback is required by an operative plan. A canopy or roof structure over a pump island may encroach up to 10 feet within this distance. In areas with distinct architecture (to be determined by the Director), the canopy must match the architecture of the main building on the site.

D. Auto Repair. Auto Repair must comply with Section 17.43.090, Automobile/Vehicle Service and Repair.

E. Lighting. All exterior light sources, including perimeter, and flood, must be energy-efficient, stationary, and shielded to ensure that all light is directed away from adjacent properties and public rights-of-way. Exterior lighting must be architecturally integrated with the character of all structures, energy-efficient, and shielded or recessed so that direct glare and reflections are confined, to the maximum extent feasible, within the boundaries of the site. All canopy lights must be fully recessed.

Lighting must not be of a high intensity so as to cause a traffic hazard, be used as an advertising element, or adversely affect adjacent properties, in compliance with Chapter 17.37 (Lighting).

17.43.380 Temporary Uses

This Section provides standards for the location and operation of temporary uses, where such use is allowed by Part II, Base Zoning Districts.

- A. **Carnivals, Fairs, and Festival Events.** Carnivals, fairs, revivals, and festival events, including arts, neighborhood and community fairs, in connection with an existing commercial use or in conjunction with an activity of a civic organization, church, lodge, public or private educational facility, or other such group or organization are permitted in accordance with the following standards:
1. **Location.** Carnivals, fairs, and festival events are limited to areas within Commercial, Office, and Industrial Districts, or on property owned by a public or private educational facility, institution, or religious facility. Neighborhood and community fairs are permitted in Agricultural, Residential, and Public and Institutional Districts.
 2. **Time Limit.** When located within or adjacent to a Residential District, the hours of operation must be limited to 8:00 a.m. to 9:00 p.m., unless a longer time period is approved with a Temporary Use Permit.
 3. **Duration.** Carnivals, fairs, revivals and festival events are limited to no more than 10 consecutive days, separated by at least 30 calendar days four times a year. A more limited duration may be established by the Zoning Administrator in order to prevent the use from becoming a nuisance with regard to the surrounding neighborhood or the City as a whole.
 4. **Existing Parking.** Where such a use is proposed within a developed parking lot, the available parking must not be reduced to less than 75 percent of the minimum number of spaces required by this Chapter 17.39, Parking and Loading, (or an alternative method for parking is approved by staff), and traffic access will be maintained.
- B. **Garage Sales.** A garage or yard sale may be conducted on any developed lot in a Residential or Agricultural District, subject to the following requirements. No permit is necessary to conduct a garage sale.
1. No more than six such sales may be conducted on any one lot in any one calendar year.
 2. Each sale period shall be for no more than three days within a three month duration.

3. All merchandise to be sold must be displayed on a private lot and not within the public right-of-way. Merchandise must be personal property of the family or families hosting the sale and shall not have been purchased for resale.
- C. **Model Homes.** Model homes with sales offices and temporary information/sales trailers in new residential subdivisions are subject to the following requirements:
1. **Time Limits.** A temporary information/sales trailer may be used during the construction of the model homes for a maximum period of twelve months.
 2. **Location of Sales.** Real estate sales conducted from a temporary sales office are limited to sales of lots within the subdivision it is located and to other subdivision projects under the same ownership.
 3. **Return to Residential Use.** Prior to the close of a sale of any of the model homes as a single unit residence, any portion used for commercial purposes will be converted to its intended residential purpose, including garage space.
 4. **Term of Use.** The model home may be established and operated until completion of the sale of the lots or residences within the subdivision.
- D. **Swap Meets.** Outdoor swap meets, antique markets, and similar multi-vendor open-air ventures are allowed in accordance with the following standards.
1. **Location.** Outdoor markets are limited to areas within Public and Institutional, Commercial, and Industrial Districts, or on property owned by a public or private educational facility, institution, or religious facility.
 2. **Time Limit.** When located within or adjacent to a Residential District, the hours of operation must be limited to 8:00 a.m. to 7:00 p.m., unless a longer time period is approved with a Temporary Use Permit.
 3. **Duration.** With the exception of Old Town, swap meets may only operate once per month for no more than 2 consecutive days. The Zoning Administrator can determine the frequency of swap meets in Old Town.
 4. **Existing Parking.** Where such a use is proposed within a developed parking lot, the available parking must not be reduced to less than 75 percent of the minimum number of spaces required by this Ordinance (unless an alternative method for parking is approved by City staff), and traffic access must be maintained.
- E. **Temporary and Seasonal Outdoor Sales.** Temporary and Seasonal Outdoor Sales are allowed in accordance with the following standards. No permit is necessary for seasonal sales or sales occurring less than three consecutive days.

1. **General Requirements.** Temporary outdoor sales, including but not limited to grand opening events, and other special sales events, on private property in non-Residential Districts are subject to the following standards:
 - a. Except for Seasonal Sales, Temporary Outdoor Sales are part of an existing business on the same site and are limited to a seven-day period three times a year.
 - b. Sales events must be conducted solely on private property and not encroach within the public right-of-way or occupy required parking, unless an alternative parking scenario is approved. Location of the displayed merchandise must not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian walkways, or required landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.
2. **Seasonal Sales.** The annual sales of Christmas trees, pumpkins and similar items is permitted in accordance with the following standards:
 - a. *Time Period.* Pumpkin sales are permitted from October 1st through November 7th. Christmas tree sales are permitted from November 15th through December 31st. Seasonal sales associated with other holidays are permitted up to a month preceding and one week following the holiday.
 - b. *Goods, Signs and Temporary Structures.* All trees, pumpkins, or other items for sale, as well as signs and temporary structures, must be removed within five days after the end of sales, and the appearance of the site shall be returned to its original state.
3. **Non-Profit Fund Raising.** Fund raising sales by a non-profit organization for up to three days per event.
4. **Long Term Special Events and Sales.** Other special events, outdoor sales, and displays that exceed seven consecutive days may be permitted in accordance with the following standards:
 - a. *Location.* Events are limited to non-residential districts.
 - b. *Number and Duration of Events.* No more than four events at one address shall be allowed within any 12-month period unless a Temporary Use Permit is obtained. The duration of any single event shall not exceed 30 days.
 - c. *Existing Business.* Temporary outdoor sales must be part of an existing business on the same site.

- d. *Signs.* Signs must conform with the provisions of Chapter 17.42, Signs.
5. **Vehicle Sales Prohibited.** The parking of privately-owned used automobiles in parking lots for the express purpose of offering the vehicle for sale is prohibited, unless permission is granted by the property owner and not more than two cars are not offered for sale at one time. This restriction does not apply to Automobile/Vehicle Sales and Leasing uses.

17.43.390 Tobacco Sales

This Section provides standards for the location and operation of tobacco sales, where allowed by Part II, Base Zoning Districts.

- A. **Hours of Operation.** Hours of operation are limited to the time period between 7 a.m. and 10 p.m.
- B. **Location.** No establishment selling tobacco products can be located within 1,000 feet of a school.
- C. **Tobacco Paraphernalia Establishments.**
 1. Tobacco Paraphernalia Establishments do not include retail establishments that are dedicated to the sale of any device used to store or preserve tobacco, tobacco, cigarettes, cigarette papers, cigars, or any other preparation of tobacco that is permitted by existing law, or licensed Medical Marijuana Uses.
 2. **Location.** Tobacco Paraphernalia Establishments must be located a minimum of 1,000 feet from any other such establishment or smoke shop, hookah lounge, non-institutional banking institution, public park, and any elementary or secondary educational facility.
 3. **No Persons Under 18.** A sign must be posted on the door or in view of the entrance stating that no person under the age of 18 is allowed on site, unless accompanied by their parent or legal guardian.

17.43.400 Urban Agriculture

This Section provides standards for the location and operation of urban agriculture facilities, where allowed by Part II, Base Zoning Districts. These include Community Gardens and/or Urban Farms, collectively known as Urban Agriculture.

- A. **Management.**
 1. **Community Gardens.**
 - a. Community Gardens must be organized by community groups, nonprofit organizations, the City, or land owners. A manager must be

designated for each Community Garden who will serve as liaison between gardeners, property owner(s), and the City.

- b. If located within a Planned Development or Multiple Unit Residential Complex, the Homeowner's Association and/or property management company shall be responsible for the site and must designate a liaison between the property owner(s) and the City.
 2. **Urban Farm.** An urban farm may be operated by a sole proprietor or an organization. A manager must be designated who shall serve as liaison between the owner(s) and the City.
- B. **Operational Plan.** The applicant must submit an operational plan that identifies roles and responsibilities, contact information, and operations of the Community Garden or Urban Farm.

17.43.410 Visitor-Serving Resort Uses

This Section provides standards for Visitor-Serving Resort Uses, where allowed by Part II, Base Zoning Districts.

A. Visitor-Serving Resort Uses Located in the Coastal Zone.

1. A Coastal Development Permit must be obtained for any development or alterations to Visitor-Serving Resort Uses that are located within the coastal zone.
2. The site may continue to be used for transient lodging, such as a hotel, and various facilities and services accessory to transient lodging, such as restaurants, retail shops, conferences and meetings, hotel-related events, recreational services, and other services that are dependent upon a coastal location, while ensuring the conservation and protection of coastal resources.
3. Residential uses are prohibited.
4. All transient lodging units such as hotels that are operated as hotel condominiums, time-shares, or under fractional ownership model is limited to occupancy for no more than 30 consecutive days at any one time and must be available for overnight stays by the general public.
5. Transient lodging units such as hotels that are operated as hotel condominiums, time-shares, or under a fractional ownership model is a permitted use regulated by mechanisms such as owner-occupancy limits, to ensure that these accommodations are available to the general public.
6. Approval of any proposal for transient lodging units such as hotels that are operated as hotel condominiums, time-shares, or under a fractional ownership model must limit occupancy by owners of individual units to 30 or fewer consecutive days for any single stay and no more than 90 total days in any

calendar year. All transient lodging units in above-mentioned forms of ownership must be made available for transient occupancy use by the general public through the hotel reservation system at times when units are not occupied.

7. Any expansion or alteration of existing development will be required to maintain or expand the extent of existing coastal access facilities, including parking and vertical access to the beach. "Maintain or expand" is clarified to include flexibility, if at least one of the following is met:
 - a. To provide better protection of coastal resources;
 - b. To maximize public access; and/or
 - c. If natural processes impede existing access.
 8. Any expansion or alteration of existing development will be required protect environmentally sensitive habitats and archaeological resources, including provision of the buffers set forth in the Conservation Element of the General Plan.
- B. **Other Visitor-Serving Uses.** New Visitor-Serving uses shall meet the following requirements:
1. A Coastal Development Permit must be obtained for any development or alterations to Other Visitor-Serving Resort Uses that are located within the coastal zone.
 2. Development should be designed in a manner that will limit encroachment into residential, coastal, or resource areas.
 3. When located near a beach or natural area, public access shall be required.
 4. Transient lodging units that are operated as hotel condominiums, time-shares, or as a fractional ownership are permitted.

Chapter 17.44 Telecommunications Facilities

Sections:

17.44.010	Purpose and Intent
17.44.020	Applicability
17.44.030	General Requirements
17.44.040	Additional Development Standards
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17.44.060	Additional Findings
17.44.070	Application Contents
17.44.080	Project Installation and Post-Installation Provisions
17.44.090	Project Abandonment/Site Restoration
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17.44.110	Permit Review/Revocation
17.44.120	Nonconforming Facilities

17.44.010 Purpose and Intent

The purpose of this Chapter is to provide a uniform and comprehensive set of standards for the siting, development, installation, and operation of wireless telecommunication facilities and to establish specific permit regulations and development standards for such facilities. To promote the orderly development of wireless facilities, ensure that they are compatible with surrounding land uses, and protect the public safety, visual resources and aesthetic quality of the City. The specific goals of this Chapter are to:

- A. Minimize the adverse aesthetic effects of towers and prevent visual blight through careful design, siting, and screening, minimizing the total number of towers and encouraging less intrusive alternatives while preserving the rights of wireless telecommunications providers;
- B. Because wireless telecommunications antennas and related facilities for cellular and mobile phones and personal communications systems are a commercial use that is usually separate from and is rarely accessory to the primary use of a parcel, to prevent the location of such facilities in residentially zoned districts unless the City is required to permit them in such locations to avoid violating applicable State and federal regulations;

- C. Promote the joint use (co-location) of new and existing tower sites as a primary option and alternative to the construction of additional single-use towers and establishment of additional sites;
- D. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, screening, and innovative camouflaging techniques;
- E. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently; and
- F. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

17.44.020 Applicability

- A. The provisions of this Chapter apply to all wireless telecommunication facilities that transmit or receive electromagnetic signals including radio and television broadcast facilities, and personal communications services (such as cellular, data, e-mail, texting, streaming video and audio and paging) with the following exceptions:
 - 1. Hand-held, mobile, vehicular, or other portable transmitters or transceivers, including cellular phones, CB radios, emergency services radio, and other similar devices.
 - 2. Antennas and equipment cabinets or rooms that are located completely within a permitted structure and are incidental to a permitted use in a Commercial, Industrial, Public and Institutional District, or Airport District;
 - 3. Radio and television mobile broadcast facilities;
 - 4. Amateur radio installations that meet the following requirements and are operated by a Federally licensed amateur radio station operator who resides on the same property if the facility is located in a Residential District:
 - a. No part of the antenna shall exceed 65 feet in height or 30 feet above the height of the roof, when fully extended.
 - b. Any antenna that is capable of a maximum extended height exceeding 40 feet, with the exception of whip antennas, shall be equipped with a motorized or hand-cranked device to allow the antenna to be easily lowered when it is not in operation.
 - c. When an amateur radio facility is not in operation, no part of any antenna, except for whip antennas, shall extend to a height that exceeds the maximum height permitted in the Zoning District.

- d. No part of the antenna shall be located in the area between a building and the front or corner side property line, in a required interior yard, or in any parking or loading area.
 - e. An antenna that exceeds these height limits or is located in a required setback may be allowed with approval of a Use Permit.
5. Receive-only radio or television antennas not exceeding the maximum height in a Zoning District permitted by this Chapter, including any mast or receive-only radio or television satellite earth station dish or parabolic antenna, so long as the diameter of the support pole does not exceed eight inches and subject to the requirements set forth below:
- a. *Residential and Commercial Districts.*
 - (1) Satellite Dish One Meter or Less. A satellite dish not exceeding one meter (39.37 inches) in diameter that is for the sole use of a resident occupying the same parcel is permitted. Antennas extended vertically must be no higher than 12 feet above the roof to which they are attached or, if ground-mounted, are placed on the ground between the rear of the main structure and the rear property line or on the rear half of the roof, and not located in any required parking or loading area. Antennas may not be located in the area between a building and the front or corner side property line or within five feet or the required setback, whichever is less, of any interior property line without approval of a use permit.
 - (2) Other Antennas. A receive-only antenna other than a satellite dish that is for the sole use of a resident occupying the same parcel is permitted if it does not exceed 12 feet above the height of the roof.
 - (3) Additional Requirements. In addition to the other requirements of this section, antennas in Residential and Commercial Zoning Districts must meet all the following criteria:
 - i. Roof- or building-mounted antenna support structures can be no higher than needed to receive adequate reception of localized signals, not to exceed 12 feet above the roofline unless approved by the Planning Commission;
 - ii. A television satellite dish antenna must be screened, to the degree feasible, by structures or landscaping so it is

not readily visible from public right-of-way and neighboring properties;

- iii. Antenna support structures and appurtenant structural surfaces must have subdued colors that blend with surroundings; and
- iv. In addition to being screened from view from public rights-of-way and neighboring properties, ground-mounted television satellite dish antennas must be within a fenced area. The fence must be at least four feet in height, and must have no openings, holes or gaps larger than four inches in any dimension to prevent climbing. All gates and doors through the fence must be equipped with a self-closing latching device capable of keeping the door or gate securely closed when not in actual use. If the entire yard is enclosed by a fence higher than four feet in height with a self-closing gate, this provision will be satisfied.

b. *Commercial, Industrial, and Airport Districts.*

- (1) Satellite Dish Two Meters or Less. Two satellite dish antennas each of which does not exceed two meters (78.74 inches) in diameter that are for the sole use of a permitted business occupying the same parcel are permitted if not located between the front of the building and the front property line, in any required side or rear yard, or in any required parking or loading area. A roof-mounted antenna must be located as close to the center of the roof as practical and may not exceed three feet in height when extended vertically. Antennas may not be located in the area between a building and the front or corner side property line or in a required interior rear yard without approval of an Administrative Use Permit.
- (2) Other Antennas. A receive-only antenna other than a satellite dish that is for the sole use of a permitted business occupying the same parcel is permitted if it is not located between the front of the building and the front property line, in any required side or rear yard, or in any required parking or loading area or exceed thirty feet above the height of the roof without approval of an Administrative Use Permit;

6. ***Pre-Existing Towers.*** Any tower or antenna that was lawfully erected prior to the effective date of the ordinance codified in this Chapter is not be required to meet the requirements of this chapter unless there has been a cessation of operations pursuant to Section 17.42.090. These towers and antennas will be referred to in this Chapter as “pre-existing” towers or antennas and are allowed to continue as they presently exist, but will be considered lawful nonconforming legal uses pursuant to the Chapter 17.38, Nonconforming Uses. Maintenance and repairs to existing towers and antennas are permitted if they do not enlarge or extend the tower structure or equipment enclosures or change the number, type, dimensions, power rating, or frequency range of the antenna or antennas. New facilities and all other alterations, modifications, and additions must comply with the requirements of this chapter;
7. Any antenna or WCF that has been established pursuant to a permit issued by the PUC or the FCC when such permit or the FCC rules and regulations specifically provide that the antenna or WCF is exempt from the regulations of this Chapter.

17.44.030 General Requirements

In addition to any other requirements imposed by this Chapter, all wireless telecommunications facilities in the City of Goleta must be consistent with:

- A. The General Plan, adopted Area Plans, and all other applicable provisions of the Zoning Ordinance.
- B. Applicable regulations and standards of any other governmental agency with jurisdiction over the installation or operation of wireless telecommunications facilities including, but not limited to, the Federal Communications Commission, the Federal Aviation Administration, and the California Public Utilities Commission. If such standards and regulations are changed, the owners of the towers and antennas governed by this Chapter must bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling State or Federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations will constitute grounds for the removal of the tower or antenna at the owner’s expense.
- C. To ensure the structural integrity of towers, the owner of a tower must ensure that it is maintained in compliance with standards contained in applicable State or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitute a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within

said 30 days will constitute grounds for the removal of the tower or antenna at the owner's expense.

- D. Any applicable discretionary permits affecting the subject property, except to the extent the Director or other planning authority may modify such requirements.

17.44.040 Additional Development Standards

In addition to the requirements in Section 17.44.030, telecommunication facilities must also comply with the following development standards unless otherwise indicated.

- A. Facilities must comply with the setback requirements of the Zoning District except as provided in this Chapter. For the purposes of this Chapter, all distances shall be measured in a straight line without regard to intervening structures, from the nearest point of the proposed major WTF to the nearest point of another major WTF. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to all facilities located in the City irrespective of jurisdictional boundaries.
1. Facilities may be located within the setback area without approval of a modification provided they are installed on a pre-existing, operational, public utility pole, or similar pre-existing support structure.
 2. Underground equipment (e.g., equipment cabinet) may be located within the setback area and rights-of-way provided that no portion of the facility obstructs existing or proposed roads, sidewalks, trails, and vehicular ingress or egress. In addition, ground-mounted equipment in the public rights-of-way must comply with all requirements of the Americans with Disabilities Act (ADA), and must not interfere with existing sight lines for private or public driveways and roadways.
 3. Booms, elements, and other parts of the antenna support structure may not extend onto an adjacent lot under the same or different ownership.
- B. Facilities must comply with the height requirements of the Zoning District except as provided in this Chapter. The height of a freestanding telecommunications facility is measured from the natural, undisturbed ground surface below the center of the base of the facility to the top of the tower itself, or, if higher, the tip of the highest antenna or piece of equipment attached to the tower. In the case of an antenna or antenna support structure mounted on a building or structure, the height of the antenna and/or antenna support structure includes the height of the portion of the building on which it is mounted.
- C. Freestanding facilities must be fenced or screened by a barrier to prevent access by the general public unless said barriers would result in a greater environmental impact or are deemed unnecessary by the decision-maker. A public notice must be posted at each telecommunications site generating radiofrequency (RF) emissions. These

notices will inform employees, customers, and the general public as to the location of the facility, the owner(s) of the facility, and the level of permitted RF emissions.

1. The facility must be served by roads and parking areas consistent with the following requirements:
 - a. New access roads or improvements to existing access roads will be limited to the minimum required to comply with City regulations concerning roadway standards and regulations.
 - b. Existing parking areas will be used whenever possible, and any new parking areas must not exceed 350 square feet in area.
 - c. Any newly constructed roads or parking areas must, whenever feasible, be shared with subsequent telecommunication facilities or other permitted uses.
2. The facility must be unlit except for the following:
 - a. A manually operated or motion-detector controlled light that includes a timer and the light is located above the equipment structure door that must be kept off except when personnel are actually present at night.
 - b. Where an antenna support structure is required to be lighted, the lighting must be shielded or directed to the greatest extent possible in such manner so as to minimize the amount of light that falls onto nearby residences or other structures.
3. Facilities and equipment installed within the public right-of-way must conform to the following requirements:
 - a. Facilities and equipment may only be installed where equipment will not interfere with existing or proposed City use of the right-of-way, the rights of private property owners, other utility fixtures and services, water hydrants or mains, wastewater stations, traffic control systems, or any other service or facility provided to benefit the City or its residents.
 - b. If a property or business owner objects to an installation in the right-of-way along the owner's property, the City may require the provider to identify at least one alternative location subject to compliance with this Chapter and other applicable requirements.
 - c. Utility boxes, power units, and similar fixtures shall be installed completely underground partially buried unless the City Manager finds that undergrounding would result in maintenance and operation

problems that would interfere with service. Overhead facilities may be installed on existing utility poles where deemed appropriate by the City Manager.

- d. Facilities must be installed within existing underground ducts or conduits when such ducts, conduits or other underground facilities have volume or capacity available to third party operators.
 - e. Overhead facilities may be installed on existing utility poles that are at least 25 feet in height. The Director may approve replacement of an existing pole if deemed to have the same or better appearance than the existing pole. No support structures other than utility poles are permitted.
 - f. Facilities installed on existing utility poles should not be larger, more obtrusive, or more readily visible than the existing facilities and devices affixed to the pole. No more than one antenna array may be attached to a utility or street light pole
 - g. Pedestals, amplifier units, equipment cabinets, and similar above ground installations must be located at least six inches from any sidewalk and two feet from driveway and curb edges. Such installation may not be placed in front of the primary entrance to a business or residence or at any other location where they would unduly interfere with the operation of a business.
4. The facility must not be located within the Clear Zone of any airport unless the airport operator or the Federal Aviation Administration indicates that it will not adversely affect the operation of the airport. The height of an antenna and associated support structure proposed to be located within an area zoned as A-Airport Environs Overlay District (Chapter 17.18) must comply with the height limitations of that Overlay District.
 5. Shelters, cabinets and all ancillary equipment must be screened through the use of high quality materials and design to minimize visual impacts. Subdued colors and nonreflective materials that blend with surroundings must be used with wires and conduit installed in the pole interior or enclosed in a chaseway painted to match the support structures and monopole.
 - a. *Equipment Cabinets.* Above ground and partially buried ancillary equipment, including support pads and cabinets, must be located where they will be the least visible from surrounding properties and the public right-of-way.
 - b. Cabinets must be designed to be architecturally compatible with surrounding structures and/or screened using appropriate techniques to camouflage, disguise, and/or blend into the environment including

shelters, buildings, landscaping, fencing, color, and other techniques to minimize their visual impact.

- c. If an equipment cabinet cannot be adequately screened from surrounding properties or from public view or architecturally treated to blend in with the environment, it must be placed underground or inside the existing building where the antenna is located or in a new equipment shelter that meets the requirements of this chapter.
6. All new buildings, poles, towers, antenna supports, antennas, and other components of each telecommunication site must be initially painted and thereafter repainted as necessary with a non-reflective paint. The lessee must not oppose the repainting of their equipment in the future by another lessee if an alternate color is deemed more appropriate by the decision-maker in approving a subsequent permit for development.
 7. Antennas and any poles or other structures erected to support antennas must be visually compatible with surrounding buildings and vegetation, and screened from public view to the maximum extent feasible. Screening to the maximum extent feasible must include the following measures:
 - a. *Roof-Mounted Antennas.* Roof-mounted antennas, except whip antennas, must be blended or screened from public view in a manner consistent with the building's architectural style, color and materials.
 - b. *Wall-Mounted Antennas; Façade-Mounted Antennas.* Wall-mounted antennas must be painted or enclosed to match the color and texture of the wall or façade on which they are mounted. Cables and mounting brackets must be hidden. Shrouds may be required by the decision-maker to screen wall-mounted antennas.
 - c. *Building Mounted Installations.* For building-mounted installations, support equipment for the facility must be placed within the building. If the reviewing authority determines that such in-building placement is not feasible, the equipment must be roof-mounted in an enclosure or must otherwise be screened from public view in a manner approved by the reviewing authority. Roof-mounted equipment must comply with the height limits applicable to the building as detailed in the Zoning District. All screening used in connection with a building-mounted facility must be compatible with the architecture, color, texture and materials of the building to which it is mounted. If the support equipment cannot be placed within the building or roof-mounted, then that equipment will be treated as a ground-mounted installation, and Subsection (d) below applies.
 - d. *Ground-Mounted Installations.* For ground-mounted installations, support equipment must be screened in a security enclosure approved

by the decision-maker. Such screened security enclosures may utilize graffiti-resistant and climb-resistant vinyl-clad chain link with a “closed-mesh” design (i.e. one-inch gaps) or may consist of an alternate enclosure design approved by the decision-maker. In general, the screening enclosure must be made of non-reflective material and painted or camouflaged to blend with surrounding materials and colors. Buffer landscaping may also be required if the decision-maker determines that additional screening is necessary due to the location of the site and that irrigation water is available.

8. All telecommunication facilities approved under this Chapter must utilize the most efficient and diminutive available technology in order to minimize the number of facilities and reduce their visual impact and where applicable to minimize the impact on the rights-of-way.
- D. Wireless telecommunication facilities must comply with the following development and maintenance standards in all instances except that the decision-maker may exempt a facility from compliance with one or more of the following development standards. However, such an exemption may only be granted if the decision-maker finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance (a) will not increase the visibility of the facility or decrease public safety, or (b) is required due to technical considerations such that if the exemption were not granted, the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or (c) would avoid or reduce the potential for environmental impacts.
1. The primary power source must be electricity provided by a public utility. Backup generators will only be operated for testing and maintenance purposes not exceeding a total of 30 minutes in any seven day period and during power outages. Any new utility line extension longer than 50 feet installed primarily to serve the facility must be located underground. Any new underground utilities must contain additional capacity (e.g., multiple conduits) for additional power lines and telephone lines if the site is determined to be suitable by the City for co-location.
 2. The facility must be operated in a manner that will minimize noise impacts to surrounding residents and persons using nearby parks, trails, and similar recreation areas.
 - a. Except for emergency repairs, testing and maintenance activities that will be audible beyond the property line shall only occur between the hours of eight a.m. and seven p.m. on Monday through Friday, excluding holidays.
 - b. All air conditioning units and any other equipment that may emit noise that would be audible from beyond the property line shall be enclosed or equipped with noise attenuation devices to the extent

necessary to ensure compliance with applicable noise limitations under Chapter 17.40.

3. Disturbed areas associated with the development of a facility must not occur within the boundaries of any environmentally sensitive habitat area.
4. Co-location on an existing support structure is required for facilities permitted pursuant to Section 17.42.030. All proposed facilities will be assessed as potential co-location facilities or sites to promote facility and site sharing so as to minimize the overall visual impact. Sites determined by Planning and Environmental Review to be appropriate as co-located facilities or sites will be designed such that antenna support structures and other associated appurtenances, including but not limited to, parking areas, access roads, utilities and equipment buildings, may be shared by site users. Criteria used to determine suitability for co-location include but are not limited to the visibility of the existing site, potential for exacerbating the visual impact of the existing site, availability of necessary utilities (power and telephone), existing vegetative screening, availability of more visually suitable sites that meet the radiofrequency needs in the surrounding area, and cumulative radiofrequency emission studies showing compliance with radiofrequency standards established by the Federal Communications Commission. Additional requirements regarding co-location are set forth pursuant to Section 17.42.050(C). Co-location on an existing support structure is required for facilities permitted pursuant to Section 17.42.030 unless:
 - a. The applicant can demonstrate that reasonable efforts, acceptable to the decision-maker, have been made to locate the antenna(s) on an existing support structure and such efforts have been unsuccessful; or
 - b. Co-location cannot be achieved because there are no existing facilities in the vicinity of the proposed facility; or
 - c. The decision-maker determines that co-location of the proposed facility would result in greater visual impacts than if a new support structure were constructed.
5. No more than three telecom facilities may co-locate at a single site unless the decision-maker finds that:
 - a. The net visual effect of locating an additional facility at a co-location site will be less than establishing a new location; or,
 - b. Based on evidence submitted by the applicant, there is no available, feasible alternate location for a proposed new facility.
6. Support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) must be located underground, if feasible, if they would otherwise

be visible from public viewing areas (e.g., public roads, trails, recreational areas).

- E. Wireless telecommunication facilities must comply with the following development standards in all instances. If an exemption from one or more of the following standards is requested, then the facility requires a major Conditional Use Permit approved by the Planning Commission. An exemption may only be granted if the Planning Commission finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance (a) will not increase the visibility of the facility or decrease public safety, or (b) is required due to technical considerations such that if the exemption were not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or (c) would avoid or reduce the potential for environmental impacts.
1. No facility will be located so as to silhouette against the sky if substantially visible from a state-designated scenic highway or roadway located within a scenic corridor or public vantage point for viewing scenic resources as identified per the City's General Plan/Coastal Land Use Plan.
 2. No facility will be installed on an exposed ridgeline unless it blends with the surrounding existing natural or man-made environment in such a manner so as to not be substantially visible from public viewing areas (e.g., public road, trails, recreational areas) or is co-located in a multiple user facility.
 3. No facility that is substantially visible from a public viewing area must be installed closer than two miles from another substantially visible facility within the City unless it is an existing co-located facility.
 4. Telecommunication facilities that are substantially visible from public viewing areas will be sited below the ridgeline, depressed or located behind earth berms in order to minimize their profile and minimize any intrusion into the skyline. In addition, where feasible, and where visual impacts would be reduced, the facility must be designed to look like the natural or man-made environment (e.g., designed to look like a tree, rock outcropping, or street light), or designed to integrate into the natural environment (e.g., imbedded in a hillside). Such facilities must be compatible with the existing surrounding environment.

17.44.050 Procedures

- A. **Zoning Clearance.** The following development requires the approval and issuance of a Zoning Clearance:
1. Wireless telecommunication facilities that qualify as tenant improvements and conform to the following development standards may be allowed in all non-Residential Districts as identified in Chapter 17.09 (Residential Districts). Minor exterior additions to existing buildings or structures that a facility is

proposed to be located on or within may be permitted in order to comply with applicable development standards.

- a. Antennas, associated support structures, and equipment shelters must comply with the height limit of the Zoning District that the project is located in subject to the limitations and exceptions provided below.
- b. Antennas, associated support structures and equipment shelters may exceed the height limit of the Zoning District that the project is located in under the following circumstances:
 - (1) The antenna, associated support structure and equipment shelter is located within an existing building or structure.
 - (2) The antenna is mounted on an exterior wall of an existing building or structure, and the highest point of either the antenna or the support structure does not extend above the portion of the wall, including parapet walls and architectural façades, that the antenna is mounted on.
 - (3) The antenna or equipment shelter is located on the roof of an existing building or structure behind a parapet wall or architectural façade such that the highest point of the antenna or equipment shelter does not protrude above the parapet wall or architectural façade.
- c. Antennas and associated support structures proposed to be installed on the roof or directly attached to an existing building or structure must be fully screened or architecturally integrated into the design of the building or structure. The highest point of the antenna and associated support structure must not extend above the portion of the building or structure, including parapet walls and architectural facades, that it is mounted on and must not protrude more than two feet horizontally from such building or structure. If mounted on the roof of an existing building or structure, the highest point of the antenna cannot extend above the parapet wall or architectural façade.
- d. Equipment shelters proposed to be installed on the roof of an existing or proposed building or structure must be fully screened or architecturally integrated into the design of the building or structure (e.g., located behind a parapet wall or architectural façade) such that the highest point of the equipment shelter does not protrude above the parapet wall or architectural façade.
- e. Access to the facility is provided by existing roads or driveways.

2. Wireless telecommunication facilities that conform to the following development standards may be allowed in all Zoning Districts as identified in Part II, Base Districts:
 - a. Antennas are limited to panel antennas or omnidirectional antennas. Antennas and associated equipment do not exceed a combined volume of 1.5 cubic feet.
 - b. The antenna is mounted on either:
 - (1) A pre-existing operational public utility pole or similar support structure (e.g., streetlight standard) which is not being considered for removal as determined by the Planning and Environmental Review Department; or
 - (2) The roof of an existing structure.
 - c. No more than three antennas can be located on a single utility pole or similar structure. If at a later date the utility poles are proposed for removal as part of the undergrounding of the utility lines, the permit for the facilities will be null and void.
 - d. The highest point of the antenna either:
 - (1) Does not exceed the height of the existing utility pole or similar support structure that it is mounted on; or
 - (2) In the case of an omnidirectional antenna, the highest point of the antenna is no higher than 40 inches above the height of the structure at the location where it is mounted.
 - e. Radiofrequency transport service systems consisting of more than one remote node or small antenna may not be permitted.
3. Temporary cell-on-wheels communication facilities that conform to the following development standards may be allowed in non-residential Zoning Districts and are exempt from the provisions of Chapter 17.49 (Design Review Permits):
 - a. The maximum period of use permitted for a temporary cell-on-wheels communication facility cannot exceed 90 days.
 - b. The temporary cell-on-wheels communication facility must be mounted on a licensed vehicle and/or trailer.
 - c. The temporary cell-on-wheels communication facility must be located on a paved surface.

- d. The maximum antenna and antenna mast height cannot exceed 50 feet measured from existing grade.
 - e. The temporary cell-on-wheels communication facility cannot displace any required parking spaces for the primary use of the subject property without the prior written permission of the City.
 - f. The temporary cell-on-wheels communication facility cannot be parked on any public street or rights-of-way, public easement, or other publically owned property without prior written permission from the City.
4. Co-located wireless telecommunication facilities, except for radiofrequency transport service systems, in all non-residential Zoning Districts that are co-located on an existing, permitted wireless telecommunication facility and comply with the development standards set forth pursuant to Section 17.42.040.
- B. **Design Review Permit.** All commercial telecommunication facilities permitted under Section (A) above are subject to Chapter 17.49 (Design Review Permits) unless specifically exempted pursuant to Section 17.49.020(A)(3).
- C. **Conditional Use Permit.** The following requires a major Conditional Use Permit approved by the Planning Commission and the issuance and approval of a Zoning Clearance:
1. Wireless telecommunication facilities that may not be permitted pursuant to Section 17.49.020(A) but do conform to the following development standards may be allowed in all Zoning Districts:
 - a. The height of the antenna and antenna support structure cannot exceed 75 feet.
 - b. Every portion of any new freestanding antenna support structure and antenna attached thereto must be set back from any residentially zoned parcel a distance equal to 110 percent the height of the taller of the antenna or antenna support structure, or a minimum of 100 feet, whichever is greater.
 - c. If the facility is proposed to be located in a Residential District or located in the Public and Institutional District, or does not comply with Subsection (b) above, the Planning Commission, in order to approve a Conditional Use Permit, must also find that the area proposed to be served by the telecommunications facility would otherwise not be served by the carrier proposing the facility.

2. Other wireless telecommunication facilities that are (1) subject to regulation by the Federal Communications Commission or the California Public Utilities Commission (e.g., AM/FM radio stations, television stations) which includes equipment shelters, antennas, antenna support structures and other appurtenant equipment related to communication facilities for the transmission or reception of radio, television, and communication signals, or (2) other telecommunication facilities that exceed 50 feet in height, are allowed in all non-residential Zoning Districts.
- D. All commercial wireless telecommunication facilities permitted under Section 17.44.020 are subject to Chapter 17.49 (Design Review Permits).
- E. **Noticing.** Notice of the application and pending decision on a Zoning Clearance, Design Review Permit, or Conditional Use Permit in compliance with Section 17.42.030 must be given in compliance with Section 17.46.060 (Public Notification) and any other applicable requirements.

17.44.060 Additional Findings

- A. In addition to the findings required to be adopted by the decision-maker pursuant to Chapters 17.47 (Zoning Clearance), 17.48 (Use Permits) or 17.49 (Design Review Permits), in order to approve any use permit for a facility subject to regulation under this Chapter, the decision-maker must also make the following findings based on substantial information in the record including, where required, technical analysis by a radio frequency engineer, calculations by a State-licensed structural engineer, or other relevant evidence:
1. The facility is consistent with the general requirements of this Chapter and any specific standards applicable to the proposed installation and either:
 - a. Will not be identifiable as a wireless communication facility when viewed with the naked eye from a public right-of-way or neighboring property because it is:
 - (1) Integrated into the design of a nonresidential building or structure erected and approved for use other than support for wireless telecommunications; or
 - (2) Mounted on a building or structure and set back from the roof edge so not visible from the public right-of-way or from surrounding properties; or
 - b. Will be identifiable as a wireless communication facility but:
 - (1) There is no other location on the site for the proposed antenna support structure which would result in a less conspicuous or more aesthetically pleasing installation while still providing

reasonable provision of wireless communications services or signal access; and

- (2) It is not feasible to incorporate additional measures that would make the facility not readily visible; and
 - (3) The facility has been designed to blend into the surrounding built or natural environment to the greatest extent feasible.
2. The facility is compatible with existing and surrounding development in terms of land use and visual and aesthetic character;
3. The facility complies with all required development standards unless granted a specific exemption by the decision-maker as provided in Section 17.42.040.
4. The applicant has demonstrated that the facility will be operated in a manner fully compliant with the applicable rules of the Federal Communications Commission, the California Public Utilities Commission, and complies with all other applicable laws, and health and safety standards.
5. If a modification of height, separation, setback, landscaping or other requirements of this Chapter is requested, that the proposed modification is consistent with the purposes of this Chapter, will be the least intrusive feasible means of meeting the provider's service objectives, is sited and designed compatible with the aesthetic character of the surroundings, and is necessary to ensure reasonable and effective transmission.
6. If the facility is a satellite dish or parabolic antenna that exceeds applicable width and height standards:
 - a. A smaller or different type of facility could not meet the technical requirements necessary to provide reasonable signal access; or
 - b. The cost of complying with the applicable requirements would exceed the cost of the purchase and installation of the facility.
7. If a facility is proposed to be roof-mounted, that:
 - a. The antenna support structure is placed to minimize visual impacts to the extent feasible;
 - b. The facility is no higher than necessary to ensure reasonable and effective transmission and reception of communications; and
 - c. The design of the facility and the proposed installation will not jeopardize public health and safety.

8. If a new facility would be sited on or above a ridgeline or on any other location that is readily visible, that there is no alternate location that would meet the technical requirements necessary to provide reasonable signal access.
9. If a facility is not co-located with other existing or proposed facilities or requires a new ground-mounted antenna structure, including towers, lattice towers, and monopoles, that co-location is not feasible due to technical, aesthetic, or legal considerations such that:
 - a. Mounting on a building or co-location on an existing pole or tower would have more significant adverse effects on views or the western hill or bay or other environmental considerations;
 - b. Co-location on an alternate site that would provide reasonable provision of wireless communications services would not be permitted by the property owner; or
 - c. Co-location would impair the quality of service or require a significant interruption of service provided by existing facilities at the alternate site.

17.44.070 Application Contents

- A. In addition to the requirements outlined in Section 17.46.020 (Application Submittal and Review), the Director will establish, maintain, and revise as necessary a list of information that must accompany every application for the installation of a telecommunication facility. Said information must include the following:
 1. Completed supplemental project information forms including a narrative that explains the purpose of the facility and validates the applicant's efforts to comply with the design, location, and co-location standards of this Chapter including:
 - a. A description of the provider's service area and the specific site that is the subject of the application;
 - b. A statement of the objectives to be achieved by selecting the proposed location including documentation to show that the carrier has a significant gap in its existing radio frequency coverage;
 - c. Site plans and elevations of all physical elements of the proposed facility drawn to scale;
 - d. A description of the measures proposed to approach to screen or camouflage all elements of the facility including:
 - (1) Plans for installation and maintenance of landscaping;

- (2) Sample exterior materials and colors;
 - (3) Ensure that the proposed installation will be the least intrusive means of achieving the provider's objectives including proposed app maintenance of ;
- e. Service area maps, including a map or maps showing the geographic area to be served by the facility. In order to facilitate planning and gauge the need for future telecommunication facilities, the Director may also require the operator to submit a comprehensive plan of the operator's existing and future facilities that are or may be placed within the city limits of Goleta;
2. Wind load calculations for proposed antenna installations on new monopoles, utility poles, or other structures subject to wind loads prepared or approved by an engineer registered in California. The wind load calculations must show, to the satisfaction of the decision-maker, that the resulting installation will be safe and secure under wind load conditions;
3. Alternative site analysis including identification of other sites considered that would have fewer aesthetic impacts while achieving comparable service and capacity objectives and reasons for their exclusion;
4. Visual analysis and impact demonstrations including mock-ups and/or photo-simulations, including "before" and "after" views of the proposed facility, unless the reviewing department director determines that such simulations are not necessary for the application in question. Consideration will be given to views from both public areas and private residences;
5. Radio frequency (RF) exposure studies, including documentation showing the specific frequency range that the facility will use upon and throughout activation, certification that the facility will continuously comply with FCC radio frequency emissions standards contained in FCC Office of Engineering and Technology Bulletin 65 utilizing the general population standard, and consideration of all co-located radio frequency emitters;
6. An agreement to pay the reasonable actual cost and a reasonable administrative fee for hiring an approved radio frequency or licensed electrical engineer specializing in RF studies to peer review the information provided in the application ;
7. An agreement to pay a reasonable one-time or annual fee for any independent monitoring that the City requires as a condition of approval of the application;
8. Title reports identifying legal access;
9. Security programs;

10. Lists of other telecommunication facilities the applicant operates within the City or in adjacent jurisdictions within a quarter of a mile of the subject site.
- B. The Director may excuse an applicant from having to provide one or more of the required submittals if it is determined that in the specific case the information is not necessary in order to process or make an informed decision on the submitted application.
- C. The Director is authorized their discretion to employ on behalf of the City independent technical experts to review any technical materials submitted including, without limitation, those required under this Section and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. Any proprietary information disclosed to the City or the hired expert must remain confidential and not be disclosed to any third party.

17.44.080 Project Installation and Post-Installation Provisions

- A. **Radio Frequency Emission Levels.** No telecommunication facility will be sited or operated in such a manner that it, either by itself or in combination with other such facilities, does not comply with the applicable Maximum Permissible Exposure (MPE) as defined in FCC Office of Engineering and Technology Bulletin 65 (“OET Bulletin 65”) or any legally binding, more restrictive standard subsequently adopted by the federal government.
 1. Initial compliance with this requirement must be demonstrated for all commercial wireless telecommunication facilities through submission, at the time of application for the necessary permit or other entitlement, of a report prepared by the applicant or a qualified third-party radio frequency engineer that utilizes site-specific data to predict the level of radio frequency (RF) emissions in the vicinity of the proposed facility in comparison with federal MPE limits.
 2. If the calculated radio frequency levels exceed 80 percent of the MPE limits for the “General Population” (as that term is defined in OET Bulletin 65) in any area that may be accessed by the general population, then said facility must not commence unattended operations until a third-party qualified radio frequency engineer retained by the City at the applicants expense measures the actual radio frequency emissions or observes radio frequency emissions testing conducted by the applicant and submits a report to the Director that certifies that the facility’s actual radio frequency emissions comply with the federal MPE limits for General Population in all areas accessible by the general population.
 3. If these calculated radio frequency levels do not exceed 80 percent of the MPE limits, then a report prepared by applicant, or at the direction of the applicant by a qualified radio frequency engineer that certifies that the facility’s actual radio frequency emissions comply with the federal MPE limits. Said report

must be submitted within 30 days after said facility commences normal operations.

4. Every telecommunication facility must demonstrate continued compliance with the MPE limits.

- a. Every five years, or other time period as specified by the decision-maker as a condition of approval of the project, a report prepared by a City-approved third-party qualified radio frequency engineer must be prepared that lists the actual measured level of radio frequency emissions from the facility. Said report must be submitted by the carrier to the Director. If the level of radio frequency emissions has changed since permit approval, measurements of radio frequency levels in nearby areas accessible to the general population must be taken and submitted with the report.

- b. In the case of a more-restrictive change in the federally-adopted MPE limit for the general population, measurements of radio frequency levels in nearby areas accessible by the general population must be taken and submitted to the Director in a report prepared by a City-approved qualified radio frequency engineer. The required report must be submitted within 90 days of the date said change becomes effective by the newest carrier locating on the facility. The wireless carrier must promptly reimburse the City for all such testing and observation costs by the City's approved radio frequency engineer.

- c. Failure to supply the required reports within 30 days following the date that written notice is mailed by the Director that such compliance report is due or to remain in continued compliance with the MPE limit for the general population will be grounds for revocation by the Director of the use permit or other entitlement. The decision of the Director to revoke a use permit or other entitlement of use will be deemed final unless appealed pursuant to Section 17.46.150 (Appeals).

B. **Co-location.** Following initial approval of a telecommunication project, which includes individual telecommunication facilities, co-located telecommunication facilities and co-located telecommunication sites, the permittee and property owner must avail its telecommunication project to other prospective applicants and, in good faith, accommodate all reasonable requests for co-location in the future subject to the following limits:

1. The party seeking co-location is responsible for all facility modifications, environmental review, mitigation measures, associated costs, and permit processing.
2. The permittee is not required to compromise the operational effectiveness of their facility or place any prior approval at risk.

3. Applicants must make facilities and property available for co-location of telecommunication facilities on a non-discriminatory and equitable basis. The City retains the right to verify that the use of the facility and the property conforms with City policies regarding co-location and to impose additional permit conditions where necessary to assure these policies are being fulfilled.
4. In the event that the need for access to such facilities is demonstrated by other applicants to the decision-maker, carriers must make available any excess space of their facilities to such other applicants at an equitable cost.
5. In the event access to an existing facility is denied by the applicant, at the request of the carrier requesting to co-locate, the applicant will submit to the Director of Planning and Environmental Review terms, including financial terms, under which other carriers in the area would be permitted to enter and use either the facility or the property. In addition, the applicant must submit a record of the typical financial terms used for similar facilities at other locations. The applicant must submit the requested information to the Director of Planning and Environmental Review within 30 days of such request. If these terms are determined to be unacceptable to potential users of the facility, and if agreement cannot be reached, the City will reserve the right to impose additional conditions as described above by the Director to amend the permit. The imposition of such conditions will be based on evidence of the charges and terms supplied by the applicant and carrier requesting to co-locate. The decision of the Director to impose additional conditions is deemed final unless appealed pursuant to Section 46.150 (Appeals). The intent of this condition is to ensure the efficient and maximum use of co-located telecommunication facilities in the City.

17.44.090 Project Abandonment/Site Restoration

The operator must notify the Director within 30 days of the cessation of operations of any wireless telecommunications facility. If the use of a facility subject to the requirements of this Chapter is discontinued for a period of three consecutive months, any permit for such facility will be deemed lapsed and of no further effect and the facility will be considered abandoned.

- A. These time limits may be extended by the Director one time for good cause shown, provided a written request, including a statement of reasons for the time extension request, is filed with the Department prior to completion of the initial three month period.
- B. The facility must be removed and the site must be restored to its natural state unless the landowner requests that the facility remain and obtains the necessary permits. The permittee must remove all support structures, antennas, equipment and associated improvements and restore the site to its natural pre-construction state within 180 days of the date of receipt of the City's notice to abate.

- C. If such facility is not removed by the permittee and the site returned to its original condition within the specified time period, the City may remove the facility at the permittee's expense. Prior to the issuance of the Land Use Permit to construct the facility, the applicant will post a performance security in an amount and form determined by the Director that is sufficient to cover the cost of removal of the facility in the event that such facility is abandoned.
- D. The applicant or a succeeding operator must submit a re-vegetation plan for abandonment to be reviewed and approved by a Director approved biologist prior to demolition. The approved re-vegetation plan must be implemented upon completion of site demolition during the time of year that will allow for germination of seed without supplemental irrigation.

17.44.100 Transfer of ownership

In the event that the original permittee sells or otherwise transfers its interest in a wireless telecommunications facility, or an interest in a wireless telecommunication facility is otherwise assumed by a different carrier, the succeeding carrier must assume all responsibilities concerning the project, including without limitation, City-issued permits for the project, and will be held responsible to the City for maintaining consistency with all project conditions of approval. A new contact name for the project and a new signed and recorded Agreement To Comply With Conditions Of Approval must be provided by the succeeding carrier to the Director within 30 days of the transfer of interest in the facility.

17.44.110 Permit Review/Revocation

- A. **Project Review.** Five years after the issuance of the initial Zoning Certificate or Conditional Use Permit for the facility and no more frequently than every five years thereafter, the Director may undertake inspection of the project to ensure that the facility is in compliance with all conditions of approval. If the facility is not in compliance or the facility has been altered as described in Subsection (B)., the Director may require the permittee to modify its facilities.
- B. The Director's decision to require modification must take into account the availability of new technology, capacity and coverage requirements of the permittee, and new facilities installed in the vicinity of the site. The scope of modification, if required, may include a reduction in antenna size and height, co-location at an alternate permitted site, and similar site and architectural design changes, or any other changes deemed necessary. However, the permittee will not be required to undertake changes that exceed 10 percent of the total cost of facility construction. Modifications may be required if, at the time of inspection, it is determined that:
 - 1. The project fails to achieve the intended purposes of the development standards listed in Section 17.42.040 for reasons attributable to design or changes in environmental setting; or,

2. More effective means of ensuring aesthetic compatibility with surrounding uses have become available as a result of subsequent technological advances or changes in circumstance from the time the project was initially approved.
- C. Any permit for a telecommunication facility approved pursuant to this Chapter must include a reservation by the City of the right and jurisdiction to review and modify the permit (including the conditions of approval) based on changed circumstances. The operator must notify the Director of any proposal to modify or change an approved facility in any manner listed below. Unless precluded by state or federal law, before implementing any of the following changes, the operator must obtain City approval to modify the permit and secure any related building or other permits the City requires. Changes in circumstances that require notification to the City include the following in relation to the telecommunication facility and its specifications in the approved application and/or conditions of approval:
1. An increase in the height or size of any part of the facility;
 2. An increase in size or change in the shape of the antenna or supporting structure;
 3. A change in the facility's color or materials;
 4. A change in the location of or installation of any new or additional ancillary equipment on the site; or
 5. An effective increase in signal output above the maximum permissible exposure (MPE) limits imposed by the radio frequency emissions guidelines of the FCC contained in FCC Office of Engineering and Technology Bulletin 65, or a more restrictive change in the FCC MPE limits for the general population.
- D. The decision of the Director to require modifications to the facility will be deemed final unless appealed pursuant to Section 46.150 (Appeals).
- E. **Additional Right to Revoke or Modify Permit.** The reservation of right to review any permit granted by the City for a telecommunication facility is in addition to, and not in lieu of, the right of the City to review and revoke or modify any permit granted or approved hereunder for any violations of the conditions imposed on such permit. After due notice to the telecommunication facility operator, the City may revoke any permit for the telecommunication facility upon finding that the facility or the operator has violated any law regulating the telecommunication facility or has failed to comply with the requirements of this Chapter, the telecommunication facility permit, any applicable agreement, or any condition of approval. Upon such revocation, the City may require removal of the facility.
- F. **Removal by the City.** Any telecommunication facility subject to permit revocation by the City pursuant to Section 17.42.050(H), may be removed in part or in its

entirety by the City if an order to remove said facility pursuant to such permit revocation is not completed within 180-days of the issuance of said order. The owner of the premises upon which the facility subject to the removal order is located, and all prior operators of the facility, will be jointly liable for the entire cost of such removal, repair, restoration, and storage, and must remit payment to the City promptly after demand therefore is made. In addition, the City, at its option, may utilize any financial security required in conjunction with granting the telecom permit as reimbursement for such costs. Also, in lieu of storing the removed facility, the City may convert it to the City's use, sell it, or dispose of it in any manner deemed by the City to be appropriate.

- G. **City Lien on Property.** Until the cost of removal, repair, restoration and storage is paid in full, a lien will be placed on the abandoned personal property and any real property on which the facility was located for the full amount of the cost of removal, repair, restoration and storage. The City Clerk must cause the lien to be recorded with the Santa Barbara County Recorder.

17.44.120 Nonconforming Facilities

- A. Towers that are constructed and antennas that are installed in accordance with the provisions of this Chapter will not be deemed to constitute the expansion of a non-conforming use or structure.
- B. Pre-existing towers or antennas shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such pre-existing towers or antennas. New construction other than routine maintenance on a pre-existing tower or antenna shall comply with the requirements of this Chapter.
- C. Notwithstanding other provisions of this Chapter, bona fide non-conforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain a conditional use permit and without having to meet the separation requirements specified herein. Bona fide non-conforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain a conditional use permit and without having to meet the separation requirements specified in Section G(1) and (2). The type, height, and location of the tower or antenna onsite shall be of the same type and intensity as the original facility approval; provided, however, that any destroyed lattice or guyed tower shall be replaced with a monopole structure only. Building permits to rebuild the facility shall comply with the current adopted building codes and shall be obtained within 90 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section (H), herein.

PART V
DEFINITIONS

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Definitions Related to Signs

Abandoned Sign. A sign remaining in place or not maintained for 90 days that does not provide direction for, advertise or identify a legally established business, product, or service available on the business premise where the sign is located.

Advertising Statuary. A statue or other three dimensional structure with a minimum dimension of at least 6 inches in the form of an object that identifies, advertises, or otherwise directs attention to a product or business

Area Identification Sign. A permanent sign that identifies a residential area, shopping district, industrial district, or any area identifiable area.

Awning Sign. A sign affixed permanently to the outside surface of an awning.

Balloon. An inflatable, airtight bag that can be strung together in multiple numbers to attract attention to a business location. A balloon is not within the definition of inflatable sign.

Banner Sign. A sign made of fabric or any non-rigid material with no enclosing framework on which a message or image is painted or otherwise affixed.

Bench Sign. A sign painted on or affixed to a bench or similar structure located in or near a public right-of-way, park, or other public property.

Blade Sign. A double-sided sign oriented perpendicular to the building wall on which it is mounted. (See Projecting Sign)

Billboard. A sign used for the purpose of general advertising for hire, that is, some or all of the display area is customarily used to display the messages of advertisers or sponsors other than the owner of the sign.

Building Frontage. As used in these regulations, the linear measurement of exterior walls enclosing interior spaces that are oriented to and most nearly parallel to public streets, public alleys, parking lots, malls or freeways.

Building Identification Sign. A sign that contains no advertising matter other than the name and/or trademark and/or address of the building to which it is affixed or of the occupant located therein.

Building Sign. A sign with a single face of copy that is painted or otherwise marked on or attached to the face of a building wall, mansard roof or canopy fascia. Signs placed on a mansard roof are building signs if they do not extend above the roofline or top of the parapet of the main building wall to which the mansard roof is attached.

Bulletin or Special Event Sign. A changeable copy sign on which bulletins, notices, messages or displays are placed.

Bunting. A decoration made of fabric, synthetic material, sheet metal, or any thin pliable material. Such material is securely attached to at least two ends of a rigid frame attached to a pole or projecting from a building.

Business Sign. A sign that directs attention to the principal business, profession or industry located on the premises where the sign is displayed, to type of products sold, manufactured or assembled, or to services or entertainment offered on such premises.

Cabinet Sign. An internally illuminated sign consisting of frame and face(s), with a continuous translucent message panel; also referred to as a panel sign.

Can Sign (Box Sign). A sign on the outside face of a metal box with or without internal illumination.

Canopy Sign. A sign attached to a fixed overhead shelter used as a roof, which may or may not be attached to a building.

Changeable Copy Sign. A sign whose informational content can be changed or altered manually. Including digitals, or are they in a completely separate category?

Channel Letters. Three-dimensional individual letters or figures typically made of formed sheet metal, usually with an acrylic face, with an open back or front, illuminated or non-illuminated, that are affixed to a building or to a freestanding sign structure.

Channel Letter Sign. A sign with multiple components, each built in the shape of an individual three-dimensional letter or symbol each of which may be independently illuminated, with a separate translucent panel over the letter source for each element.

Civic Organization Sign. A sign which contains the names of, or any other information regarding civic, fraternal or religious organizations located within an unincorporated community or city, but which contains no other advertising matter.

Commercial Complex. A non-residential property occupied by three or more tenants or condominium owners who are subject to leases or sales agreements that are individually negotiated with the developer or owner of the complex.

Commercial speech or commercial message: an image on a sign that concerns primarily the economic interests of the message sponsor or the viewing audience, or both, or that proposes a commercial transaction. Contrast: noncommercial speech or message.

Consistent. Free from variation or contradiction.

Construction Sign. A temporary sign that describes a planned future development project on a property in words and/or drawings.

Copy. Also called "sign copy", the visually communicative elements mounted on a sign.

Digital display. A method of displaying a communicative visual image by use of LEDs (light emitting diodes) or their functional equivalent, that allows for the message or image to be easily changed, typically by remote control or computer programming. This definition applies to signs displaying a series of still images as well as those presenting the appearance of motion.

Directional Sign. An on-site sign that directs or guides pedestrian or vehicular traffic and which is non-advertising in nature, except for a logo and directional information, (e.g., handicapped parking, one-way, exit, and entrance).

Directory Sign. A freestanding or wall sign that identifies all businesses and other establishments located within a commercial building, a shopping center, an industrial building, or an institutional establishment.

Electronic Message Center Sign. A sign having the capability of presenting variable message displays by projecting an electronically controlled pattern and which can be programmed to periodically change the message display.

Establishment. Any use of land involving buildings or structures in which human activities routinely occur, not including residential (or transient occupancy) uses or uses where human presence is not routine (transmission towers, power transformers, automated facilities, etc.)

Externally Illuminated Sign. Any sign or a billboard that is lit by a light source that is external to the sign directed towards and shining on the face of the sign.

Fence Sign. A sign attached to or painted onto any freestanding wall or fence.

Flag. A loose fabric or membrane secured to a pole or rod, which flutters and moves with air or wind movement.

Flashing or Scintillating Sign. A sign which, by method or manner of illumination, flashes on or off, winks or blinks with varying light intensity, shows motion or creates the illusion of motion, or revolves to create the illusion of being on or off.

Freestanding Sign. A sign supported by structures or supports that are placed on, or anchored in, the ground and which are structurally independent from any building including “monument signs”, “pole signs”, and “ground signs.”

Freeway-Oriented Sign. A ground sign that orients primarily to the traveling public using a freeway or expressway, and installed for the sole purpose of identifying major business locations within certain commercial zoning districts in close proximity to a freeway or expressway.

Fuel Pricing Sign. A sign that indicates, and limited to, the brand or trade name, method of sale, grade designation and price per gallon of gasoline or other motor vehicle fuel offered for sale on the business premises, and such other information as may be required by county ordinance or state law.

Ground Sign. A sign that is permanently supported upon the ground by poles or braces and is not attached to any building or other structure. These may include freestanding pole signs and movement signs. See Freestanding Sign.

Hanging Sign. See Shingle Sign.

Incidental Business Sign. A business sign that indicates credit cards accepted, trading stamps offered, trade affiliations, and similar matters. Content based dfn.

Illuminated Sign. A sign with an artificial source of light incorporated internally or externally for the purpose of illuminating the sign.

Inflatable Sign. A form of inflatable device (e.g., shaped as an animal, blimp, or other object) that is displayed, printed, or painted on the surface of an inflatable background, and is primarily installed outside a building to attract attention to or to advertise a business, a business location, a service, a product, or an event.

Internally Illuminated Sign. A sign that is illuminated by a light source that is contained inside the sign where the message area is luminous, including cabinet signs and channel letter signs.

Lighted Sign. A sign that is illuminated by any artificial light source, whether internal, external or indirect.

Mansard Sign. A sign attached below the deck line or principal roofline of a mansard roof or similar roof-like façade that is architecturally comparable to an exterior building wall.

Marquee Sign. A sign that advertises an event, performance, service, seminar, conference, or show, and displayed on a permanent roof-like structure or canopy made of rigid materials supported by and extending from the facade of a building.

Monument Sign. A low-profile freestanding sign erected upon or supported solely by a planter, pedestal base, or similar ground structure approximately the same dimension as the height of the sign and which is designed to incorporate the architectural theme and building material of the building on the premises.

Moving Sign. A sign or any portion thereof that rotates, moves, or appears to move in some manner by mechanical, electrical, natural, or other means.

Neon Sign. A sign comprised partially or entirely of exposed small diameter tubing that is internally illuminated by neon, argon or other electrically charged gas.

Non-Commercial Message. A message or image on a sign that directs public attention to or advocates an idea or issue of public interest or concern that does not serve to advertise or promote any business, product, activity, service, interest, or entertainment.

Off-Site Directional Sign. A sign that offers directional information to a business, location or place located in an area different from where the sign is located.

Painted Sign. A sign that is painted directly on any exterior building wall, window, fence or structure and may or may not include commercial message.

Pennant. A device made of flexible materials, (e.g., cloth, paper, or plastic) that may or may not contain copy, and which is installed for the purpose of attracting attention.

Pole Sign. A freestanding sign supported by one or more poles that are permanently attached directly into or upon the ground.

Portable Sign. A freestanding sign that is not permanently affixed, anchored or secured to either the ground or a structure on the property it occupies

Projecting Sign. A double-faced sign, the sign surface of which is not parallel to the face of the supporting wall and which is supported wholly by the wall. This definition includes V- or wing-type signs.

Readerboard. A sign structure or mounting device on which at least a portion of the display face may be used for changeable copy that may be either non-commercial or commercial, electronic or manual.

Real Estate Sign. A temporary sign that advertises the sale, lease or rental of the property on which the sign is located but not including signs on establishments offering transient occupancy such as hotels, motels, and inns.

Revolving Sign. A sign or any portion thereof, which rotates, moves or appears to move in some manner by mechanical, electrical, natural or other means.

Roof Sign. A sign erected, constructed, and attached to and/or maintained upon or above any roof or portion of a roof of any building, including a mansard roof. For the purposes of this definition, a mansard roof is any roof or parapet wall with roofing material for siding that slopes from 30 degrees to 90 degrees and does not have a ridgeline.

Shingle Sign. A sign that hangs from a canopy or awning or from the roof of an arcade or passageway.

Shopping Center Sign. A sign that identifies the name of a shopping center development and may or may not include the names of some or all of the tenants of that development.

Sign Face. An exterior display surface of a sign including non-structural trim exclusive of the supporting structure. The area of a sign which is available for mounting and public display of the visually communicative image.

Sign Spandrel. Sign or group of signs located between or extending from the supporting columns of a canopy structure.

Subdivision Entry Sign. A temporary sign which provides necessary travel directions to and within a subdivision offered for sale or lease for the first time, but which contains no other advertising matter.

Tenant Sign. A sign that identifies each tenant within a multi-tenant development.

Traffic Sign. A sign for traffic direction, warning, and roadway identification.

Under-Canopy or Under-Marquee Sign. See Shingle Sign.

Vehicle Display Sign. A sign mounted, attached, affixed or painted upon any surface of a motor vehicle, trailer or similar conveyance parked on public or private property for the purpose of advertising a business or a business location.

Wall Sign (Wall-Mounted Sign). A sign affixed to and wholly supported by a building in such a manner that its exposed face is approximately parallel to the plane of such building and is not projecting more than 18 inches from the building face or from a permanent roofed structure projecting there from.

Window Sign. A temporary or permanent sign with a single face of copy that is painted or installed on a glass window or door or located within 12 inches from inside the window in a manner that it can be viewed from the exterior of a structure.

Definitions Related to Telecommunications

Antenna. Any system of wires, poles, rods, horizontal or vertical elements, panel, reflecting discs, or similar devices used for the transmission and/or reception of electromagnetic waves.

Antenna Array. Antennas having active elements extending in more than one direction, and directional antennas mounted upon and rotated through a vertical mast or tower interconnecting the beam and antenna support, all of which elements are deemed to be part of the antenna.

Antenna Structure. An antenna array and its associated support structure, such as a pole, mast, or tower but not including a suspended wire antenna that is used for the purpose of transmission and reception of electromagnetic signals such as radio waves and microwaves.

1. ***Antenna structure, freestanding.*** An antenna structure or mast designed and primarily used to support one or more antennas that is not attached to any part of a building, fence, or other such structure. Freestanding antenna structures include lattice towers, wooden utility poles, and monopoles. If the total height of the structure, including the antenna, is at least 17 feet high, it is treated as a monopole.
2. ***Antenna structure, monopole.*** An antenna structure, often tubular in shape, usually made of metal, reinforced concrete, or wood, which is at least 17 feet in height and is constructed without guy wires and ground anchors. A monopole may also be an alternative antenna structure that is designed to replicate a tree or other natural feature.

Cell-On-Wheels (“Cow”) Telecommunication Facility. A mobile cell site that consists of a cell antenna tower and electronic radio transceiver equipment on a truck or trailer, designed to be part of a cellular network.

Co-Location. The location of two or more wireless communications facilities owned or used by more than one public or private entity on a single support structure or otherwise sharing a common location. Co-location also includes the location of wireless communications facilities with other facilities such as buildings, water tanks, light standards, and other utility facilities and structures.

Mast. A pole of wood or metal or a tower fabricated of metal that is used to support an antenna and maintain it at the proper elevation.

Microcell Facility. A wireless communication facility serving a single carrier that is typically located on a small diameter monopole; on an existing or replacement street light, power pole, sign or other suitable structure; or on an existing building consisting of an antenna no larger than four feet in height or, if tubular, no more than six feet long and four inches in diameter comprised of a networked set of antennas that are connected with each other and to a wireless service source, such that a one or more high-power antennas that serve a given area are replaced by a group of lower-power antennas to serve the same geographic area.

Radio Frequency Transport Service System. A network or system of wireless communication facilities designed and intended to provide radiofrequency transport services to wireless carriers consisting of a central hub and system of fiber optic cables connecting remote nodes and small antennae attached to utility poles and similar structures.

Satellite Dish. A device (also known as a parabolic antenna) incorporating a reflective surface that is solid, open or mesh or bar configured and is in the shape of a shallow dish, cone, horn cornucopia or flat plate that is used to receive or transmit radio or electromagnetic waves between terrestrially and/or orbitally based units. This term includes satellite earth stations, satellite receivers, satellite discs, direct broadcast systems, television reception only systems and satellite microwave antennas.

Stealth, Camouflage, Or Camouflage Facility. A wireless communication facility in which the antenna, and sometimes the support equipment, are hidden from view in a faux tree, monument, cupola, or other concealing structure which either mimics, or which also serves as, a natural or architectural feature.

Substantially Visible. An object that is identifiable as a wireless telecommunications facility when viewed with the naked eye from a public right-of-way or neighboring property. This does not include structures and natural features that would normally occur within the setting of the object and are used to camouflage or otherwise minimize the visual impact of a telecommunication facility.

Support Equipment. The physical, electrical and/or electronic equipment included within a telecom facility used to house, power, transport and/or process signals from or to the facility's antenna or antennas.

Telecommunication Facility. A facility that transmits and/or receives wireless radio signals or electromagnetic waves, including but not limited to directional, omni-directional and parabolic antennas, structures or towers to support receiving and/or transmitting devices, supporting equipment and structures, and the land or structure on which they are all situated, for communication purposes including data transfer. It includes antennas, microwave dishes,

horns, and other types of equipment for the transmission or reception of such signals; telecommunication towers or similar structures supporting said equipment; equipment buildings; parking areas and other accessory development. It does not include facilities staffed with other than occasional maintenance and installation personnel or broadcast studios, or mobile transmitting devices, such as vehicle or hand held radios/telephones and their associated transmitting antennas.

Telecommunication Facility, Co-Located. A telecommunication facility comprised of a single telecommunication pole, tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity.

Telecommunication Facility, Commercial. A telecommunication facility that is operated by a business for commercial gain.

Telecommunication Facility, Height. The distance from the natural, undisturbed ground surface below the center of the base of said tower to the top of the tower itself, or, if higher, the tip of the highest antenna or piece of equipment attached to the tower. In the case of an antenna or antenna support structure mounted on a building or structure, the height of the antenna and/or antenna support structure includes the height of the portion of the building on which it is mounted.

Telecommunication Facility, Multiple Users. A telecommunication facility comprised of multiple telecommunication towers or buildings supporting one or more antennas owned or used by more than one public or private entity.

Telecommunication Facility, Non-Commercial. A telecommunication facility that is operated by a resident or group of residents for their personal use and not for individual gain such as receive-only radio and television antennas.

Telecommunication Facility Operator. Any person, firm, corporation, company, or other entity that directly or indirectly owns, leases, runs, manages, or otherwise controls a telecom facility or facilities within the City.

Telecommunication Facility, Tenant Improvement. A wireless telecommunication facility where the transmission facility and the associated antennas are (1) entirely enclosed within an existing building including architectural projections, or (2) located on the roof of an existing building or structure, or (3) the antenna is located on the exterior wall of a building or structure, and the general public does not have access to the facility. Tenant improvements do not include antennas that are mounted on utility poles or similar structures.

Telecommunication Site, Co-Located. Any site where more than one antenna support structure is installed in close proximity to another on one parcel.

Tower, Lattice. A multiple sided open metal frame support structure that supports antennas and related equipment, typically with three or four support legs.

Ultra High Frequency (UHF). Electromagnetic waves with frequencies between 300 MHz and 3 GHz (3000 MHz).

Very High Frequency (VHF). Electromagnetic waves with frequencies between 30 MHz to 300 MHz.

Whip Antenna. An antenna consisting of a single straight flexible wire or rod the bottom end of which is connected to a receiver or transmitter.

Wireless Telecommunications Facility (WTF). Personal wireless service facilities as defined by the federal Telecommunications Act of 1996, as amended, including, but not limited to, facilities that transmit and/or receive electromagnetic signals for cellular radio telephone service, personal communications services, enhanced specialized mobile services, paging systems, and related technologies. Such facilities include antennas, microwave dishes, parabolic antennas, and all other types of equipment used in the transmission or reception of such signals; telecommunication towers or similar structures supporting said equipment; associated equipment cabinets and/or buildings; and all other accessory development used for the provision of personal wireless services. These facilities do not include radio towers, television towers, and government-operated public safety networks.

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