



# ZONING CODE

CITY OF LOMPOC, CA

Public Hearing Draft | ~~July 2018~~ May 2019

REDLINE #2 (includes all changes from the original July 2018 Draft, but only the changes made after the February 19, 2019 Council hearing are shown in redlines)



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# Division 17.1: Zoning Code Purpose and Authority

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## 17.1.04: Title and Purpose

17.1.04.010: Adoption

17.1.04.020: Intent and Purpose

17.1.04.030: Short Title

17.1.04.040: Applicability

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### 17.1.04.010: Adoption

This Title is hereby adopted as the Zoning Code for the City of Lompoc, State of California.

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### 17.1.04.020: Intent and Purpose

- A.** The purpose of these regulations is to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare of the people of Lompoc, and to that end to effectuate the applicable provisions of the General Plan.
- B.** These regulations are intended to:
  - 1. Encourage the best location and use of buildings, structures, and land as designated by the General Plan.
  - 2. Regulate and limit the height and size of buildings and other structures and the density of populations to provide for orderly growth and development of Lompoc.
  - 3. Conserve and stabilize the total value of property within the community.
  - 4. Provide adequate open spaces for light and air.
  - 5. Provide for appropriate land conservation to protect natural resources and avoid harmful environmental impacts.
  - 6. Lessen congestion of streets.
  - 7. Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, wastewater, schools, parks, and other public facilities and utilities.

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### 17.1.04.030: Short Title

This Title shall be known by the following short title: "The City of Lompoc Zoning Code."

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**17.1.04.040: Applicability**

This Code applies to all land uses, subdivisions, and development within the City, as follows:

- A. New Land Uses or Structures, Changes to Land Uses or Structures.** It shall be unlawful, and a violation to this Code, for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with this Code.
- B. City Permits and Licenses.** No Building Permit or Grading Permit, or Business License shall be issued by the City unless the proposed construction or activity complies with all applicable provisions of this Code.
- C. Subdivisions.** Each subdivision of land approved within the City shall comply with the minimum lot size requirements of Division 2 ([Allowed Uses and Development Standards for All ZonesZones](#)), the Subdivision Map Act, and all applicable requirements of this Code.
- D. Continuation of an Existing Land Use.** The requirements adopted in this Code are not retroactive in their effect on land use that was lawfully established before the effective date of the requirement's adoption, except as otherwise provided by Chapter 17.6.20 (Nonconforming Uses, Structures, and Parcels).
- E. Effect of Zoning Code Changes on Projects in Progress.** Projects shall be subject to the requirements and standards in this Code except as prohibited by State law.
- F. Government Projects.** The provisions of this Code shall apply to each City, County, special district, and State or Federal government or agency project to the maximum extent allowed by law.
- G. Minimum Requirements.** The provisions of this Code shall be minimum requirements for the promotion of the public health, safety, and general welfare. When this Code provides for discretion on the part of a City official or body, that discretion may be exercised to impose more stringent requirements than set forth in this Code, as may be determined by the applicable Review Authority, as provided in Section 17.5.04.020 (Authority for Land Use and Zoning Decisions), to be necessary to promote orderly land use and development; environmental resource protection; and the other purposes of this Code.
- H. Other Requirements May Apply.** Nothing in this Code eliminates the need for obtaining any other permits required by the City, or any permit, approval or entitlement required by any other applicable special district or agency, and/or the regulations of any State, or Federal agency. No use that is illegal under local or State law shall be allowed in any zone within the City.

## 17.1.08: Authority and Administration

17.1.08.010: Authority of the Zoning Code

17.1.08.020: Responsibility for Administration

17.1.08.030: Rules of Interpretation

17.1.08.040: Severability

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### 17.1.08.010: Authority of the Zoning Code

This Code is enacted based on the authority vested in the City by the State of California, including, but not limited to: the State Constitution, Sections 65800 and subsequent sections of the Government Code, the California Environmental Quality Act, the Subdivision Map Act, the Health and Safety Code, and case law of the State and Federal courts as they may all be modified from time to time.

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### 17.1.08.020: Responsibility for Administration

- A. Responsible Bodies and Individuals.** This Code shall be administered by the City Council, the Planning Commission, the Economic and Community Development Department Director, and the Economic and Community Development Department as provided in Section 17.5.04.020 (Authority for Land Use and Zoning Decisions).
- B. Exercise of Discretion.** In the event that a provision of the Code allows the Review Authority (responsible body or individual) to exercise discretion in the application of a specific standard or requirement, but does not identify specific criteria for a decision, the following criteria shall be used in exercising discretion:
1. The proposed project complies with all applicable provisions of the Code;
  2. The exercise of discretion will act to ensure the compatibility of the proposed project with its site, surrounding properties, and the community;
  3. The exercise of discretion promotes the public health, safety, and welfare; and
  4. The decision is consistent with the General Plan.
- C. Delegation of Authority and Responsibility.** The Director may delegate any responsibility or authority charged to him/her by any section of the Code to any employee of the City. Any employee or employees so designated may act on behalf of the Director in a matter or proceeding in the Code.

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**17.1.08.030: Rules of Interpretation**

- A. Authority.** The Director has the authority to interpret any provision of this Zoning Code. Whenever the Director determines that the meaning or applicability of any Code requirement is subject to interpretation, the Director may issue an official interpretation. The Director may also refer any issue of interpretation to the Planning Commission for its determination. Any interpretation may be appealed as provided in Chapter 17.6.12 (Appeals).
- B. Language.** When used in this Code, the following rules for words shall apply:
1. The words “shall”, “must”, “will”, “is to”, and “are to” are always mandatory.
  2. “Should” is not mandatory but is strongly recommended; and “may” is permissive.
  3. The present tense includes the past and future tenses; and the future tense includes the present.
  4. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise.
  5. The words “includes” and “including” shall mean “including but not limited to...”.
  6. When used to describe the applicability of two or more requirements of this Code, the word “or” shall mean that compliance with any of the series is sufficient, and the words “and” and “and/or” shall mean that compliance with all of the series is required.
- C. Time Limits.** Whenever a number of days is specified in the Code, or in any permit, condition of approval, or notice provided in compliance with the Code, the number of days shall be consecutive calendar days. A time limit shall extend to 5 p.m. on the following working day where the last of the specified number of days falls on a weekend or holiday.
- D. Allowable Uses of Land.** The Director has the authority to determine uses that may be allowed beyond what is identified in Division 2 ([Allowed Uses and Development Standards for All Zones](#)) when the use is similar to and will not involve a greater intensity of use than a listed use, and the use is consistent with the purpose of the zone, the General Plan, and any applicable specific plan, and can therefore be allowed or permitted subject to a planning permit. The Director may also refer any issue of similar use to the Commission for their determination.

**E. Conflicting Requirements.**

1. **Zoning Code and other City requirements.** If conflicts occur between requirements of this Code, or between this Code and any other regulations of the City, the most restrictive requirements shall apply.
2. **Development agreements or specific plans.** If conflicts occur between the requirements of this Code and standards adopted as part of any development agreement or applicable specific plan, the requirements of the development agreement or specific plan shall apply.
3. **Private agreements.** This Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreements or restriction, without affecting the applicability of the agreement or restriction. The City shall not enforce a private covenant or agreement unless it is a party to the covenant or agreement, or a portion thereof.

- F. State Law Requirements.** Where the Code references applicable provisions of State Law (for example, the California Government Code, Subdivision Map Act, or Public Resources Code), the reference shall be construed to be to the applicable State law provisions as they may be amended from time to time.

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**17.1.08.040: Severability**

If any chapter, section, subsection, sentence, clause, phrase or portion of this Code is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof. The Council declares that it would have passed this Code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional and if for any reason this Code should be declared invalid or unconstitutional, then the original code shall be in full force and effect.

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# Division 17.2: Allowed Uses and Development Standards for All Zones

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## 17.2.04: Establishment of Zones

17.2.04.010: Zones Established

17.2.04.020: Zoning Map

17.2.04.030: Interpretations of Zoning Map Boundaries

17.2.04.040: Amendments to Zoning Map

17.2.04.050: Pre-zoning

### 17.2.04.010: Zones Established

The City is divided into zones that implement the General Plan as zones shown in Table 17.2.04.010.A:

Table 17.2.04.010.A: Zones Established		
Zone Symbol	Name of Zone	General Plan Designations Implemented by Zone
<b>Residential Zones</b>		
RA	Residential Agriculture Zone	Very Low Density Residential
R-1	Single-Family Residential Zone	Low Density Residential
R-2	Medium Density Residential Zone	Medium Density Residential
R-3	High Density Residential Zone	High Density Residential
MH	Residential Mobile Home Park Zone	Medium Density Residential
<b>Commercial Zones</b>		
CC	Convenience Center	Neighborhood Commercial
CB	Central Business	<del>Office Commercial</del> , General Commercial
OTC	Old Town Commercial	Old Town Commercial
PCD	Planned Commercial Development	General Commercial, H Street Corridor Infill Area
<b>Industrial Zones</b>		
I	Industrial	Industrial
BP	Business Park	Business Park
<b>Other Zones</b>		
MU	Mixed Use	Mixed Use
PF	Public Facilities and Institutional	Community Facility
OS	Open Space	Open Space
SP	Specific Plan	--
<b>Overlay Zones</b>		
AO	Airport Overlay	--
CRO	Cultural Resources Overlay	--
SO	Southside Overlay	Southside Residential Overlay
PD	Planned Development Overlay	--
SEO	Special Event Overlay	--
HSO	H Street Overlay	H Street Corridor Infill Area

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#### 17.2.04.020: Zoning Map

The Zoning Map, together with all legends, symbols, notations, references, zone boundaries, and other information on the map, has been adopted by the Council in compliance with Government Code § 65800 et seq. and is hereby incorporated into this Zoning Code by reference.

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#### 17.2.04.030: Interpretations of Zoning Map Boundaries

- A. Where uncertainty exists as to the boundaries of any zone shown on the Zoning Map, the boundary shall be deemed to be along the nearest street or lot line. However, if a zone boundary divides a parcel, and the boundary line is not specified by distances printed on the Zoning Map, the location of the boundary shall be determined by using the scale appearing on the Zoning Map.
- B. If additional uncertainty exists, location of such boundary(ies) shall be resolved in compliance with Subsection 17.1.08.030.A.
- C. All streets adjoining a residential zone shall be considered part of that residential zone for purposes of California Vehicle Code § 22507.5.

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#### 17.2.04.040: Amendments to Zoning Map

Amendments to the Zoning Map shall follow the process established in Chapter 17.6.04 (~~Amendments to Zoning Code, Zoning Map, and General Plan~~Zoning Code, Zoning Map, and General Plan Amendments).

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#### 17.2.04.050: Pre-zoning

- A. **Purpose.** The purpose of this Section is to provide local implementation of the authority granted cities by Government Code § 65859, relating to pre-zoning of property prior to annexation by the City.
- B. **Pre-zoning Required.** Before the annexation to the City of any property, the sponsor of any annexations shall file an application for pre-zoning of the subject property to be annexed and the City shall establish the zone(s) that will be in effect on the effective date of the annexation.
- C. **Same as Zoning Map Amendments.** The process for pre-zoning property to be annexed to the City shall be the same as is specified in this Chapter 17.6.04 (~~Zoning Code, Zoning Map, and General Plan Amendments~~Amendments to Zoning Code, Zoning Map, and General Plan).
- D. **Compliance with Plans.** The Zoning shall be in compliance with the General Plan and any applicable specific plan.

**E. Pre-zoning.**

1. Any property lying outside of, but adjacent to the City limits and inside its sphere of influence, may be pre-zoned with a City zone classification in compliance with Government Code § 65859 and this Chapter.
2. If any property has been pre-zoned in this manner, the assigned zone classification shall become effective at the same time the annexation of the property becomes effective.

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## 17.2.08: Residential Zones

17.2.08.010: Purpose

17.2.08.020: Residential Zones

17.2.08.030: Allowed Land Use and Permit Requirements

17.2.08.040: Residential Zones Development Standards

17.2.08.050: Additional Standards and Requirements

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### 17.2.08.010: Purpose

In addition to the purpose and intent described in Section 17.1.04.020 (Intent and Purpose), the specific purposes of the residential zones are to:

- A. Reserve appropriately located areas for residential uses at varying ranges of densities and types consistent with the General Plan and with sound standards of public health, safety, and welfare; and
- B. Ensure adequate light, air, privacy, and open space for each dwelling.

---

### 17.2.08.020: Residential Zones

**A. Residential Agriculture Zone (RA).**

The Residential Agricultural (RA) Zone applies to semi-rural areas on the fringe of the City where light agricultural activities and large suburban estates are desired.

**B. Single-Family Residential Zone (R-1).**

The Single-Family Residential (R-1) Zone applies to areas of the City intended for single-family residential development. The purpose of the R-1 Zone is to stabilize and protect the residential character of neighborhoods within the City.

**C. Medium Density Residential Zone (R-2).**

The Medium Density Residential (R-2) Zone applies to areas of the City appropriate for medium density residential development. The purpose of the R-2 Zone is to stabilize and maintain the residential character of these areas by providing housing close to schools, shopping, and services at densities responsive to developing affordable rental and ownership housing.

**D. High Density Residential Zone (R-3).**

The High Density Residential (R-3) Zone applies to areas of the City appropriate for medium to high density multi-family residential development. The purpose of this Zone is to stabilize and maintain the residential character of these areas by allowing for high density living while providing residential design flexibility, options for affordable housing, and more efficient use of open space

**E. Residential Mobile Home Park Zone (MH).**

The Residential Mobile Home Park (MH) Zone applies to areas of the City appropriate for the exclusive and orderly planned development of mobile home parks and subdivisions, and travel trailer parks and recreational vehicle parks. The purpose of the Zone is to establish appropriate regulations and standards pursuant to § 18000 et seq. of the Health and Safety Code of the State of California.

**17.2.08.030: Allowed Land Use and Permit Requirements**

The land uses allowed in the residential zones are listed below, together with the planning permit type required for each use.

**A. Establishment of an Allowable Use.**

1. Any one or more land uses allowed in Table 17.2.08.030.A (Residential Zones Allowed Uses) may be established on any lot within the residential zone, subject to the planning permit requirement listed in the Table, and in compliance with all applicable requirements of this Code. Accessory uses are allowed only in conjunction with a primary use to which the accessory use relates.
2. Where a single parcel is proposed for development with two or more of the land uses listed in the Table at the same time, the overall project will be subject to the highest permit level required by the Table for any individual use.
3. Uses not listed below may be allowed in compliance with Subsection 17.1.08.030.D (Allowable Uses of Land).

**B. Allowed Uses.**

Table 17.2.08.030.A: Residential Zones Allowed Uses						
Use	Requirement by Zone					Specific Use Regulations
	RA	R-1	R-2	R-3	MH	
<b>Agricultural Uses and Animal Keeping Use Types</b>						
Animal Keeping and Production	P	-	-	-	-	Title 6 (Animals)
Animal Raising and Keeping	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	17.4.04.040
Community Garden	P	P	P	P	P	17.4.04. <del>060</del> 070
Field and Tree Crop Production	P	-	-	-	-	-
<b>Recreation, Education, and Assembly Use Types</b>						
College/University	CUP	-	-	-	-	-
Community Assembly, Neighborhood	CUP	CUP	CUP	CUP	-	-
Recreation, Outdoor	CUP	P	P	P	-	-
Recreation, Passive	P	P	P	P	-	-
Recreational Vehicle (RV) Park	-	-	-	-	CUP	-
Schools, Public or Private	-	CUP	CUP	CUP	-	-

Table 17.2.08.030.A: Residential Zones Allowed Uses						
Use	Requirement by Zone					Specific Use Regulations
	RA	R-1	R-2	R-3	MH	
<b>Residential Use Types</b>						
Accessory Dwelling Unit	P	P	P	P	-	17.4.04.020
Emergency Shelter	CUP	CUP	CUP	CUP	CUP	17.4.04. <del>090080</del>
Family Day Care Home, Large	AUP	AUP	AUP	AUP	-	17.4.04. <del>100090</del>
Family Day Care Home, Small	P	P	P	P	-	17.4.04. <del>100090</del>
Home Occupation	AUP	AUP	AUP	AUP	AUP	17.4.04. <del>110100</del>
Mobile Home Park	CUP	CUP	CUP	CUP	P	-
Multi-Family Residential: Duplex	-	-	P	P	-	17.4.04. <del>150140</del>
Multi-Family Residential: Triplex & Four-Plex	-	-	MUP <sup>2</sup>	P	-	17.4.04. <del>150140</del>
Multi-Family Residential: > 4 Units	-	-	CUP <sup>2</sup>	P	-	17.4.04. <del>150140</del>
Residential Care Homes <7 Ppl	P	P	P	P	P	17.4.04. <del>190180</del>
Residential Care Homes ≥7 Ppl	CUP	CUP	CUP	CUP	CUP	17.4.04. <del>180190</del>
Single-Family Residential	P	P	P	CUP <sup>3</sup>	-	-
Supportive Housing <7 Ppl	P	P	P	P	P	-
Supportive Housing ≥7 Ppl	CUP	CUP	CUP	CUP	CUP	-
Transitional Housing <7 Ppl	P	P	P	P	P	-
Transitional Housing ≥7 Ppl	CUP	CUP	CUP	CUP	CUP	-
<b>Services Use Types</b>						
Bed & Breakfast	P	MUP	MUP	MUP	-	-
Lodging	CUP	-	-	-	-	-
Public Services, Major	CUP	-	-	-	-	-
Public Services, Minor	MUP	-	CUP	CUP	-	-
Safe Parking Program	MUP	MUP	MUP	MUP	-	LMC 10.30
<b>Wireless Telecommunications Facility Use Types</b>						
Other Wireless Telecommunications Facility	See Section 17.4.04. <del>210200</del>					
<b>Transportation and Infrastructure Use Types</b>						
Airport	CUP	-	-	-	-	-
<b>Other Use Types</b>						
Temporary Use	See Section 17.4.04. <del>200190</del>					

P = Permitted Use

AUP = Administrative Use Permit (See Chapter 17.5.08)

MUP = Minor Use Permit required (See Chapter 17.5.20)

CUP = Conditional Use Permit required (See Chapter 17.5.20). A conditionally permitted use may be permitted subject to a Minor Use Permit when the use will be in an existing building and all applicable development standards applicable are met.

- = Use not allowed

<sup>1</sup> Permitted use on any lot containing a single-family residence, including a legal nonconforming single-family residence, provided the use complies with 17.4.04.040.

<sup>2</sup> Permitted use when only one new unit is added to an existing project.

<sup>3</sup> Multi-family projects of single-family homes are permitted (e.g., cottage court), but a standalone single-family dwelling requires a CUP.

## 17.2.08.040: Residential Zones Development Standards

Table 17.2.08.040.A: Residential Zones Development Standards						
Development Feature	Requirement by Zone					
	RA	10-R-1	7-R-1	R-2	R-3	MH
<b>Lot Requirements<sup>1</sup></b>						
Lot Area (min.)	20,000 s.f.	10,000 s.f. <sup>2</sup>	7,000 s.f. <sup>2</sup>	6,000 s.f.	7,000 s.f.	10 acres
Lot Width (min.)	100 ft.	75 ft. interior and corner lots <sup>2</sup>	65 ft. interior lots; 70 ft. corner lots <sup>2</sup>	50 ft.	50 ft.	-
Lot Depth (min.)	-	90 ft.	90 ft.	-	-	-
<b>Setbacks</b>						
Front (min.)	20 ft.	15 ft.	15 ft.	15 ft.	15 ft.	-
Side - Interior	10% of lot width; min. 5 ft. and max. 10 ft. <sup>3,4</sup>	5 ft. <sup>4</sup>	5 ft. <sup>4</sup>	5 ft. <sup>4</sup>	5 ft. <sup>4</sup>	
Side - Street (min.)	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	
Rear (min.)	15 ft. <sup>4</sup>	5 ft. (1-story building); 10 ft. (2-story building) <sup>4,5</sup>	10 ft. <sup>4</sup>	10 ft. <sup>4</sup>	10 ft. <sup>4</sup>	
<b>Building Form Standards</b>						
Height (max.) - Primary Building	35 ft. or 2 stories, whichever is less	30 ft.	30 ft.	30 ft.	35 ft.	-
Height (max.) - Accessory Building	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	-
Lot Coverage (max.)	-	40%	50%	50%	60%	-
Landscaped Open Area (min.)	-	-	-	300 s.f./unit	250 s.f./unit	250 s.f./unit
<b>Density Standards<sup>6</sup></b>						
Density (max.)	2.2 dwelling units/net acre	2.5 to 6.2 dwelling units/net acre depending on General Plan LDR land use sub-category	14.5 dwelling units/net acre	22 dwelling units/net acre	22 dwelling units/net acre	7 mobile home spaces/gross acre
Density (min.)	-	-	6.2 dwelling units/net acre	14.5 dwelling units/net acre	14.5 dwelling units/net acre	-



Table 17.2.08.040.A: Residential Zones Development Standards						
Development Feature	Requirement by Zone					
	RA	10-R-1	7-R-1	R-2	R-3	MH
<b>Other Standards</b>						
Accessory Structures	See Section 17.3.04.020: (Accessory Structures)					
Fences and Walls	See Chapter 17.3.12 (Landscaping and Screening Standards)					
Landscaping and Screening	See Chapter 17.3.12 (Landscaping and Screening Standards) & Title 15, Chapter 15.52 (Water Efficient Landscape and Irrigation Standards)					
Parking	See Chapter 17.3.08 (Parking Standards)					
Performance Standards	See Section 17.3.04.090 (Performance Standards)					
Signs	See Chapter 17.3.16 (Sign Standards)					
Additional Requirements	See Section 17.2.08.050 (Additional Standards and Requirements)					

<sup>1</sup> See Section 17.3.04.060 (Hillside Development) for lot requirements where steep slopes exist.

<sup>2</sup> Minimum lot sizes and widths for recreation, education, and assembly uses shall be approved by the Review Authority. Also, see exceptions in Subsection 17.3.04.050.B.

<sup>3</sup> A 10-foot minimum side setback is required for any agricultural building or structure greater than 45 feet in height.

<sup>4</sup> See Section 17.3.04.020 (Accessory Structures) for additional setback standards.

<sup>5</sup> The setback may be reduced to five feet for a two-story building with a garage entrance facing an alley.

<sup>6</sup> Any resulting fractions shall round up, and only a whole number shall be considered in determining the number of units allowed on a lot, unless required by State density bonus law. However, in no case shall rounding allow density to exceed the maximum densities identified in Table 17.2.08.040.A.

- = No standard

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### 17.2.08.050: Additional Standards and Requirements

**R-1 Zone.** All dwelling units in the R-1 Zone should have a minimum roof overhang of six inches on all sides of the structure, except that this standard does not apply to dwelling units with exterior mansard roofs on four sides or to dwelling units with parapet walls on at least two sides.

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## 17.2.12: Commercial Zones

17.2.12.010: Purpose

17.2.12.020: Commercial Zones

17.2.12.030: Allowed Land Use and Permit Requirements

17.2.12.040: Commercial Zones Development Standards

17.2.12.050: Additional Standards and Requirements

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### 17.2.12.010: Purpose

In addition to the purpose and intent described in Section 17.1.04.020 (Intent and Purpose), the specific purpose of the commercial zones is to achieve the goals and policies of the General Plan related to commercial areas of Lompoc.

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### 17.2.12.020: Commercial Zones

#### **A. Convenience Center Zone (CC).**

The Convenience Center (CC) Zone applies to areas of the City where it is appropriate to provide commercial centers adjacent to residential areas to allow for neighborhood shopping needs and walkability.

#### **B. Central Business Zone (CB).**

The Central Business (CB) Zone applies to areas of the City that provide a wide variety of retail, office, and services uses, including visitor-oriented and auto-oriented businesses for the business and commercial needs of the City.

#### **C. Old Town Commercial Zone (OTC).**

The Old Town Commercial (OTC) Zone applies to the Old Town area of the City that provides for medium-intensity commercial uses that serve mostly community-wide needs in a pedestrian-friendly environment characterized by street-front stores and offices with residential uses generally limited to above first floor commercial uses.

#### **D. Planned Commercial Development (PCD).**

The Planned Commercial Development (PCD) Zone is intended to provide for the orderly development of commercial centers in conformance with the General Plan. This Zone is intended to provide flexibility in the site planning and design of various types of commercial developments along major highway corridors.

**17.2.12.030: Allowed Land Use and Permit Requirements**

The land uses allowed in the commercial zones are listed below, together with the planning permit type required for each use.

**A. Establishment of an Allowable Use.**

1. Any one or more land uses allowed in Table 17.2.12.030.A (Commercial Zones Allowed Uses) may be established on any lot within the commercial zone, subject to the planning permit requirement listed in the Table, and in compliance with all applicable requirements of this Code. Accessory uses are allowed only in conjunction with a primary use to which the accessory use relates.
2. Where a single parcel is proposed for development with two or more of the land uses listed in the Table at the same time, the overall project will be subject to the highest permit level required by the Table for any individual use.
3. Uses not listed below may be allowed in compliance with Subsection 17.1.08.030.D (Allowable Uses of Land).

**B. Allowed Uses.**

Table 17.2.12.030.A: Commercial Zones Allowed Uses					
Use	Requirement by Zone				Specific Use Regulations
	CC	CB	OTC	PCD	
<b>Agricultural Uses and Animal Keeping Use Types</b>					
Animal Raising and Keeping	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	17.4.04.040
Community Garden	P	P	P	P	17.4.04. <del>060</del> <u>070</u>
<b>Industrial, Manufacturing, Processing, and Wholesaling Use Types</b>					
Artisan Manufacturing	-	MUP	MUP	MUP	-
Cannabis Testing Laboratory	-	P	-	P	LMC 9.36
Manufacturing/Processing: Light/Medium	-	CUP	-	CUP	-
Micro-Alcohol Production	-	CUP	CUP	CUP	-
<b>Recreation, Education, and Assembly Use Types</b>					
Business/Trade School	-	P	CUP	P	-
Civic/Government	-	P	P	P	-
Community Assembly, Neighborhood	-	P	CUP	P	-
Community Assembly, Regional	-	CUP	CUP	CUP	-
Entertainment, Indoor - Neighborhood	-	P	P	P	-
Entertainment, Indoor - Regional	-	CUP	CUP	CUP	-
Library/Museum	-	MUP	MUP	MUP	-
Recreation, Indoor	MUP	MUP	MUP	MUP	-
Recreation, Outdoor	P	MUP	MUP	P	-
Recreation, Passive	P	P	P	P	-
Schools, Public or Private	-	P	P	P	-
Studio, Instructional Services	P	P	p <sup>2</sup>	P	-

Table 17.2.12.030.A: Commercial Zones Allowed Uses					
Use	Requirement by Zone				Specific Use Regulations
	CC	CB	OTC	PCD	
<b>Residential Use Types</b>					
Caretaker's Unit	-	MUP	-	MUP	17.4.04.060
Emergency Shelters	P	P	CUP	CUP	17.4.04.090
Home Occupation	-	-	AUP	-	17.4.04.110 <del>100</del>
Live/Work	MUP	MUP	P	MUP	17.4.04.120 <del>110</del>
Multi-Family Residential	-	-	p <sup>3</sup>	-	17.4.04.150 <del>140</del>
Single Room Occupancy	CUP	CUP	CUP	CUP	-
Supportive Housing	-	-	p <sup>3,4</sup>	-	-
<b>Retail Trade Use Types</b>					
Alcohol Sales	P	P	P	P	-
Bar/Nightclub	-	P	MUP	P	-
Dispensary	P	P	P	P	LMC 9.36
Drive-Through, Non-Restaurants	MUP	MUP	CUP <sup>5</sup>	MUP	-
General Retail ≤ 5,000 sf	P	P	P	P	-
General Retail > 5,000 sf.	MUP	MUP	MUP	P	-
Outdoor Dining	P	P	P	P	17.4.04.160 <del>150</del>
Outdoor Display	AUP	MUP	AUP	AUP	17.4.04.170 <del>160</del>
Restaurant- w/o Alcohol Sales	P	P	P	P	-
Restaurant- w/ Alcohol Sales	MUP	P	P	P	-
Restaurant- w/ Drive Through	CUP	CUP	CUP <sup>5</sup>	CUP	-
<b>Services Use Types</b>					
Bed & Breakfast	-	-	CUP	-	-
Day Care, Commercial	CUP	-	CUP	-	-
Dry Cleaning, Processing	P	-	-	P	-
Funeral Homes and Mortuaries	-	P	-	P	-
General Services	P	P	P	P	-
Hospital	-	P	-	P	-
Lodging	-	P	MUP	P	-
Medical Clinics and Laboratories	-	P	P	P	-
Offices, General	P	P	P	P	-
Public Services, Emergency Services	-	P	P	P	17.4.04.180 <del>170</del>
Safe Parking Program	MUP	MUP	MUP	MUP	LMC 10.30
Veterinary Clinics and Hospitals	-	P	-	P	-
<b>Wireless Telecommunications Facility Use Types</b>					
Wireless Tower	CUP	CUP	CUP	CUP	17.4.04.210 <del>200</del>
Other Wireless Telecommunications Facility	See Section 17.4.04.200				
<b>Transportation Facilities Use Types</b>					
Parking Lot	-	P	-	P	-
Parking Structure	-	P	CUP	P	-

Table 17.2.12.030.A: Commercial Zones Allowed Uses					
Use	Requirement by Zone				Specific Use Regulations
	CC	CB	OTC	PCD	
Passenger Transportation Facilities	-	CUP	CUP	CUP	-
<b>Vehicle Sales and Services Use Types</b>					
Automotive Sales and Rental	-	P	p <sup>6</sup>	P	-
Gas/Service Station	CUP	CUP	-	CUP	-
Large Vehicle and Boat Sales and Rental	-	P	-	P	-
Repair, Minor	-	P	p <sup>6</sup>	P	-
Repair, Major	-	P	-	P	-
<b>Other Use Types</b>					
Adult Businesses	-	MUP	-	MUP	17.4.04.030
Temporary Use	See Section 17.4.04. <del>200190</del>				

P = Permitted Use

AUP = Administrative Use Permit (See Chapter 17.5.08)

MUP = Minor Use Permit required (See Chapter 17.5.20)

CUP = Conditional Use Permit required (See Chapter 17.5.20). A conditionally permitted use may be permitted subject to a Minor Use Permit when the use will be in an existing building and all applicable development standards applicable are met.

- = Use not allowed

<sup>1</sup> Permitted use on any lot containing a single-family residence, including a legal nonconforming single-family residence, provided the use complies with 17.4.04.040.

<sup>2</sup> Chemical-based photographic studios, laundry facilities, and similar uses shall not be allowed in the OTC Zone.

<sup>3</sup> For buildings with H Street or Ocean Avenue frontage in the OTC Zone, residential uses may only be located on the first floor if the residential use does not face the street (i.e., H Street or Ocean Avenue) and residential access is provided at the rear of the building.

<sup>4</sup> Permitted use only if the supportive housing development satisfies all of the requirements in Government Code § 65651.

<sup>5</sup> Limited to lots that are listed in the City’s registry of Old Town Commercial lots with previously existing drive-throughs. Drive-through uses may be reestablished on these lots, and any on-site building(s) that previously functioned as a drive-through may be improved to accommodate the reestablishment of the drive-through use provided the improvements comply with Section 17.6.20.050 (Nonconforming Structures), if applicable.

<sup>6</sup> Limited to indoor motorcycle and smaller footprint automobile sales, rental, and repair. However, if a lot is listed in the City’s registry of Old Town Commercial lots with previously existing automobile sales, rental, or repair sites, a CUP is required to allow for the reestablishment of automobile sales, rental, or repair uses. Any building(s) on these lots that previously functioned as automobile sales, rental, or repair may be improved to accommodate the reestablishment of the automobile sales, rental, or repair use provided the improvements comply with Section 17.6.20.050 (Nonconforming Structures), if applicable.

17.2.12.040: Commercial Zones Development Standards

Table 17.2.12.040.A: Commercial Zones Development Standards					
Development Feature	Requirement by Zone				
	CC	CB <sup>1</sup>	OTC	PCD <sup>1</sup>	
<b>Lot Requirements</b>					
Lot Area (min.)	7,000 s.f.	7,000 s.f.	5,000 s.f.	10,000 s.f.	
Lot Area (max.)	3 acres	-	-	-	
Lot Width (min.)	-	60 ft.	25 ft.	-	
<b>Setbacks</b>					
Front (min.)	10 ft.	-	-	CB standards apply unless a Preliminary Development Plan is approved (see Subsection 17.2.12.050.A)	
Side - Interior (min.)	-	When adjoining residential - 10 ft.	-		
Side - Street (min.)	-	-	-		
Rear (min.)	15 ft.	When adjoining residential - 10 ft.	5 ft.		
<b>Building Form Standards</b>					
Height (max.)	30 ft.	50 ft. or 4 stories, whichever is less	45 ft. or 3 stories, whichever is less	CB standards apply unless a Preliminary Development Plan is approved (see Subsection 17.2.12.050.A)	
Height (max.) - Accessory Building	20 ft.	20 ft.	20 ft.		
Lot Coverage (max.)	-	-	-		
Floor Area Ratio (max.)	0.5	0.5	2.0 with up to 50% of floor area for residential		
Height (min.)	-	-	20 ft.		
<b>Density Standards<sup>2</sup></b>					
Density (max.)	-	-	44 dwelling units/net acre	-	
Density (min.)	-	-	20 dwelling units/net acre	-	
<b>Build-to Requirement<sup>3</sup></b> See Figure 17.2.12.040.1					
Build-to-area Width		-	-	0 – 10 ft.	CB standards apply unless a Preliminary Development Plan is approved (see Subsection 17.2.12.050.A)
H Street or Ocean Avenue	Corner Lot	-	-	25 ft. from street corner (min.)	
	Interior Lot	-	-	60% of street frontage (min.)	
Any Other Street	All Lots	-	-	40% of street frontage (min.)	

Table 17.2.12.040.A: Commercial Zones Development Standards				
Development Feature	Requirement by Zone			
	CC	CB <sup>1</sup>	OTC	PCD <sup>1</sup>
<b>Other Standards</b>				
Accessory Structures	See Section 17.3.04.020 (Accessory Structures)			
Fences and Walls	See Chapter 17.3.12 (Landscaping and Screening Standards)			
Landscaping and Screening	See Chapter 17.3.12 (Landscaping and Screening Standards) & Title 15, Chapter 15.52 (Water Efficient Landscape and Irrigation Standards)			
Parking	See Chapter 17.3.08 (Parking Standards)			
Performance Standards	See Section 17.3.04.090 (Performance Standards)			
Signs	See Chapter 17.3.16 (Sign Standards)			
Additional Requirements	See Section 17.2.12.050 (Additional Standards and Requirements)			

<sup>1</sup> If a lot is located within the H Street Overlay, also see standards in Chapter 17.2.24 (Overlay Zones).

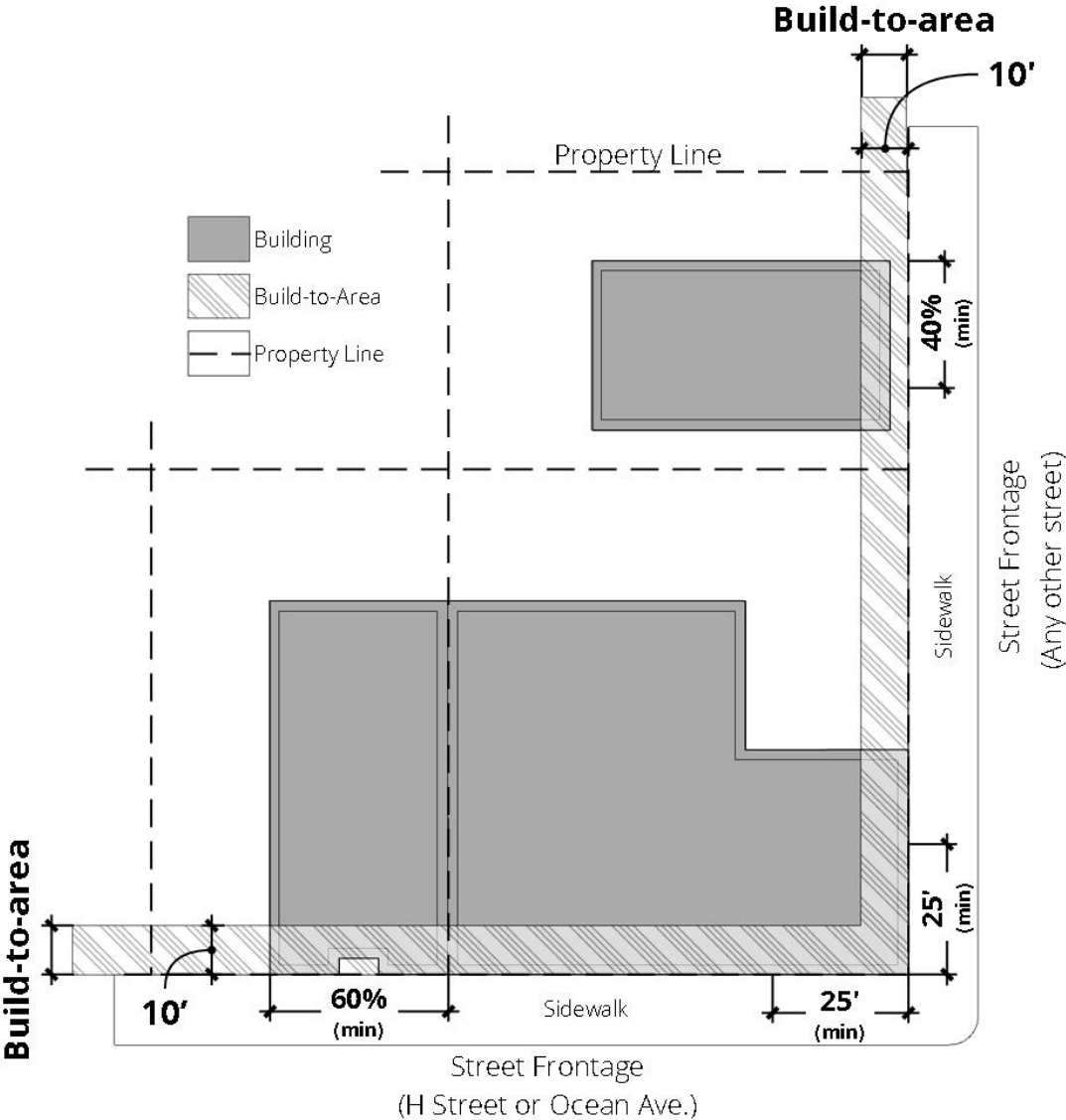
<sup>2</sup> Any resulting fractions shall round up, and only a whole number shall be considered in determining the number of units allowed on a lot, unless required by State density bonus law. However, in no case shall rounding allow density to exceed the maximum densities identified in Table 17.2.12.040.A.

<sup>3</sup> Build-to requirements may be waived if the Director finds that 1) plazas, courtyards, or outdoor eating areas that function as publicly accessible open space with amenities such as seating, landscaping, and lighting are located between the build-to-line and the building or are adjoining the build-to-line and the building; 2) the building incorporates an alternative entrance design that creates a welcoming entry feature facing the street; 3) a larger area is required to preserve existing mature trees or landscaping; or 4) another alternative provides a desired outcome along the street.

- = No standard



Figure 17.2.12.040.1: Build-to Requirement



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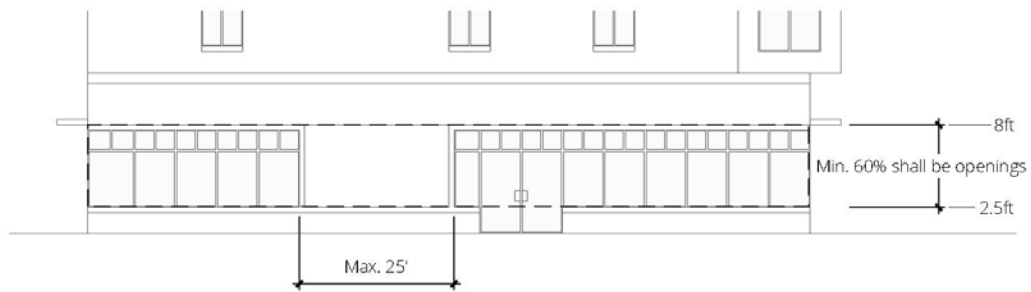
**17.2.12.050: Additional Standards and Requirements**

- A. Planned Commercial Development Zone. Preliminary Development Plan.** An application for a Preliminary Development Plan shall be prepared, filed, and processed in compliance with Chapter 17.5.32 (Planned Development, Preliminary Development Plan). The Commission may approve a Preliminary Development Plan in the PCD Zone only after the findings listed in Section 17.5.32.050 (Findings and Decision) are made.
- B. Old Town Commercial Zone.**
1. **Building orientation and entrances.**
    - a. The primary entrance to a building shall be located to face a street or be connected to a street via a courtyard, walkway, plaza or similar public space. When it is not possible to locate the primary entrance to face the street, plaza, courtyard, or walkway, a secondary entrance should be designed to connect to these public places.
    - b. Building entrances shall be clearly identifiable with enhanced architectural features such as a change in plane (e.g., the entrance may be recessed on the street level facade), differentiation in materials and colors, lighting, modulation of roof lines to define the building entrance, or landscape treatments.
  2. **Building transparency and openings for non-residential uses.** The standards of this Subsection are illustrated in Figure 17.2.12.050.1 (Building Transparency and Openings).
    - a. Exterior walls facing and within 20 feet of a street, park, plaza, pedestrian walkway, or other public outdoor space shall include windows, doors, or other openings for at least 60% of the building wall area located between 2.5 and eight feet above the level of the sidewalk, and such walls shall not have a continuous horizontal plane for more than 25 feet without an opening.
    - b. Openings fulfilling the requirement in Subsection 2.a shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces or into window displays that are at least three feet deep.
    - c. Windows on the ground level building façade facing a street shall not be opaque; however, this requirement may be waived by the Director if the use is a medical clinic or similar that requires privacy.

e.d. Alternatives to the building transparency requirement may be approved if the Director finds that the street-facing building walls exhibit architectural relief and detail or are enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

e.e. A parking garage that does not incorporate ground-floor non-residential or residential use or is not otherwise screened or concealed at street frontages on the ground level, must provide a landscaped area at least 10 feet wide between the parking garage and public street. The landscaping may encroach into the City's right-of-way with an Encroachment Permit and shall comply with the standards in Chapter 17.3.12 (Landscaping and Screening Standards).

**Figure 17.2.12.050.1: Building Transparency and Openings**



### 3. Limitations on location of parking.

- a. Building frontages must be placed within or adjoining the build-to-area where required by Table 17.2.12.040.A so that vehicle parking and circulation areas, including driveways, can be located behind or to the side of the building.
- b. Surface parking may be located within 20 feet of a street facing property line when the Director makes the following findings:
  - (i) Buildings comply with the build-to-area requirement (Table 17.2.12.040.A); and
  - (ii) The parking area is landscaped along the public right-of-way with a hedge, trellis, and/or landscaping consistent with Chapter 17.3.12 (Landscaping and Screening Standards).

4. **Pedestrian access.** On-site pedestrian circulation and access shall be provided to connect all buildings on a site including connections to parking and open space amenities; there shall be a connection to the public sidewalk.
  - a. **Pedestrian walkway design.**
    - (i) Walkways shall be a minimum of six feet wide, shall be hard-surfaced, and paved with permeable materials.
    - (ii) Where a required walkway crosses a driveway, parking area, or loading area, it must be clearly identified using a raised crosswalk, a different paving material, or a similar method.
    - (iii) Where a required walkway is parallel and adjacent to an auto travel lane, it shall be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.
5. **Street trees.** A minimum of two trees shall be located along every 50 feet of street frontage and may only be located in City right-of-way if approved by the Urban Forestry Division. Street trees shall comply with applicable standards in Chapter 17.3.12 (Landscape and Screening Standards).
6. **Limitations on outside uses.** All uses, including commercial, repair, service, and storage uses shall be conducted within a completely enclosed building except as allowed by Section 17.4.04.170160 (Outdoor Display) and Section 17.4.04.150-160 (Outdoor Dining).
7. **Solid waste and recycling container enclosures.** In addition to the requirements of Section 17.3.04.110 (Solid Waste and Recycling Container Enclosures) and 17.3.12.040.G (Equipment Screening), refuse storage and disposal areas shall be provided within trash enclosures which are screened on at least three sides from public view by a solid, decorative wall or fence, six feet in height. Slatted chain link wooden fencing, or landscaping alone, is not permitted.

## 17.2.16: Industrial Zones

17.2.16.010: Purpose

17.2.16.020: Industrial Zones

17.2.16.030: Allowed Land Use and Permit Requirements

17.2.16.040: Industrial Zones Development Standards

17.2.16.050: Additional Standards and Requirements

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### 17.2.16.010: Purpose

The specific purposes of the industrial zones are to:

- A.** Reserve appropriately located areas for viable industrial uses and protect these areas from intrusion by family dwellings or other incompatible uses;
- B.** Protect residential and commercial uses from objectionable influences incidental to certain industrial uses;
- C.** Protect industrial uses and structures from hazard and to minimize the impact of industrial uses on the environment; and
- D.** Protect employment centers from undue restrictions.

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### 17.2.16.020: Industrial Zones

**A. Industrial Zone (I).**

The Industrial (I) Zone applies to areas of the City appropriate for light industrial, manufacturing, and limited accessory uses, including outdoor uses. The Zone is intended to encourage sound industrial development in appropriate areas and to provide development standards to protect adjacent commercial districts.

**B. Business Park Zone (BP).**

The Business Park (BP) Zone applies to areas of the City appropriate for clean and attractive planned industrial centers on large integrated parcels where all activities are conducted indoors. The Zone is intended for a mix of business facilities and accessory uses with primary users sharing common building complexes with common sign programs, building architecture, utility networks, and landscape areas in compatibly planned developments.

### 17.2.16.030: Allowed Land Use and Permit Requirements

The land uses allowed in the industrial zones are listed below, together with the planning permit type required for each use.

#### A. Establishment of an Allowable Use.

1. Any one or more land uses allowed in Table 17.2.16.030.A (Industrial Zones Allowed Uses) may be established on any lot within the industrial zone, subject to the planning permit requirement listed in the Table, and in compliance with all applicable requirements of this Code. Accessory uses are allowed only in conjunction with a primary use to which the accessory use relates.
2. Where a single parcel is proposed for development with two or more of the land uses listed in the Table at the same time, the overall project will be subject to the highest permit level required by the Table for any individual use.
3. Uses not listed below may be allowed in compliance with Subsection 17.1.08.030.D (Allowable Uses of Land).

#### B. Allowed Uses.

Table 17.2.16.030.A: Industrial Zones Allowed Uses			
Use	Requirement by Zone		Specific Use Regulations
	I	BP	
<b>Agricultural Uses and Animal Keeping Use Types</b>			
Animal Raising and Keeping	P <sup>1</sup>	P <sup>1</sup>	17.4.04.040
Community Garden	P	P	17.4.04. <del>070060</del>
<b>Industrial, Manufacturing, Processing and Wholesaling Use Types</b>			
Artisan Manufacturing	P	P	-
Cannabis Cultivation	P	P	LMC 9.36
Cannabis Manufacturing	P	P	LMC 9.36
Cannabis Testing Laboratory	P	P	LMC 9.36
Construction Storage/Supply Yard	P	-	17.4.04. <del>080070</del>
Equipment Rental Yard	P	-	-
Equipment Rental Yard, Heavy	P	-	-
Feed and Fuel Facility	P	-	-
Manufacturing/Processing: Heavy	CUP	-	-
Manufacturing/Processing: Light/Medium	P	P	-
Micro-Alcohol Production	P	P	-
Mini-Storage Warehousing or Facility	P	-	-
Research and Development	P	P	-
Warehousing, Storage, and Distribution	P	P	-
Winery	P	P	-
<b>Recreation, Education, and Assembly Use Types</b>			
Community Assembly, Neighborhood	CUP	MUP	-
Community Assembly, Regional	-	CUP	-
Recreation, Passive	P	P	-

Table 17.2.16.030.A: Industrial Zones Allowed Uses			
Use	Requirement by Zone		Specific Use Regulations
	I	BP	
<b>Residential Use Types</b>			
<del>Caretaker's Unit</del> Emergency Shelters	<del>CUP</del> CUP	<del>MUP</del> CUP	<del>17.4.04.060</del> 17.4.04.090080
Emergency Shelters	CUP	CUP	17.4.04.090
Caretaker's Unit	CUP	MUP	<del>17.4.04.060</del> 050
Live/Work	-	CUP	17.4.04.120110
<b>Retail Trade Use Types</b>			
Dispensary	CUP	CUP	LMC 9.36
Food Service	SUP <sup>2</sup>	SUP <sup>2</sup>	-
Outdoor Dining	MUP	MUP	17.4.04.160150
Restaurant	<del>MUP</del> <sup>2</sup>	<del>MUP</del> <sup>2</sup>	-
<b>Services Use Types</b>			
Dry Cleaning, Processing	MUP	-	-
Kennel	CUP	-	-
Office, General	-	P	-
Public Services, Major	MUP	-	-
Public Services, Minor	P	-	-
Safe Parking Program	MUP	MUP	LMC 10.30
<b>Wireless Telecommunications Facility Use Types</b>			
Wireless Tower	CUP	CUP	17.4.04.210200
Other Wireless Telecommunications Facility	See Section 17.4.04.210200		
<b>Vehicle Sales and Services Use Types</b>			
Automotive Storage	P	-	-
Large Vehicle and Boat Sales and Rental	P	-	-
Repair, Major	P	-	-
Repair, Minor	P	-	-
<b>Other Use Types</b>			
Temporary Use	See Section 17.4.04.200190		

P = Permitted Use. A permitted use that will be the first development on a vacant site requires Architectural Design and Site Development Review approval by the Commission.

AUP = Administrative Use Permit (See Chapter 17.5.08)

MUP = Minor Use Permit required (See Chapter 17.5.20). A use requiring a Minor Use Permit that will be the first development on a vacant site, or a site cleared for new structures, requires Architectural Design and Site Development Review approval by the Commission.

CUP = Conditional Use Permit required (See Chapter 17.5.20). A conditionally permitted use may be permitted subject to a Minor Use Permit when the use will be in an existing building and all applicable development standards applicable are met.

SUP = Special Use Permit required (See Chapter 17.5.52)

- = Use not allowed

<sup>1</sup> Permitted use on any lot containing a single-family residence, including a legal nonconforming single-family residence, provided the use complies with 17.4.04.040.

<sup>2</sup> ~~Food service shall be provided in conjunction with a use directly related to the wine industry (e.g., winery, wine tasting operation, wine storage, etc.). The food service area shall not exceed 749 square feet. This size limitation does not apply to outdoor patio or deck areas that do not reduce the number of existing parking spaces.~~

<sup>3</sup> ~~A restaurant devoted to the preparation and offering for sale of food and/or beverages for consumption either on or off the premises, which has 10 or more standardized other locations worldwide (i.e., standardized menus, ingredients, food preparation, décor, uniforms, or similar standardized features) is not allowed(1) offers any of the~~

following: standardized menus, ingredients, food preparation, décor, uniforms, or similar standardized features, and (2) has 10 or more similarly standardized other locations worldwide is not allowed.

**17.2.16.040: Industrial Zones Development Standards**

Table 17.2.16.040.A: Industrial Zones Development Standards		
Development Feature	Requirement by Zone	
	I	BP
<b>Lot Requirements</b>		
Lot Area (min.)	7,000 s.f.	2 acres <sup>1</sup>
Lot Frontage Width (min.)	50 ft.	150 ft.
<b>Setbacks</b>		
Front (min.)	None, except when new construction adjoins residential uses - 10 ft. landscape area	10 ft. <sup>2</sup>
Side - Interior (min.)		5 ft. <sup>2</sup>
Side - Street (min.)		
Rear (min.)		5 ft. <sup>2</sup>
<b>Building Form Standards</b>		
Height (max.)	35 ft.	35 ft.; 18 ft. adjacent to the boundary of Lompoc Airport <sup>3</sup>
Height (max.) - Accessory Building		
Lot Coverage (max.)	-	-
Floor Area Ratio (max.)	0.5	0.75
<b>Other Standards</b>		
Accessory Structures	See Section 17.3.04.020 (Accessory Structures)	
Fences and Walls	See Chapter 17.3.12 (Landscaping and Screening Standards)	
Landscaping and Screening	See Chapter 17.3.12 (Landscaping and Screening Standards) & Title 15, Chapter 15.52 (Water Efficient Landscape and Irrigation Standards)	
Parking	See Chapter 17.3.08 (Parking Standards)	
Performance Standards	See Section 17.3.04.090 (Performance Standards)	
Signs	See Chapter 17.3.16 (Sign Standards)	
Additional Requirements	See 17.2.16.050 (Additional Standards and Requirements)	

<sup>1</sup> Any proposed subdivision creating lots of less than 10 acres shall require approval of a conceptual Architectural Design and Site Development Review (See Chapter 17.5.12).

<sup>2</sup> Setback applies to building and parking areas.

<sup>3</sup> Unless more restrictive height standards are required by the Airport Master Plan.

- = No standard

**17.2.16.050: Additional Standards and Requirements**

**A. All Industrial Zones-Permanent Outdoor Storage.** Permanent outdoor storage and areas in the industrial zones shall comply with the following standards:

1. Provide screening with walls and landscaping in compliance with Chapter 17.3.12 (Landscaping and Screening);



2. Ensure no material is stored at a height greater than the height of the required wall or fence;
3. Storage material shall not cover more than 50% of the site area and shall be located on the rear portion of the parcel, unless storage is the primary use; and
4. A paved surface may be required if necessary to protect the public health, safety, and general welfare as determined by the Review Authority.

**B. Industrial Zone-Limited Accessory Uses.** Accessory uses, such as office, showroom, retail, and similar uses, are only allowed as incidental and secondary to the primary use. Accessory uses shall not exceed ~~40~~49% of the gross floor area of the primary industrial use and shall comply with parking requirements in Chapter 17.3.08 (Parking Standards).

~~Wine tasting rooms approved with a Conditional Use Permit are not subject to this limitation.~~

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## 17.2.20: Other Zones

17.2.20.010: Purpose

17.2.20.020: Other Zones

17.2.20.030: Allowed Land Use and Permit Requirements

17.2.20.040: Other Zones Development Standards

17.2.20.050: Additional Standards and Requirements

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### 17.2.20.010: Purpose

In addition to the purpose and intent described in Section 17.1.04.020 (Intent and Purpose), the specific purpose of the other zones is to adequately address special or unique land use characteristics.

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### 17.2.20.020: Other Zones

#### A. Mixed Use Zone (MU).

The Mixed Use (MU) Zone applies to areas near transportation corridors in the City where infill development with housing opportunities and retail commercial uses is encouraged. The Zone allows residents to have access to a mix of pedestrian-oriented uses which are harmoniously intermingled with multi-modal access.

#### B. Public Facilities and Institutional Zone (PF).

The Public Facilities and Institutional (PF) Zone applies to areas of the City owned by public or quasi-public agencies. The Zone is intended to provide for the public service, educational, recreational, social, and cultural needs of the community.

#### C. Open Space Zone (OS).

The Open Space (OS) Zone applies to areas of the City that are appropriate for designation as open space. The OS Zone is intended to ensure the protection of public health and safety; to preserve natural scenic areas for future populations; and to systematically manage the growth and direction of urban development.

#### D. Specific Plan Zone.

The Specific Plan (SP) Zone applies to areas of the City where the systematic implementation of General Plan goals and policies are desired to ensure a more comprehensive and intensive evaluation and planning effort due to their large size, the need to master plan infrastructure, and their unique environmental settings. Specific plans are authorized by, and shall be prepared and amended in accordance with, California Government Code § 65450 et. seq.

### 17.2.20.030: Allowed Land Use and Permit Requirements

The land uses allowed in the other zones are listed below, together with the planning permit type required for each use.

#### A. Establishment of an Allowable Use.

1. Any one or more land uses allowed in Table 17.2.20.030.A (Other Zones Allowed Uses) may be established on any lot within the other zone, subject to the planning permit requirement listed in the Table, and in compliance with all applicable requirements of this Code. Accessory uses are allowed only in conjunction with a primary use to which the accessory use relates.
2. Where a single parcel is proposed for development with two or more of the land uses listed in the Table at the same time, the overall project will be subject to the highest permit level required by the Table for any individual use.
3. Uses not listed below may be allowed in compliance with Subsection 17.1.08.030.D (Allowable Uses of Land).

#### B. Allowed Uses.

Table 17.2.20.030.A: Other Zones Allowed Uses				
Use	Requirement by Zone <sup>1</sup>			Specific Use Regulations
	MU	PF	OS	
<b>Agricultural Uses and Animal Keeping Use Types</b>				
Animal Keeping and Production	-	-	CUP	-
Animal Raising and Keeping	p <sup>2</sup>	-	-	17.4.04.040
Community Garden	P	P	P	17.4.04. <del>070060</del>
Field and Tree Crop Production	-	-	P	-
<b>Industrial, Manufacturing, Processing and Wholesaling Use Types</b>				
Artisan Manufacturing	CUP	-	-	-
Micro-Alcohol Production	CUP	-	-	-
Mining/Resource Extraction	-	-	CUP	17.4.04. <del>130120</del>
<b>Recreation, Education and Assembly Use Types</b>				
Cemeteries, Crematories, or Mausoleums	-	P	-	-
Civic/Government	P	P	-	-
Community Assembly	CUP	CUP	-	-
Entertainment, Outdoor	-	CUP	-	-
Library/Museum	CUP	P	-	-
Recreation, Indoor	CUP	CUP	-	-
Recreation, Outdoor	P	P	MUP	-
Recreation, Passive	P	P	P	-
Schools, Public or Private	CUP	P	-	-
Studio, Instructional Services	p <sup>3</sup>	-	-	-

Table 17.2.20.030.A: Other Zones Allowed Uses				
Use	Requirement by Zone <sup>1</sup>			Specific Use Regulations
	MU	PF	OS	
<b>Residential Use Types</b>				
Accessory Dwelling Unit	P <sup>4</sup>	-	-	17.4.04.020
Caretaker's Unit	P <sup>4</sup>	P	-	17.4.04. <del>060050</del>
Emergency Shelters	CUP <sup>4</sup>	CUP	-	17.4.04. <del>090080</del>
Family Day Care Home, Large	AUP <sup>4</sup>	-	-	17.4.04. <del>100090</del>
Family Day Care Home, Small	P <sup>4</sup>	-	-	17.4.04. <del>090100</del>
Home Occupation	AUP	-	-	17.4.04. <del>100110</del>
Live/Work	MUP	-	-	17.4.04. <del>120110</del>
Multi-Family Residential: Duplex	P <sup>4</sup>	-	-	<del>17.4.04.150-</del>
Multi-Family Residential	P <sup>4</sup>	-	-	<del>17.4.04.150-<del>[H1]</del></del>
Residential Care Homes <7	P <sup>4</sup>	-	-	17.4.04. <del>190180</del>
Residential Care Homes ≥7	CUP <sup>4</sup>	-	-	17.4.04. <del>190180</del>
Single-Family Residential	P <sup>4</sup>	-	-	-
Single Room Occupancy	CUP <sup>4</sup>	-	-	-
Supportive Housing	P <sup>4</sup>	-	-	-
Transitional Housing	P <sup>4</sup>	-	-	-
<b>Retail Trade Use Types</b>				
Alcohol Sales, Specialty Alcohol Shop	P	-	-	-
Bar/Nightclub	CUP	-	-	-
General Retail ≤ 5,000 sf.	P	-	-	-
General Retail > 5,000 sf.	MUP	-	-	-
Outdoor Dining	MUP	-	-	17.4.04. <del>160150</del>
Outdoor Display	MUP	-	-	17.4.04. <del>170160</del>
Pharmacy	P	-	-	LMC 9.36
Restaurant- w/o Alcohol Sales	P	-	-	-
Restaurant- w/ Alcohol Sales	MUP	-	-	-
<b>Services Use Types</b>				
Bed & Breakfast	P	-	-	-
Day Care, Commercial	CUP	-	-	-
General Services	P <sup>3</sup>	-	-	-
Hospital	-	CUP	-	-
Medical Clinics and Laboratories	MUP	-	-	-
Offices, General	P	P	-	-
Public Services, Emergency Services	-	P	-	17.4.04. <del>180170</del>
Public Services, Major	-	CUP	CUP	-
Public Services, Minor	-	P	CUP	-
Safe Parking Program	MUP	MUP	MUP	LMC 10.30
<b>Wireless Telecommunications Facility Use Types</b>				
Wireless Tower	CUP	CUP	CUP	17.4.04. <del>210200</del>
Other Wireless Telecommunications Facility	See Section 17.4.04. <del>210200</del>			
<b>Transportation Facilities Use Types</b>				
Airport	-	CUP	-	-
Parking Lot	CUP	P	MUP	-
Parking Structure	-	MUP	-	-
Passenger Transportation Facilities	-	CUP	-	-

Table 17.2.20.030.A: Other Zones Allowed Uses				
Use	Requirement by Zone <sup>1</sup>			Specific Use Regulations
	MU	PF	OS	
<b>Other Use Types</b>				
Correctional Institution	-	CUP	-	-
Managed Resources Production	-	-	P	-
Temporary Use	See Section 17.4.04.200190			

P = Permitted Use. A permitted use in the PF Zone requires Architectural Design and Site Development Review approval by the Planning Commission.

AUP = Administrative Use Permit (See Chapter 17.5.08).

MUP = Minor Use Permit required (See Chapter 17.5.20). A use requiring a Minor Use Permit in the PF Zone requires Architectural Design and Site Development Review approval by the Planning Commission.

CUP = Conditional Use Permit required (See Chapter 17.5.20). A conditionally permitted use may be permitted subject to a Minor Use Permit when the use will be in an existing building and all applicable development standards applicable are met.

- = Use not allowed

<sup>1</sup> Allowed uses within the Specific Plan Zone shall be established by an adopted specific plan.

<sup>2</sup> Permitted use on any lot containing a single-family residence, including a legal nonconforming single-family residence, provided the use complies with 17.4.04.040.

<sup>3</sup> Chemical-based photographic studios, laundry facilities, and similar uses shall not be allowed in the MU Zone.

<sup>4</sup> For buildings with H Street or Ocean Avenue frontage in the MU Zone, residential uses may only be located on the first floor if the residential use does not face the street (i.e., H Street or Ocean Avenue) and residential access is provided at the rear of the building.

**17.2.20.040: Other Zones Development Standards**

Table 17.2.20.040.A: Other Zones Development Standards			
Development Feature	Requirement by Zone <sup>1</sup>		
	MU	PF	OS
<b>Lot Requirements</b>			
Lot Area (min.)	7,000 s.f.	-	-
Lot Width (min.)	50 ft.	-	-
Lot Depth (min.)	-	-	-
<b>Setbacks</b>			
Front (min.)	-	5 ft. <sup>2</sup>	-
Side - Interior (min.)	-	5 ft. <sup>3</sup>	-
Side - Street (min.)	-		-
Rear (min.)	10 ft. <sup>4</sup>		-

<b>Table 17.2.20.040.A: Other Zones Development Standards</b>			
<b>Development Feature</b>	<b>Requirement by Zone<sup>1</sup></b>		
	<b>MU</b>	<b>PF</b>	<b>OS</b>
<b>Building Form Standards</b>			
Height (max.)	45 ft. or 3 stories, whichever is less	35 ft. or 3 stories, whichever is less	-
Height (max.) - Accessory Building	20 ft.	20 ft.	-
Lot Coverage (max.)	-	40%	-
Floor Area Ratio (max)	All commercial - 0.75 Mixed use - 1.00 with 25% to 50% of floor area for residential uses	1.0	-
<b>Density Standards<sup>5</sup></b>			
Density (max.)	44 dwelling units/net acre	-	-
Density (min.)	14.5 dwelling units/net acre	-	-
<b>Other Standards</b>			
Accessory Structures	See Section 17.3.04.020 (Accessory Structures)		
Fences and Walls	See Chapter 17.3.12 (Landscaping and Screening Standards)		
Landscaping and Screening	See Chapter 17.3.12 (Landscaping and Screening Standards) & Title 15, Chapter 15.52 (Water Efficient Landscape and Irrigation Standards)		
Parking	See Chapter 17.3.08 (Parking Standards)		
Performance Standards	See Section 17.3.04.090 (Performance Standards)		
Signs	See Chapter 17.3.16 (Sign Standards)		
Additional Requirements	See 17.2.20.050 (Additional Standards and Requirements)		

<sup>1</sup> Development standards applicable to parcels within the Specific Plan Zone shall be established by an adopted specific plan.

<sup>2</sup> When adjoining property that is zoned residential, and the residential property and the PF Zone property face the same street, a minimum 15-foot front yard setback is required.

<sup>3</sup> When adjoining property that is zoned residential, a minimum 10-foot setback is required along the property line abutting the residential zone.

<sup>4</sup> The rear setback may be reduced by the Review Authority if it can be demonstrated that there is sufficient room for solid waste receptacles and equipment storage and access.

<sup>5</sup> Applies to projects that are all residential (no commercial uses and not mixed use). Any resulting fractions shall round up, and only a whole number shall be considered in determining the number of units allowed on a lot, unless required by State density bonus law. However, in no case shall rounding allow density to exceed the maximum densities identified in Table 17.2.20.040.A.

- = No standard

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**17.2.20.050: Additional Standards and Requirements****A. Open Space Zone. River and Creek Setbacks.**

1. The following minimum setbacks shall be maintained from river and creek channel margins:
  - a. 100 feet – Santa Ynez River; and
  - b. 50 feet – Salsipuedes, San Miguelito, Sloans Canyon, and Davis Creeks.
2. The 50-foot creek setback may be reduced along channelized drainages provided the project is consistent with the following:
  - a. Project design results in the avoidance of significant impacts to riparian areas;
  - b. The project includes design features that control for potential adverse water quality effects (e.g., direct runoff away from the creek, bioswales, etc.) and light spillover effects;
  - c. The project emphasizes the natural features of the site;
  - d. The project complies with applicable landscape standards (e.g., native landscaping in open space areas); and
  - e. The project is consistent with the General Plan, including policies that require the City to protect the Santa Ynez River and its tributaries as open space.



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## 17.2.24: Overlay Zones

17.2.24.010: Purpose

17.2.24.020: Overlay Zones

17.2.24.030: Allowed Land Use and Permit Requirements

17.2.24.040: ~~Other-Overlay~~ Zones Development Standards

17.2.24.050: Additional Standards and Requirements

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### 17.2.24.010: Purpose

This Chapter sets forth additional standards for defined areas (i.e. overlay zones) that are applied in addition to standards provided in the base zones. These standards are intended to ensure that proposed uses and development are compatible with existing and future development on neighboring properties and produce an environment of desirable character consistent the General Plan.

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### 17.2.24.020: Overlay Zones

#### A. Airport Overlay Zone (AO).

The Airport Overlay (AO) Zone applies to areas of the City in the vicinity of the Lompoc Airport. The AO Zone is established for the general purpose of protecting the public health, safety, and welfare by minimizing the hazards to landing and take-off of aircraft and to increase the safety for land uses in the vicinity of the airport. The limitations on development imposed by the AO Zone are based upon the classification of the runway to be affected and are derived from the Santa Barbara County Airport Land Use Plan. The planning boundaries as designated by the Airport Land Use Commission, constitute the Airport Safety Zone, as designated by the Airport Land Use Commission.

#### B. Cultural Resources Overlay Zone (CRO).

The Cultural Resources Overlay (CRO) Zone applies to areas of the City where the protection of cultural resources is critical. The CRO Zone streamlines the process of development review within the archaeological high sensitivity zone on the City's south side and directs procedures that apply in cases where development requiring any ground disturbance is proposed.

#### C. Southside Overlay Zone (SO).

The Southside Overlay (SO) Zone applies to areas of the City on the Southside of Lompoc where residential units on specific parcels have been legally established as legal units but may not comply with the underlying density standards of the base zone. The SO Zone acknowledges this legal nonconforming condition.

**D. Planned Development Overlay Zone (PD).**

The Planned Development Overlay (PD) Zone applies to areas of the City appropriate for a flexible design approach to the development, which allows the development of diverse and varied uses and development that may not comply with all of the otherwise applicable standards of this Code in order to promote the orderly growth of Lompoc consistent with the General Plan.

**E. Special Event Overlay Zone (SEO).**

The Special Event Overlay (SEO) Zone applies to areas of the City that have a base industrial zone (I Zone or BP Zone) but are frequented by tourists and visitors for wine tasting and related activities. The SEO Zone is intended to facilitate special events in these areas.

**F. H Street Overlay Zone (HSO).**

The H Street Overlay (HSO) Zone applies to lots along the H Street corridor that are anticipated to be redeveloped or developed with commercial, residential, or a mix of uses in buildings and with associated improvements that result in a more attractive built environment that accommodates pedestrians, bicycles, transit, and private vehicles.

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**17.2.24.030: Allowed Land Use and Permit Requirements**

- A.** Land uses within any overlay zone shall comply with the allowed uses of the base zone, except as specifically modified, waived, or augmented by the overlay zone in Table 17.2.24.030.A (Overlay Zones Allowed Uses). If there is a conflict between any of the allowed uses in a base zone and an overlay zone, the overlay zone allowed uses shall control.
- B.** The land uses allowed in the overlay zones are listed below, together with the planning permit type required for each use.
- C. Establishment of an Allowable Use.**
1. Any one or more land uses allowed in Table 17.2.24.030.A (Overlay Zones Allowed Uses) may be established on any lot within the overlay zone, subject to the planning permit requirement listed in the Table, and in compliance with all applicable requirements of this Code. Accessory uses are allowed only in conjunction with a primary use to which the accessory use relates.
  2. Where a single parcel is proposed for development with two or more of the land uses listed in the Table at the same time, the overall project will be subject to the highest permit level required by the Table for any individual use.
  3. Uses not listed below may be allowed in compliance with Subsection 17.1.08.030.D (Allowable Uses of Land).

**D. Allowed Uses.**

Table 17.2.24.030.A: Overlay Zones Allowed Uses							
Use	Requirement by Zone						Specific Use Regulations
	AO	CRO	SO	PD	SEO	HSO	
<b>Agricultural Uses and Animal Keeping Use Types</b>							
Agricultural Storage	CUP	Refer to base zone				-	-
Agricultural Support Sales and Service	P					-	-
Community Garden	-					P	17.4.04. <del>070060</del>
Field and Tree Crop Production	p <sup>1</sup>					-	-
<b>Industrial, Manufacturing, Processing and Wholesaling Use Types</b>							
Artisan Manufacturing	-	Refer to base zone				MUP	-
Cannabis Cultivation	P					-	LMC 9.36
Construction Storage/Supply Yard	CUP					-	17.4.04. <del>080070</del>
Manufacturing/Processing: Light/Medium	-					CUP	-
Micro-Alcohol Production	-					CUP	-
Mini-Storage Warehousing or Facility	CUP					-	-
<b>Recreation, Education, and Assembly Use Types</b>							
Business/Trade School	-	Refer to base zone				P	-
Civic/Government	-					P	-
Community Assembly, Neighborhood	-					P	-
Community Assembly, Regional	-					CUP	-
Entertainment, Indoor - Neighborhood	-					P	-
Entertainment, Indoor - Regional	-					CUP	-
Library/Museum	-					MUP	-
Recreation, Indoor	-					MUP	-
Recreation, Outdoor	-					MUP	-
Recreation, Passive	-					P	-
Schools, Public or Private	-					P	-
Studio, Instructional Services	-					p <sup>2</sup>	-
<b>Residential Use Types</b>							
<del>Emergency Shelters</del>	-	<del>Refer to base zone</del>	<del>CUP</del>	<del>17.4.04.080</del>			
<del>Caretaker's Unit</del>	-	<del>Refer to base zone</del>	<del>MUP</del>	<del>17.4.04.050</del>			
<del>Caretaker's Unit</del>	-	<del>Refer to base zone</del>	<del>MUP</del>	<del>17.4.04.060</del>			
<del>Emergency Shelters</del>	-	<del>Refer to base zone</del>	<del>CUP</del>	<del>17.4.04.090</del>			
Home Occupations	-	Refer to base zone	AUP	17.4.04. <del>110100</del>			
Live/Work	-		P	17.4.04. <del>120110</del>			
Multi-Family Residential	-		p <sup>3</sup>	17.4.04. <del>150140</del>			
Single Room Occupancy	-		CUP	-			
Supportive Housing	-		p <sup>4</sup>	-			
<b>Retail Trade Use Types</b>							
Alcohol Sales	-	Refer to base zone				P	-
Bar/Nightclub	-					MUP	-
Drive-Through, Non-Restaurants	-					MUP	-
General Retail	-					P	-
Outdoor Dining	-					P	17.4.04. <del>160150</del>
Outdoor Display	-					AUP	17.4.04. <del>170160</del>
Restaurant- w/o Alcohol Sales	-					P	-
Restaurant- w/ Alcohol Sales	-					P	-
Restaurant- w/ Drive Through	-					CUP	-

Table 17.2.24.030.A: Overlay Zones Allowed Uses							
Use	Requirement by Zone						Specific Use Regulations
	AO	CRO	SO	PD	SEO	HSO	
<b>Services Use Types</b>							
Bed & Breakfast	-	Refer to base zone				MUP	-
Day Care, Commercial	-					CUP	-
General Services	-					P <sup>2</sup>	-
Hospital	-					P	-
Kennel	CUP					-	-
Lodging	-					P	-
Medical Clinics and Laboratories	-					P	-
Offices, General	-					P	-
Public Services, Emergency Services	-					P	17.4.04.180170
Safe Parking Program	-					MUP	LMC 10.30
<b>Wireless Telecommunications Facility Use Types</b>							
Wireless Tower	Refer to base zone						
Other Wireless Telecommunications Facility							
<b>Transportation Facilities Use Types</b>							
Parking Lot	P	Refer to base zone				MUP	-
Parking Structure	-					MUP	-
Passenger Transportation Facilities	-					MUP	-
<b>Vehicle Sales and Services Use Types</b>							
Automotive Sales and Rental	P	Refer to base zone				MUP	-
Gas/Service Station	-					CUP	-
Large Vehicle and Boat Sales and Rental	-					CUP	-
Automotive Storage, Large Vehicles	CUP					-	-
Repair, Minor	-					P	-
Repair, Major	-					MUP	-

P = Permitted Use

AUP = Administrative Use Permit (See Chapter 17.5.08)

MUP = Minor Use Permit required (See Chapter 17.5.20)

CUP = Conditional Use Permit Required (See Chapter 17.5.20). A conditionally permitted use may be permitted subject to a Minor Use Permit when the use will be in an existing building and all applicable development standards applicable are met.

- = Use not allowed

<sup>1</sup> No reflective surfaces allowed.

<sup>2</sup> Chemical-based photographic studios, laundry facilities, and similar uses shall not be allowed in mixed-use projects.

<sup>3</sup> Not allowed on the first floor if located 30 feet from an intersection of any street and H Street as measured from the edge of both streets (i.e., H Street and the intersecting street), except when the residential use does not face a street and residential access is provided at the rear of the building.

<sup>4</sup> Permitted use only if the supportive housing development satisfies all of the requirements in Government Code § 65651.

**17.2.24.040: Overlay Zones Development Standards**

- A. Development and new land uses within any Overlay Zone shall comply with all applicable development standards of the base zone, except as specifically modified, waived, or augmented by the Overlay Zone in Table 17.2.24.040.A (Overlay Zones Development Standards) or an approved Preliminary Development Plan in the case of the PD Overlay Zone. If there is a conflict between any of the development standards in a base zone and an Overlay Zone, the Overlay Zone development standards shall control.

<b>Table 17.2.24.040.A: Overlay Zones Development Standards</b>						
Development Feature	Requirement by Zone					
	AO	CRO	SO	PD	SEO	HSO
<b>Lot Requirements</b>						
Lot Area (min.)	Refer to base zone or approved Preliminary Development Plan for PD Overlay Zone					
Lot Area (max.)						
Lot Width (min.)						
<b>Setbacks</b>						
Front (min.)	Refer to base zone or approved Preliminary Development Plan for PD Overlay Zone				10 ft. along H St.	
Side - Interior (min.)	Refer to base zone or approved Preliminary Development Plan for PD Overlay Zone				0 ft.	
Side - Street (min.)	Refer to base zone or approved Preliminary Development Plan for PD Overlay Zone				10 ft. along H St.	
Rear (min.)					0 ft.	
<b>Building Form Standards</b>						
Height (max.)	See	Refer to base zone or approved Preliminary Development Plan for PD Overlay Zone				
Height (max.) - Accessory Building	17.2.24.050.A					
<del>Height (min.)</del>	<del>Refer to base zone or approved Preliminary Development Plan for PD Overlay Zone</del>				<del>20 ft.</del>	
Lot Coverage (max.)	Refer to base zone or approved Preliminary Development Plan for PD Overlay Zone					
Floor Area Ratio (max)	Refer to base zone or approved Preliminary Development Plan for PD Overlay Zone				1.0	
<b>Density Standards</b>						
Density (max.)	Refer to base zone or approved Preliminary Development Plan for PD Overlay Zone					
<b>Build-to Requirement<sup>1</sup></b> See Figure 17.2.24.040.1						
Build-to-area Width	Refer to base zone or approved Preliminary Development Plan for PD Overlay Zone				10 – 15 ft. along H Street; 0 – 10 ft. along any other street	
Lots on H Street					60% of street frontage (min.)	
Lots on Any Other Street					40% of street frontage <sup>2</sup> (min.)	

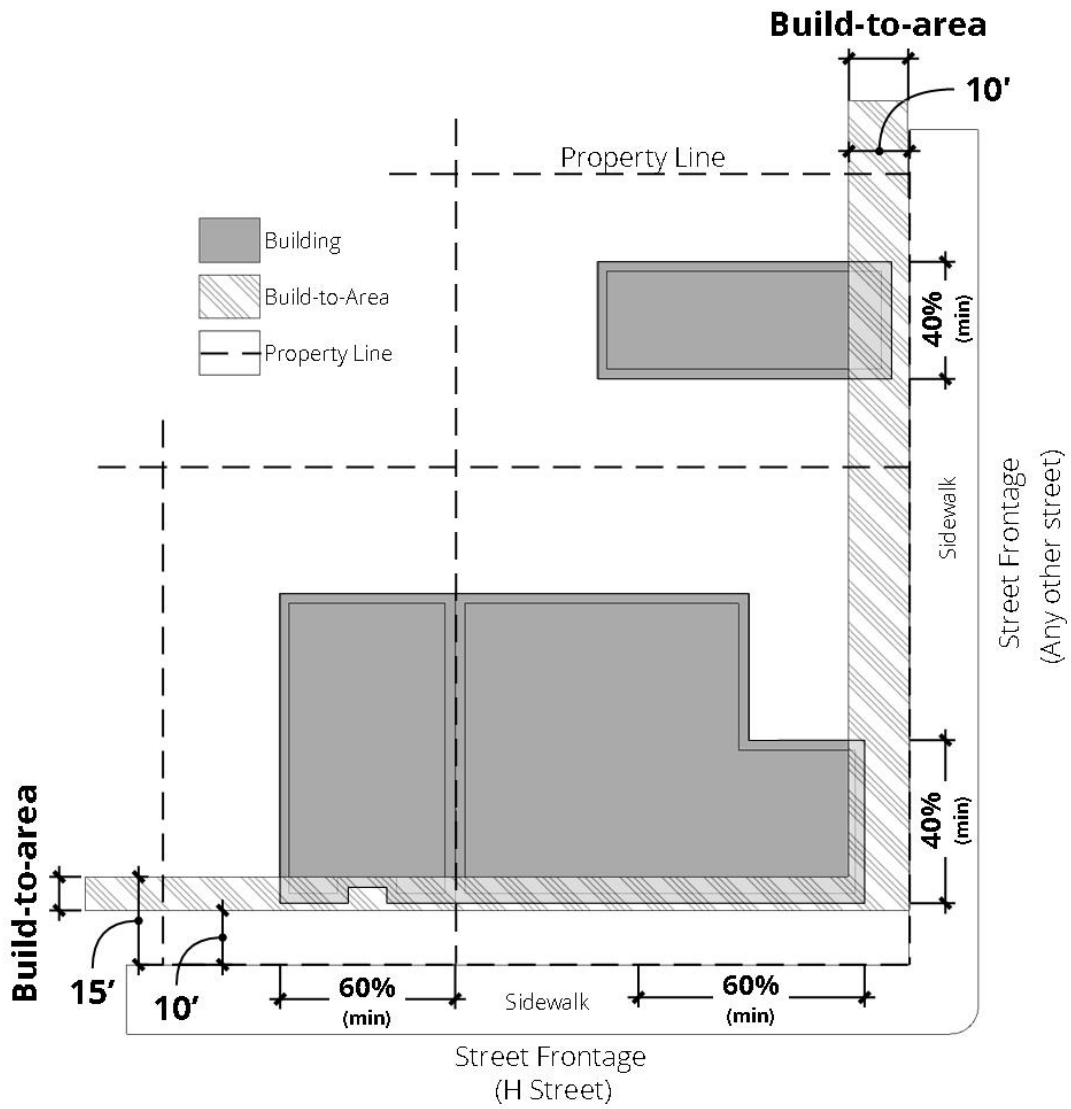
Table 17.2.24.040.A: Overlay Zones Development Standards						
Development Feature	Requirement by Zone					
	AO	CRO	SO	PD	SEO	HSO
<b>Other Requirements</b>						
Accessory Structures	See Section 17.3.04.020: (Accessory Structures)					
Fences and Walls	See Chapter 17.3.12 (Landscaping and Screening Standards)					
Landscaping and Screening	See Chapter 17.3.12 (Landscaping and Screening Standards) & Title 15, Chapter 15.52 (Water Efficient Landscape and Irrigation Standards)					
Parking	See Chapter 17.3.08 (Parking Standards)					
Performance Standards	See Section 17.3.04.090 (Performance Standards)					
Signs	See Chapter 17.3.16 (Sign Standards)					
Additional Requirements	See 17.2.24.050 (Additional Standards and Requirements)					

<sup>1</sup> Build-to requirements may be waived if the Director finds that 1) plazas, courtyards, or outdoor eating areas that function as publicly accessible open space with amenities such as seating, landscaping, and lighting are located between the build-to-line and the building or are adjoining the build-to-line and the building; 2) the building incorporates an alternative entrance design that creates a welcoming entry feature facing the street; 3) a larger area is required to preserve existing mature trees or landscape; or 4) another alternative provides a desired outcome along the street.

<sup>2</sup> The length of street frontage for corner lots along H Street shall be exclusive of required setbacks (e.g., 10-foot setback along H Street) (See Figure 17.2.24.040.1).

- = No standard

Figure 17.2.24.040.1: Build-to Requirement





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**17.2.24.050: Additional Standards and Requirements****A. Airport Overlay Zone.**

1. **Lompoc Airport Master Plan (LAMP) compliance.** Development in the AO Zone shall comply with the standards and limitations included in the LAMP.
2. **Limitations and prohibited uses.** The following are prohibited within the AO Zone:
  - a. Illuminated signs.
  - b. Above-ground utility facilities including transformers, telephone pedestals, fire hydrants, or light poles.
  - c. Any use which would direct steady or flashing lights at aircraft during initial climb or final approach, other than a Federal Aviation Administration (FAA) approved navigational signal or visual approach slope indicator (VASI).
  - d. Any use which would cause sunlight to be reflected toward an aircraft or initial climb or final approach.
  - e. Any use which would generate electrical interference that may be detrimental to operation of aircraft or airport instrumentation.
3. **Height limitation – clear zone.** No structure, building, or vegetation shall exceed a height of 15 feet above the elevation of the airport take-off and landing area which has been established at 88.04 feet above mean sea level. The height of the approach zone, extended outward from the clear zone at its widest dimension, is 150 feet above the elevation of 88.04 feet.
4. **Processing.** Development of any size, involving the erection or placement of buildings or the locating of any object including movable objects, on any parcel within the AO Zone, shall be approved by the Airport Land Use Commission prior to the issuance of any Grading Permit or Building Permit. The City is responsible for issuing the Building Permit for a project consistent with the LAMP. No Building or Grading Permit shall be issued prior to land use clearance by the Airport Land Use Commission.
5. **Performance standards.** These performance standards are intended to be utilized for evaluating projects that may be acceptable in the clear zone or the approach zone, but have not been considered by the Airport Land Use Commission as being acceptable as identified as permitted and conditionally permitted uses in Table 17.2.24.030.A (Overlay Zones Allowed Uses). In any event, uses not listed in Table 17.2.24.030.A may be permitted, subject to a Conditional Use Permit, if the following general standards are met:

- a. The use does not generate concentrations of people greater than 25 per acre;
- b. The use does not result in concentrations of explosive, hazardous, or toxic materials of any significance;
- c. The project has been referred to the Airport Land Use Commission for review and recommendations and the Commission has considered the Airport Land Use Commission's recommendations prior to making a decision;
- d. Public safety officials indicated, in writing, that they can provide emergency services to the property;
- e. A "drop zone," 40 feet in width, centered on the runway centerline, shall be provided. Uses allowable in the 40-foot wide emergency drop zone may include auto access lanes, landscaping, breakaway light standards, water features, and underground utilities;
- f. The proposed use shall not result in concentrations of highway traffic due to poorly located drive approaches, unusual commercial "attention getting" devices, or signs;
- g. The use shall be compatible with noise and safety performance standards, as identified in the adopted Santa Barbara County Airport Land Use Plan and the adopted Lompoc Airport Land Use Plan (LAMP);
- h. The use will not result in danger to aircraft from light or glare; and
- i. Mitigation measures, pursuant to CEQA, as approved by the Commission, are made a part of the project approval.

**B. Cultural Resources Overlay Zone.**

**1. Applicability.**

- a. The CRO Zone includes all property, with an average slope of less than 30%, located south of the centerline of Olive Avenue, and all property within the Archaeological High Sensitivity Zone, as shown in the Cultural Resources Study, Spanne, October 1988.
- b. The CRO Zone standards apply to the following types of development proposals:
  - (1) Planning, Engineering, and Building Division permit applications that involve ground disturbance;
  - (2) Development of private facilities, including utilities, in the public right-of way;

- (3) Development of public facilities within and outside of the public right-of-way;
  - (4) Development proposals for annexation and/or development of property outside City limits at the time of application; and
  - (5) Demolition permits that involve ground disturbance.
2. **Environmental review.** All projects in the CRO Zone are subject to environmental review under NEPA and CEQA, as otherwise required. However, if the project is ministerial, or the only identified environmental issue is cultural resources, the standards of the CRO can be applied directly, without a separate environmental document being prepared and circulated. Consultation, in the form of written notification shall be given to Native American tribes requesting notification, for any discretionary project within the CRO Zone or Archaeological High Sensitivity Zone.
3. **CRO Zone standards.**
- a. **Options.** If ground-disturbing development is proposed in this area, the property owner or applicant has the option of either obtaining a Phase 1 evaluation of the subject property or properties, or contracting for a qualified archaeological monitor to oversee all ground-disturbing activity associated with development.
    - (1) **Phase 1 evaluation.** Prior to construction or site disturbance, the project applicant shall retain a qualified archaeologist to conduct a Phase 1 study of the subject property, and submit documented findings and recommendations for future evaluation to the Department. Prior verified Phase 1 evaluations of the property can also be used to meet the requirements of this Subsection. Recommendations of the Phase 1 evaluation shall be followed during construction on the site.
    - (2) **Monitoring.** Prior to construction, the applicant shall retain a qualified archaeologist to monitor all ground-disturbing work associated with the proposed project and prepare a report verifying the monitoring activity and its findings. The report shall describe the significance and disposition of any cultural resources identified and shall be submitted to the Department within 30 days of the monitoring activity.
4. **Cultural Resource Protection Program.** A Cultural Resource Protection Program shall be implemented in cases where cultural resources are uncovered, either while a project is being actively monitored by an archaeologist, or accidentally during construction.
- a. Work shall stop until a qualified archaeologist has reviewed the find and determined if it qualifies as a historic resource or a unique resource.

- b. If the find is determined to be historic or unique by the qualified archaeologist, a plan for preservation of the material shall be developed by the archaeologist and implemented.
- c. If evidence of prehistoric artifacts is discovered, the Chumash Tribe shall be consulted. Preservation in place shall be the preferred manner of mitigation.
- d. If data recovery through excavation is the only feasible mitigation, a data recovery plan shall be prepared and adopted, prior to any further excavation. The data recovery plan shall provide for adequate recovery of scientifically consequential information from and about the historical resource.
- e. Data recovery shall not be required for an archaeological resource if the City, as the lead agency, determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the archaeological resource, provided that the studies are deposited with the California Historical Resources Regional Information Center.

5. **Requirements for evaluation.** Table 17.2.24.050.A identifies the requirements for Cultural Resource Evaluation.

<b>Table 17.2.24.050.A: Requirements for Cultural Resource Evaluation</b>	
<b>Type of Resource On-Site</b>	<b>Required Cultural Resource Process</b>
Development in the CRO Zone, where archaeology is the only environmental issue.	Retain a qualified archaeologist to conduct either a Phase I evaluation of the subject property; and/or retain a qualified archaeologist to monitor all ground-disturbing activity associated with the proposed development. An archaeological protection program shall be developed, if necessary to address cultural resources discovered on the subject property.

6. **Violations.** Any firm, corporation, or person, whether as principal, agent, employee, or otherwise violating or causing the violation of any of the requirements of Subsection B will be guilty of a misdemeanor, and conviction shall be punishable by a fine of not more than \$1,000.00 or by incarceration in the County jail for not more than six months, or by both the fine and incarceration. Any violations of these provisions constitute a separate offense for each and every day during which the violation is committed or continued. In addition, any violation shall constitute a public nuisance and, as such, may be abated or enjoined from further operation consistent with Chapter 17.6.28 (Property Nuisances).

**C. Planned Development Overlay Zone.**

1. The PD Overlay Zone may be adopted, consistent with Chapter 17.6.04 (Zoning Code, Zoning Map, and General Plan Amendments), and applied within any established zone except for the Specific Plan Zone.
2. Residential density shall not exceed that identified in the Land Use Element of the General Plan.

**D. Special Event Overlay Zone.**

1. **Standards for Special Events.** Special events, such as a wedding, wine club pick up party, live music, art show, or similar event, located indoors or partially or entirely outdoors shall comply with the following:
  - a. The event shall not exceed 72 hours; and
  - ~~b. The event cannot exceed the approved occupant load; and~~
  - ~~c. b. There shall be no more than four events per building in a calendar quarter.~~
2. **~~Indoor~~ Special Events exempt from a Temporary Use Permit.** A special event that is contained entirely within an existing enclosed building, does not exceed 749 square feet or 10% of the gross building floor area, and complies with the standards for special events in 17.2.24.050.D.1 shall not require the issuance of a Temporary Use Permit.
3. **~~Partially or Entirely Outside~~ Special Events that require a Temporary Use Permit.**
  - a. Consistent with Section 17.4.04.190 (Temporary Uses), a special event that is not exempt by 17.2.24.050.D.2 ~~located partially or entirely outside~~ shall require the approval of a Temporary Use Permit consistent with Chapter 17.5.44 (Temporary Use Permit).
  - b. ~~However, t~~he Director may authorize more flexible permit and review procedures to facilitate and encourage special events (e.g., an annual approval that allows special events to occur under certain criteria without the approval of Temporary Use Permit for each individual special event).

**E. H Street Overlay Zone.**

1. **Building orientation and entrances.**
  - a. The primary entrance to a building shall be located to face a street or be connected to a street via a courtyard, walkway, plaza or similar public space. When it is not possible to locate the primary entrance to face the

street, plaza, courtyard, or walkway, a secondary entrance should be designed to connect to these public places.

- b. Building entrances shall be clearly identifiable with enhanced architectural features such as a change in plane (e.g., the entrance may be recessed on the street level facade), differentiation in materials and colors, lighting, modulation of roof lines to define the building entrance, or landscape treatments.

2. **Building transparency and openings for non-residential uses.** The

standards of this Subsection are illustrated in Figure 17.2.12.050.1 (Building Transparency and Openings).

- a. Exterior walls facing and within 20 feet of a street, park, plaza, pedestrian walkway, or other public outdoor space shall include windows, doors, or other openings for at least 50% of the building wall area located between 2.5 and eight feet above the level of the sidewalk, and such walls shall not have a continuous horizontal plane for more than 25 feet without an opening. If residential uses are proposed on the first floor, as allowed by Table 17.2.24.030.A, the Review Authority may reduce this requirement.
- b. Openings fulfilling the requirement in Subsection 2.a shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces or into window displays that are at least three feet deep.
- c. Windows on the ground level building façade facing a street shall not be opaque; however, this requirement may be waived by the Director if the use is a medical clinic or similar that requires privacy.
- d. Alternatives to the building transparency requirement may be approved if the Director finds that the street-facing building walls exhibit architectural relief and detail or are enhanced with landscaping in such a way as to create visual interest at the pedestrian level.
- e. A parking garage that does not incorporate ground-floor non-residential or residential use or is not otherwise screened or concealed at street frontages on the ground level, must provide a landscaped area at least 10 feet wide between the parking garage and public street. The landscaping may encroach into the City's right-of-way with an Encroachment Permit and shall comply with the standards in Chapter 17.3.12 (Landscaping and Screening Standards).

3. **Limitations on location of parking.**

- a. Building frontages must be placed within or adjoining the build-to-area where required by Table 17.2.24.040.A so that vehicle parking and

circulation areas, including driveways, can be located behind or to the side of the building.

- b. Surface parking may be located within 20 feet of a street facing property line when the Director makes the following findings:
    - (1) Buildings comply with the build-to-area requirement (Table 17.2.24.040.A); and
    - (2) The parking area is landscaped along the public right-of-way with a hedge, trellis, and/or landscaping consistent with Chapter 17.3.12 (Landscaping and Screening Standards).
4. **Pedestrian access.** On-site pedestrian circulation and access shall be provided consistent with the following standards.
- a. **Internal connections.** A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
  - b. **Connections to street network.** Regular connections between on-site walkways and the public sidewalk shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage. On sloping sites, the walkway between the building and the sidewalk or other public outdoor area shall be designed as usable open space with generously sized steps and landings, with features such as low risers and wide treads, and any planter boxes that include seating ledges.
  - c. **To neighbors.** Direct and convenient access shall be provided from commercial and mixed-use projects to adjoining residential, mixed-use, and commercial areas to the maximum extent feasible while still providing for safety and security.
  - d. **To transit.** Safe and convenient pedestrian connections shall be provided from transit stops to building entrances, walkways, plazas, and courtyards.
  - e. **Pedestrian walkway design.**
    - (1) Walkways shall be a minimum of six feet wide, shall be hard-surfaced, and paved with permeable materials.
    - (2) Where a required walkway crosses a driveway, parking area, or loading area, it must be clearly identified using a raised crosswalk, a different paving material, or a similar method.
    - (3) Where a required walkway is parallel and adjacent to an auto travel lane, it shall be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.

5. **Maximum block length.** Block length is limited to 400 feet measured from curb edge to curb edge. A block length up to 600 feet shall only be allowed when a mid-block pedestrian connection is provided or the Director finds that:
  - a. The location and configuration of the lot makes a mid-block pedestrian connection infeasible or impractical; and
  - b. Safe and convenient pedestrian connections are provided throughout the site and provisions are made to accommodate cross-access to/from pedestrian areas that may be developed on adjacent properties.
6. **Open space.** Projects with 50,000 square feet or more of non-residential floor area on sites of two acres or more shall provide open space consistent with the following:
  - a. Forty square feet of open space shall be provided for every 1,000 square feet of non-residential floor area for the first 100,000 square feet of non-residential floor area, plus 20 square feet of open space for every 1,000 square feet of non-residential floor area over 100,000 square feet.
  - b. Open space shall be visible and accessible from a public street or on-site areas normally frequented by customers as determined by the Director. Areas within required setbacks may count towards the open space requirement.
  - c. Amenities shall be included that enhance the comfort, aesthetics, or usability of the space, including but not limited to trees, landscaping, shade structures, lighting, drinking fountains, or public art.
  - d. The surface of the open space shall allow convenient use for outdoor activity, recreation, and public gathering. The surface may be any practical combination of plant and hardscape materials. Permeable hardscape materials are encouraged.
7. **Street trees.** A minimum of two trees shall be located along every 40 feet of street frontage and may only be located in City right-of-way if approved by the Urban Forestry Division. Street trees shall comply with applicable standards in Chapter 17.3.12 (Landscape and Screening Standards).



# Division 17.3: General Property Development Standards for All Zones

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## 17.3.04: General Site Development Standards

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### 17.3.04.010: Applicability

- A.** This Chapter expands upon the zoning development standards of Division 2 (~~Allowed Uses and Development Standards for All Zones~~~~Zones Allowed Uses and Development Standards~~) by addressing particular aspects of development; including, but not limited to site planning, project design, and the operation of land uses.
- B.** The standards of this Chapter apply to property regardless of zone designation or use, unless otherwise noted, and are intended to ensure that proposed development is compatible with existing and future development on neighboring properties.

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### 17.3.04.020: Accessory Structures

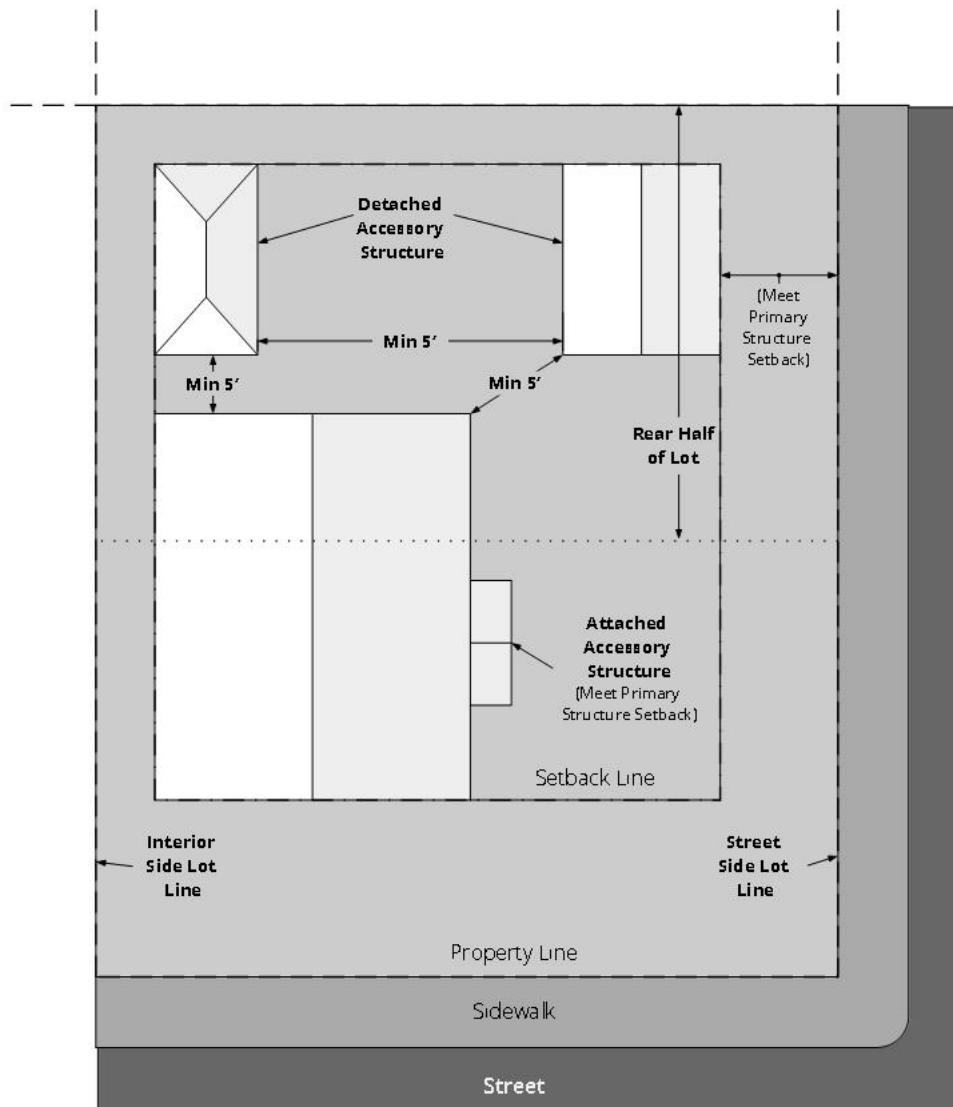
#### **A. Attached Accessory Structures.**

1. Attached accessory structures shall be made structurally a part of and have a common roof with the primary structure, such as the same roof material or similar pitch.
2. An accessory structure attached to the primary structure shall comply with the development standards of the applicable zone.
3. Accessory structures shall be attached to the primary structure that it is designed to serve, and not to any other structure.

**B. Detached Accessory Structures.** The following standards shall apply to detached accessory structures unless otherwise provided in this Code.

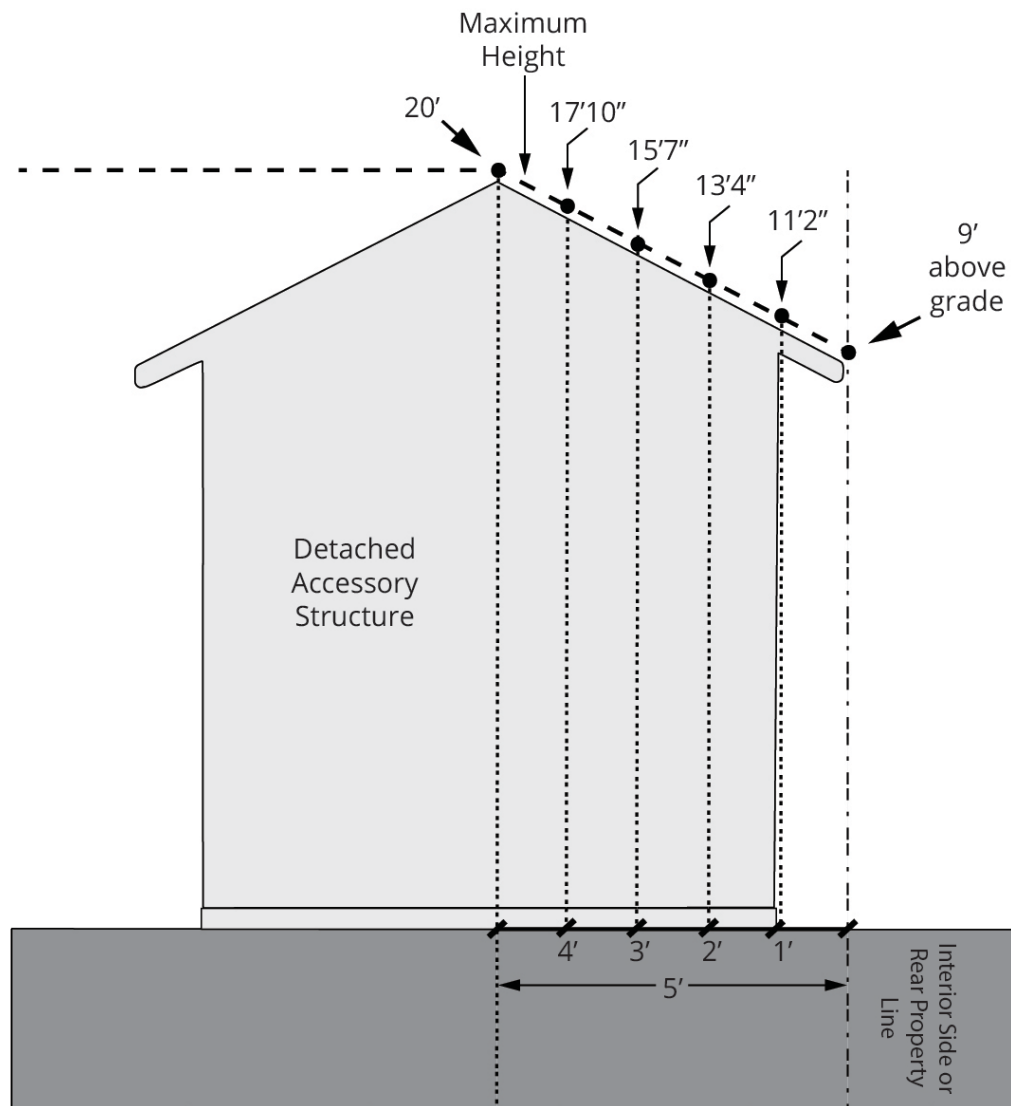
1. A detached accessory structure shall comply with the development standards of the applicable zone unless other standards are provided in this Section.
2. No detached accessory structure shall be located within a required front or street side setback.
3. A detached accessory structure shall be located on the rear half of a lot, and a minimum of five feet shall be maintained between a primary structure and a detached accessory structure and between accessory structures on the same lot (see Figure 17.3.04.020.1 (Accessory Structures)). Carports are not subject to this requirement.

**Figure 17.3.04.030.1: Accessory Structures**



4. **Non-Residential Zones.** In non-residential zones, a detached accessory structure may extend into the interior side and rear setbacks. The design of the accessory structures shall adhere to the Architectural Guidelines.
5. **Residential Zones.** In residential zones, a detached accessory structure may extend into the interior side and rear setbacks provided no portion of the accessory structure exceeds nine feet in height at the property line, increasing progressively to the maximum height of 20 feet at a point five feet from the property line (increasing at a rate of 2.2 feet or 26.4 inches in height per each additional foot of distance from the property line), and the accessory structure complies with *California Building Code* (see Figure 17.3.04.030.2).

**Figure 17.3.04.030.2: Detached Accessory Structures in Residential Zones Along Interior and Rear Property Lines**



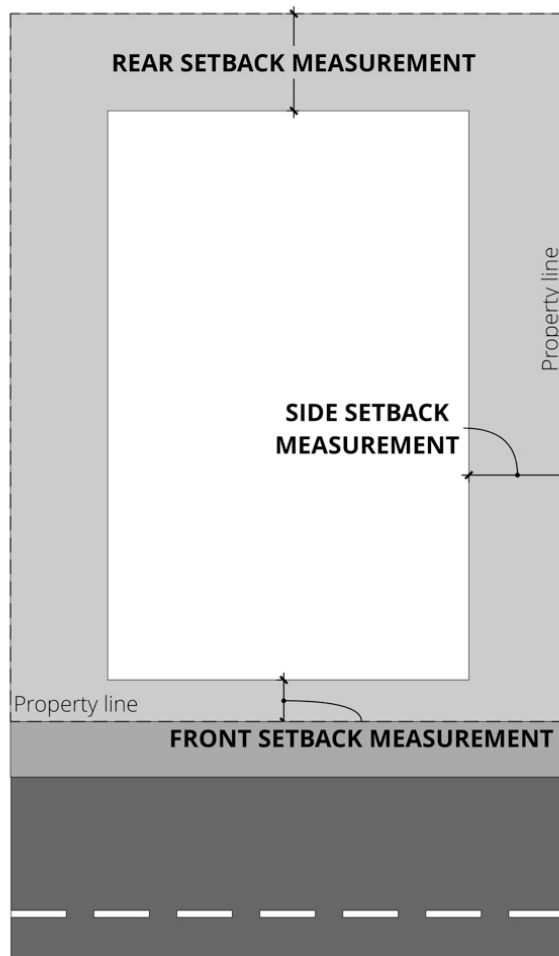
- C. Within the rear and side setback, single story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, with a floor area no more than 120 square feet (and no plumbing or electric), that are exempt from Building Permit requirements in accordance with the *California Building Code*, shall still adhere to this Section.

### 17.3.04.030: Setbacks

#### A. Measurement of Setbacks.

1. Required setbacks shall be measured horizontally from the nearest point of the front, side, or rear property line of the parcel to the nearest wall of the structure, see Figure 17.3.04.030.1 (Measurement of Setbacks). For irregular shaped parcel, required setbacks (e.g., front, side, rear setbacks) shall be determined by the Review Authority.

**Figure 17.3.04.030.1: Measurement of Setbacks**





**17.3.04.040: Setback Encroachments**

- A. Purpose and Applicability.** This Section provides standards for the allowed encroachment or projection of structures into required setbacks. This allows for specific architectural features or accessory structures to be developed in areas that might otherwise prohibit such features, providing more flexibility to property owners.
- B. Encroachments into Minimum Required Setbacks.** An architectural feature attached to a primary structure may extend beyond the wall of the structure and into a required front, side, or rear setback in compliance with Table 17.3.04.040.A (Allowed Projections into Setbacks). Table 17.3.04.040.A applies to all zones unless otherwise specified in the Table.

Table 17.3.04.040.A: Allowed Projections into Setbacks	
Feature or Structure	Maximum Encroachment <sup>1</sup>
<b>Raised Porches, Landing Places, or Outside Stairways<sup>2</sup></b>	
Front or Rear Setback	6 ft.
Side Setback	3 ft. from side lot line
R-1 Zone, Side Setback	1 ft.
Proximity to Side Property Line	3 ft.
<b>Accessory Structures ≤ 120 s.f.</b>	See 17.3.04.020.C
<b>Architectural Features (Eaves, Cornices, Canopies, Fireplaces<sup>3</sup>)</b>	
All Setbacks	2.5 ft.

<sup>1</sup> If the maximum encroachment exceeds the minimum setback, the projection may extend to the property line.

<sup>2</sup> May be covered but cannot be enclosed.

<sup>3</sup> Applicable to fireplaces not exceeding 8 ft. in width in side yard setbacks.

**17.3.04.050: Site Requirements**

- A. Space Between Buildings.** In the case where more than one residential structure is located on a lot, or where the entrance of a residential structure is not directly fronting a street, open space shall be provided and maintained as follows:
  1. **Between primary structures.** A minimum of 10 feet of space shall be maintained between every primary structure on the same lot, including, but not limited to a hotel, multi-family residential building, or single-family dwelling.
  2. **Wildland fire risk areas.**
    - a. A minimum of 60 feet of space shall be maintained between buildings in wildland fire risk areas, unless a property includes the following conditions:
      - (i) Properly built access roads;
      - (ii) Availability of an adequate water supply;

- (iii) The use of materials and construction methods which provide greater fire resistance than standards requirements;
  - (iv) Strict adherence to clearance requirements; and
  - (v) Construction and maintenance of fuel breaks.
- b. The reductions to the minimum spacing requirements may be cumulative but shall not be less than otherwise specified in Subsection A.
  - c. Compliance with the separation requirements of this Subsection may result in reduced densities on the property.

**B. Residential Lots.**

- 1. In single-family residential zones, when any lot line between legal lots runs through a legal non-conforming dwelling, other than an accessory structure, the parcels may be divided as to create a new parcel of not less than 6,000 square feet.
- 2. The following exception applies within the portion of the City establishing urban blocks 1 through 136 consecutively; blocks 139, 140, 201, 202, 203, 239, 246, 247, 248, 264, and 265; and including, from the same blocks, those blocks or portions of blocks subsequently reverted to acreage or redivided such that the original 25-foot lots comprising the blocks or portions of the block are no longer described by the latest equalized County assessment roll. The width of any lot may be 50 feet, provided the following:
  - a. The property is located in the R-1 Zone;
  - b. The building site is a minimum of 7,000 square feet; and
  - c. The lot, when created, cannot be further reduced.

**C. Exceptions for Green Buildings.** Exceptions to site development standards may be considered by the Review Authority as necessary to ensure compliance with Title 15 Building and Construction, Chapter 15.68 (Green Building Standards Code).

**D. Connectivity.** New projects shall provide safe and effective connectivity for pedestrians, bicyclists, and vehicles between the project site and adjacent neighborhoods, parks, and open space areas as determined by the Director and Public Works Director.

**17.3.04.060: Hillside Development**

**A. Purpose.** This Section provides for the reasonable use of hillside areas while protecting the public health, safety, and welfare by ensuring that development will not induce soil erosion, result in excessive grading, create sewage disposal problems, increase wildfire danger and slope instability, or lead to a loss of aesthetic value.

**B. Applicability.** This Section implements the goals and policies of the General Plan and sets specific standards for all grading and development on slopes of 20% or greater.

**C. Architectural Design and Site Development Review.**

1. No development shall occur, no use shall be established, and no building or Grading Permit shall be issued for any development in areas with a slope greater than 20% until approval of Architectural Design and Site Development Review in compliance with Chapter 17.5.12 (Architectural Design and Site Development Review).
2. Prior to Architectural Design and Site Development Review, the Review Authority shall require geotechnical reports, grading plans, and drainage plans for any development on slopes greater than 20%.
  - a. Hillside drainage plans shall be developed and implemented to reduce the risk of further movement by existing landslides.
  - b. Site-specific slope stability investigations and analyses shall be performed by a Registered Geotechnical Engineer.

**D. Slope Lot Standards.**

1. The minimum requirement for lot area width and depth for a residential lot shall comply with Table 17.3.04.060.A (Slope Lot Standards), unless otherwise provided by this Code.

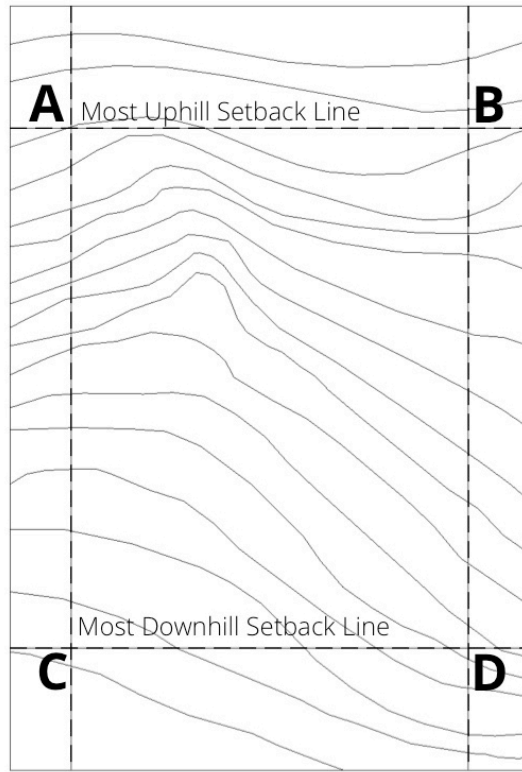
Table 17.3.04.060.A: Slope Lot Standards				
Slope	Minimum Area	Minimum Average Width <sup>1</sup>	Minimum Average Depth	Ungraded
10 - 20%	10,000 s.f.	75 ft.	100 ft.	10%
20 - 30%	15,000 s.f.	90 ft.	110 ft.	40%
> 30%	20,000 s.f.	90 ft.	110 ft.	55%

<sup>1</sup>The width at the front property line may be reduced to 2/3 the average width requirement, but not less than 45 feet where the frontage abuts the outside of any sharp curve with a center line radius of less than 100 feet or with any other irregularly shaped parcels.

2. All proposed residential lots with a slope greater than 25% shall be considered concurrently or after approval of an Architectural Design and Site Development Review of the same site.

**E. Calculation of Slope.**

1. Lot slope is calculated as an average slope of the ground area within the required setback lines for primary structures on a lot.
2. Lot slope is based on natural or existing grade.
3. The elevations of the points where required setback lines intersect are used to determine the average elevation of each setback line. Specifically, the average elevation of each setback line is calculated by adding the elevations at the line's intersection points and dividing by two. The average lot slope is then calculated by subtracting the average elevation of the most uphill setback line and the average elevation of the most downhill setback line and dividing the sum by the average distance between these two setback lines. See Figure 17.3.04.060.1 (Lot Slope).
4. Where required setback lines do not intersect to form a four-sided polygon, average lot slope shall be calculated by dividing the difference between the elevations of the highest and lowest points within the buildable area by the horizontal distance between those two points.

**Figure 17.3.04.060.1: Lot Slope**

$$\left( \frac{A + B}{2} \right) - \left( \frac{C + D}{2} \right) \div \left( \frac{\text{length of line AC} + \text{length of line BD}}{2} \right) = \text{lot slope}$$

**F. Hillside Development Standards for Slopes 20% or Greater.** Development on slopes 20% or greater shall be avoided to the maximum extent feasible. In the case that there is no alternative building site on the lot, development on steep slopes shall comply with the following:

1. **General.**

- a. Structures shall be located to avoid slopes of 20% or greater where feasible and the toes of existing landslide surfaces.
- b. Building techniques, including but not limited to stepped foundation and building design compatible with natural terrain, to reduce potential risk and damage from landslide movement shall be applied as feasible.

2. **Grading.** Grading shall respect the natural contour of the existing terrain whenever possible. The following grading standards shall apply to all land subject to this Subsection, in addition to the grading requirements of LMC Chapter 15.72 (Grading).

- a. Grading shall be limited to building pads and their access drives as required, and extensive grading shall be discouraged.
  - b. No cuts greater than 16 feet in height from top to toe shall be allowed.
  - c. Where grading is necessary, the principles of contour grading shall be employed:
    - (i) Cut slopes shall not exceed two horizontal to one vertical unless determined to be necessary by soils and geological investigations; and
    - (ii) Graded slopes should be rounded and shaped to stimulate the natural terrain.
  - d. Graded slopes should be screened from view under or behind buildings or by landscaping or natural topographic features wherever possible.
  - e. Narrower roadway widths may be approved by the Public Works Director to minimize the amount of grading where adequate safety can still be maintained.
  - f. Graded slopes shall be revegetated with a mixture of grass seed or shrubs as recommended by the USDA Soil Conservation Service or approved by the Public Works Director. Planting may be waived by the Public Works Director for slopes that, due to the rock character of the material, will not support plant growth.
3. **Drainage.** All proposed drainage facilities shall respect the natural terrain, preserve major drainage channels in their natural state, and be designed in such a manner as to minimize soil erosion and to otherwise preserve the public health, safety, and welfare. The following standards shall apply to all lands subject to this Subsection in addition to the requirements of the *City of Lompoc Storm Water Management Ordinance* and the adopted Post-Construction Hydro-modification Development Guidelines.
- a. To the maximum extent possible, property containing riparian vegetation or native vegetation should preserve that riparian vegetation and/or native vegetation associated with a natural urban/wildland interface through the use of a 30-foot setback buffer from the outer drip line of that same riparian or native vegetation.
  - b. In the event off-site drainage facilities will be required to handle increased runoff, interim drainage facilities which provide for no increase in peak runoff from a 10-year storm shall be constructed and maintained until such time as the permanent facilities are completed.

- c. The overall drainage system shall be completed and made operational at the earliest possible time during construction or shall be otherwise provided for in a manner acceptable to the City.

**G. Preservation of View.** The following standards apply to development slopes greater than 20% and within the view corridor of scenic ridgelines as identified in the General Plan Urban Design Element, Scenic Ridgelines and Roads Figure UD-2.

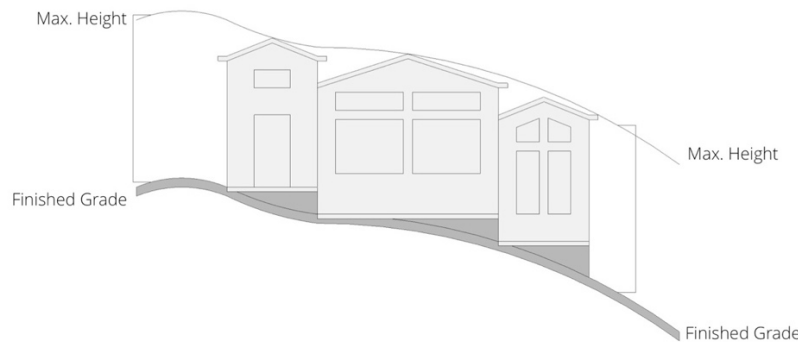
1. Structures and roads shall be designed to fit the topography of the site with minimal cutting, grading, or filling for construction. Pitched, rather than flat roofs, which are surfaced with nonreflective materials except for solar energy systems, shall be encouraged.
2. Structures shall be located on-site so as to not intrude or project above the ridgeline skyline as seen from designated scenic road corridors.
3. Groupings of trees shall be preserved wherever possible consistent with Section 17.3.04.100 (Tree Protection). Where trees must be removed for building purposes, reforestation with native or naturalized species shall be provided as part of new development in order to maintain forested appearance of the hillside.
4. Structures shall be concentrated into clusters to preserve larger areas of open space.
5. The padding and terracing of building sites shall be prohibited, unless it is determined that there is no feasible and reasonable alternative.

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#### 17.3.04.070: Height Limits and Exceptions

**A. Height of Structures.** The height of each structure shall not exceed the height limit established for the applicable zone by Division 2 (~~Zones~~ Allowed Uses and Development Standards for All Zones), except as otherwise provided by this Section.

**B. Height Measurements.** Height shall be measured as the vertical distance from finished grade at all points adjacent to the building exterior to the highest point of the structure directly above (see Figure 17.3.04.070.1 (Height Measurement)).

**Figure 17.3.04.070.1: Height Measurement**

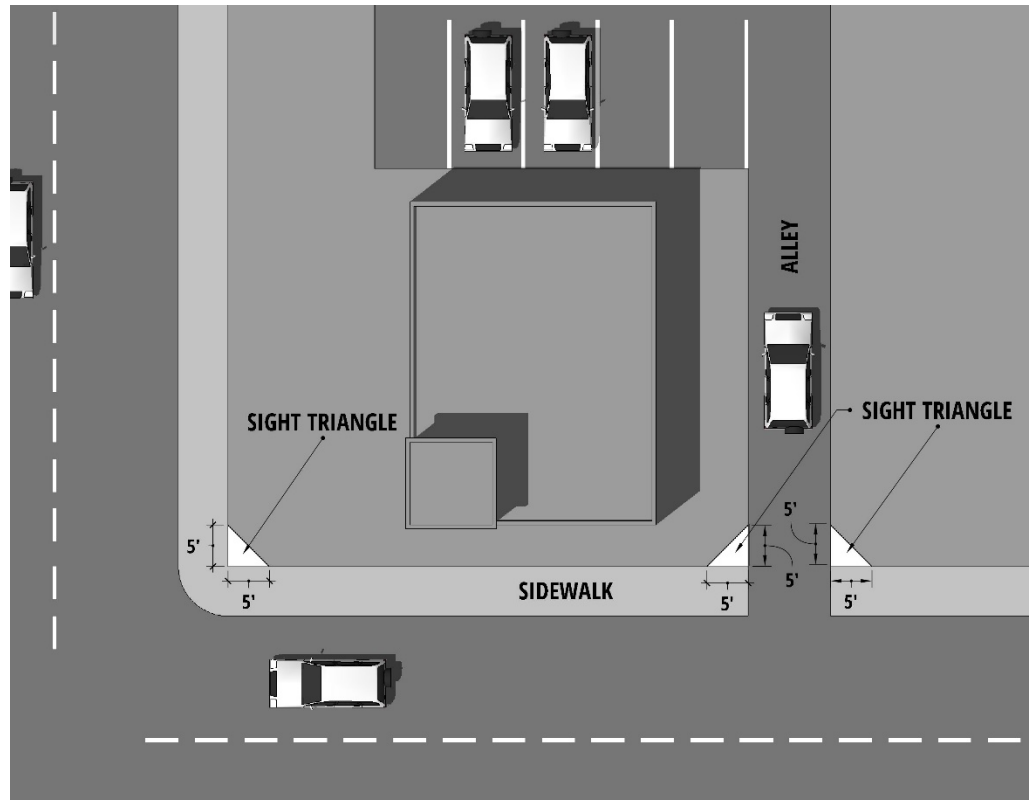
**C. Height of Structure Exception.** The overall building height shall not exceed the maximum height standard of the zone, except that the following features may exceed height limits subject to Review Authority approval or as otherwise allowed by this Code:

1. Roof structures for the housing or screening of elevators, stairways, or mechanical equipment;
2. Skylights;
3. Chimneys;
4. Solar roof panels and appurtenant equipment;
5. Public safety communication facilities, such as radio towers and antennas used for emergency service dispatch, that are no taller than necessary to be effective;
6. Steeples, towers, and other unoccupied architectural features; and
7. Other similar features as approved by the Director.

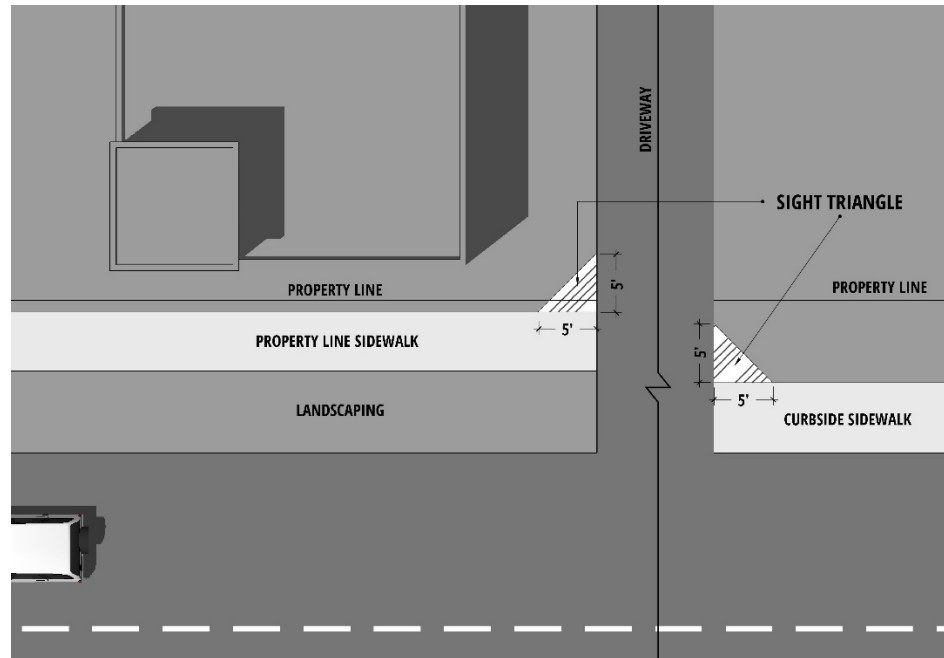
**D. Height Limit at Street Corners.** Development proposed adjacent to any public or private street, or an alley intersection, shall be designed to provide a traffic safety visibility area (i.e., sight triangle) for pedestrian and traffic safety consistent with Figure 17.3.04.070.2 (Height Limit at Street Corners).



Figure 17.3.04.070.2: Height Limit at Street Corners



1. **Measurement of Visibility Area.** The traffic safety visibility area is a triangle extending five feet from the intersection of two streets' and/or alley right of way along both streets and connecting the lines across the property.
  2. **Height Limit.** No structure, sign, or landscaping shall exceed three feet in height within the traffic safety visibility area (i.e., sight triangle), unless approved the City Engineer.
- E. Height Limit at Driveways.** A minimum sight triangle extending five feet shall be maintained at all driveways as shown in Figure 17.3.04.070.3 (Height Limit at Driveways).

**Figure 17.3.04.070.3: Height Limit at Driveways**

1. **Pedestrian Safety.** Within a driveway sight triangle, no plant material, tree trunks, signage, walls, fences or any other obstructions shall interfere with the driver's view of pedestrians on a public sidewalk.
2. **Height Limit.** Within the driveway sight triangle, signage, walls, fences, etc., shall not exceed three feet in height. Within the driveway sight triangle, plant material shall not exceed three feet in height at maturity; trees shall be trimmed so that branches are at least seven feet above top of curb level.

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### 17.3.04.080: Swimming Pools

- A. Development Standards for Swimming Pools and Related Mechanical Equipment.** Swimming pools and any related mechanical equipment shall be setback a minimum of five feet from side and rear property lines, and shall not be located within a front setback.
- B. Pool Enclosure.**
  1. Swimming pools shall be completely enclosed by a fence or structure of not less than six feet in height and consistent with screening height limits in Section 17.3.12.040 (Screening), as practical.
  2. All gates, doors, etc., shall be self-closing and self-latching.

3. The construction, maintenance, or continued existence of a swimming pool without its complete enclosure by a fence or structure, as specific in this Section constitutes a public nuisance consistent with Chapter 17.6.28 (Property Nuisances).

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#### 17.3.04.090: Performance Standards

- A. Purpose.** This Section provides performance standards that are intended to minimize various potential operational impacts of land uses and development and promote compatibility with adjoining areas and land uses.
- B. Applicability.** The provisions of this Section apply to all new and existing land uses, including permanent and temporary uses in all zones, unless an exemption is specifically provided. Existing uses shall not be altered or modified to conflict with these standards.
- C. Air Emissions.** No visible dust, gasses, or smoke shall be emitted, except as allowed by the Santa Barbara County Air Pollution Control District's *Rules and Regulation Manual* as periodically updated or as necessary for the heating or cooling of structures, and the operation of motor vehicles on the site.
- D. Dust.** Activities that may generate dust emissions (e.g., construction, grading, commercial gardening, and similar operations) shall be conducted to limit the emissions beyond the site boundary to the maximum extent feasible. All grading activity shall comply with Title 15, Chapter 15.72 (Grading).
- E. Ground Vibration.** No use shall be operated in a manner which produces vibration discernible without instruments at any point on the property line of the lot on which the use is located, except for vibrations for temporary construction or demolition activities, and motor vehicle operations.
- F. Hours of Construction.**
  1. No construction noise shall emanate from any site within the City limits after 6:00 p.m. or before 7:00 a.m. Monday through Friday.
  2. There shall be no construction noise from any site before 8:00 a.m. nor after 5:00 p.m. on any Saturday.
  3. No construction shall occur on any site within the City limits on Sunday.
  4. Property owners working on the property at which they reside are exempt from the standards of this Subsection.
- G. Lighting.** Outdoor lighting shall be designed to minimize light and glare on adjacent properties, in compliance with the following standards. Parking lot lighting is addressed in Subsection 17.3.08.060.DC (Parking Lot Lighting).

1. **Fixture height.**

- a. Outdoor light fixture shall be limited to 20 feet or the height of the nearest building, whichever is less.
- b. The Review Authority may approve a fixture greater than 20 feet if it determines that the additional height will provide lighting that still complies with all other requirements of this Subsection.

2. **Light and glare.**

- a. Lighting fixtures shall be shielded or recessed to minimize light bleed to adjoining properties, by ensuring that the light source (e.g., bulb) is not visible from off the site and confining glare and reflections within the boundaries of the site to the maximum extent feasible.
- b. Each light fixture shall be directed downward and away from adjoining properties and public rights-of-way, so that no on-site light fixture directly illuminates an area off the site.

3. **Temporary lighting.** Outdoor lighting for temporary uses may be exempt from this Subsection consistent with Section 17.4.04.~~190-200~~ (Temporary Uses), Chapter 17.5.44 (Temporary Use Permit), and subject to Review Authority approval.

**H. Liquid Waste.** No liquid waste shall be discharged into a public or private body of water, sewage system, watercourse, into or onto the ground, except in compliance with applicable regulations of the Lompoc Municipal Code and any applicable regulations of the Central Coast Regional Water Quality Control Board.

**I. Noise.**

1. No land use shall generate noise exceeding the maximum levels permitted in Table 17.3.04.090.A (Interior and Exterior Noise Standards).

<b>Table 17.3.04.090.A: Interior and Exterior Noise Standards</b>			
<b>Land Use Categories</b>		<b>Ldn</b>	
<b>Category</b>	<b>Use</b>	<b>Interior<sup>1</sup></b>	<b>Exterior<sup>2</sup></b>
Residential	Single-family, Duplex, Multi-family, Mobile Home	45 <sup>3</sup>	60 <sup>4</sup>
Commercial & Industrial	Retail, Restaurant	55	65
	Motel/Hotel	45	60 <sup>4</sup>
	Professional, Offices, Movie Theater, Auditorium	45	65
	Manufacturing, Utilities, Warehousing, Agriculture	65	75
Community Facility	Hospital, School, Nursing Home, Church, Library, Civic Offices, Parks	45	65
Open Space	Passive Outdoor Recreation	--	60 <sup>4</sup>

<sup>1</sup>Interior areas exclude bathroom, closets, and corridors.

<sup>2</sup>Exterior areas are limited to the following: private yards or patios of residential uses, motel recreation areas; office, theater, or hospital patios or assembly areas; school playgrounds; nursing home, library, or civic office assembly areas; and park picnic areas.

<sup>3</sup>If achievement of interior noise standards requires that windows and doors remain closed, air conditioning or mechanical ventilation shall be required.

<sup>4</sup>In areas affected by aircraft noise, the standard is 65 Ldn with the stipulation that the noise level exclusive of the aircraft generated noise cannot exceed 60 Ldn.

**2. Mixed-use.**

- a. There shall be no truck deliveries to commercial uses in mixed-use development after 6:00 p.m. or before 8:00 a.m. Monday through Saturdays. No deliveries shall be allowed on Sundays.
- b. Common walls between commercial and residential uses in mixed use development shall be noise insulated to provide attenuation of indoor noise levels.
- c. External noise generating equipment associated with commercial uses (e.g., HVAC units) located in mixed-use developments shall be shielded or enclosed with solid sound barriers.

- J. Odors.** No obnoxious odor or fumes shall be emitted that are perceptible without instruments by a reasonable person at the property line of the site. The Review Authority may require an Odor Abatement Plan consistent with Conservation and Open Space Element Policy 7.7 for any project that will include odor generating activities.

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**17.3.04.100: Tree Protection**

- A. Purpose.** The provisions of this Section are intended to protect existing trees that contribute to the environment and aesthetic quality of the City and preserve and enhance native species, particularly oak trees, and significant trees to maintain a natural-appearing landscape while still protecting view corridors, walkability, and public health, safety, and welfare.
- B. Applicability.** The provisions of this Section apply wherever a project requires Architectural Design and Site Development Review approval in compliance with Chapter 17.5.12, and these provisions are supplemental to the provisions of LMC Chapter 12.32 (Trees).
- C. Significant Tree Survey.** Site development plans shall include a survey of trees over six inches in diameter at breast height (DBH), that includes:
1. Location, number, and diameter of trees;
  2. Identification of trees for removal; and
  3. Reason for removal.
- D. Tree Protection and Replacement Guidelines.** Trees shall be preserved to the extent possible and protected where future development activity poses risk to the health of the tree.
1. For every tree over six inches DBH removed, at least one tree shall be planted on-site.
  2. Groups of trees shall be preserved to the extent possible. Where groupings of trees are removed, replanted trees shall replace the total canopy area, in full, upon reaching expected maturity.
  3. Replanting trees as part of this Section shall consist of species identified by the Urban Forestry Division.
  4. The Review Authority may approve an adjustment to site development standards for the purposes of preserving a tree or group of trees consistent with Chapter 17.5.28 (Minor Modification).
  5. On-site replacement requirements for significant trees or groups of significant trees may be modified to ensure compatibility with defensible space or fire safety requirements per the City of Lompoc Fire Department.

**17.3.04.110: Solid Waste and Recycling Container Enclosures**

- A. General Standards.** Trash and recycling bins shall be provided in sufficient number and shall be placed in convenient locations. Solid waste collection areas must not be used for storage or other purposes.
- B. Residential Uses of Three Units or Fewer.** No enclosure structure shall be required for residential projects of three units or fewer; however, trash and recycling shall be stored in such a manner that containers are screened from public view from the front of the property. Solid waste containers may be placed in public view for purposes of collection in compliance with LMC Title 8 Health and Safety, Section 8.04.170 (Containers – Requirements).
- C. Multi-family Uses of Four or More Units and All Commercial Uses.** Adequate and accessible enclosures for the storage of trash and recyclable materials shall be provided. Solid waste shall be stored in proper containers in compliance with LMC Title 8 Health and Safety, Chapter 8.04 (Garbage and Refuse). The design, construction, and accessibility of enclosures shall conform to the requirements in this Code and standards of the City's Solid Waste Division.

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## 17.3.08: Parking Standards

17.3.08.010: Purpose

17.3.08.020: Applicability

17.3.08.030: General Requirements

17.3.08.040: Off-Street Parking Requirements

17.3.08.050: Bicycle and Motorcycle Parking Requirements

17.3.08.060: Parking Design and Construction

17.3.08.070: Parking Reduction, Alternatives, and Incentives

17.3.08.080: Transportation Demand Management Plan

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### 17.3.08.010: Purpose

The purpose of this Chapter is to reduce street congestion and promote the safety and convenience of the residents of the City by requiring the provision of adequate, well-designed, and incentivized parking in connection with the land uses authorized by this Code. The standards in this Chapter are also intended to reduce the environmental and economic impacts associated with parking, including the reduction of inefficient, dispersed, single-use parking and encouragement of alternative transportation modes such as bicycling.

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### 17.3.08.020: Applicability

The provisions of this Chapter shall apply within all zones, uses, and structures within the City. Nonconforming parking is addressed in Chapter 17.6.20 (Nonconforming Uses, Structures, and Parcels).

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### 17.3.08.030: General Requirements

**A. Applicability.** The following general provisions shall apply to all off-street parking spaces for all uses and structures.

**B. General Requirements.**

1. Except as provided in this Chapter, all required off-street parking spaces shall be located upon the same site as the use for which parking is provided.
2. Parking lots with more than four spaces must be designed so that vehicles will not back onto public streets.

3. Parking spaces shall not be located within required setback areas except as otherwise allowed in this Code. The Review Authority may allow parking spaces in side and rear setback areas in multi-family residential zones if necessary based on lot configuration.

**C. Compact Car Spaces.** Up to 10% of provided parking spaces may be compact spaces, with minimum dimensions of seven feet by 17 feet.

**D. Handicapped Parking.**

1. The number and size of handicapped spaces shall be provided in compliance with State and Federal laws.
2. Parking spaces required for the disabled shall count toward compliance with the number of parking spaces required by this Chapter.
3. A site shall not be considered to have nonconforming parking if the number of off-street spaces provided is reduced to less than required by this Chapter solely because the lot is re-stripped to comply with handicapped parking requirements.

**E. Tandem Parking.** Tandem parking spaces are allowed subject to approval by the Review Authority and compliance with the following criteria:

1. Tandem parking is limited to not more than two vehicles in depth, provided that both spaces are for the same occupancy; and
2. Tandem parking is not allowed in required front setback area.

**F. Recreational Vehicle, Trailer, and Boat Parking.** Recreational vehicles, trailers, or boats shall not be parked on or over any landscaped area or on or over any private or public sidewalk.

**G.** No person shall park or leave unattended any vehicle, as defined by the California Vehicle Code in the front yard setback of a residential property, except on a driveway or paved area that is screened as required in Section 17.3.12.040 (Screening).

**H.** All access to individual parking spaces on a lot shall be from said lot or from a public alley or easement unless there is a reciprocal easement in place.

**17.3.08.040: Off-Street Parking Requirements**

- A.** Each land use shall provide the required number of parking spaces identified in Table 17.3.08.040.A (Parking Requirements).
- B. Uses Not Listed.** Where the parking requirement for a use is not specifically defined, the parking requirements shall be determined by the Director or the applicable Review Authority, and such determination shall be based on the requirement for the most comparable use specified in Table 17.3.08.040.A (Parking Requirements).
- C. Rounding of Calculations.** If a fractional number results from calculations performed in compliance with this Chapter, one additional parking space shall be required for a fractional unit of 0.50 or above, and no additional space shall be required for a fractional unit of less than 0.50.
- D. Floor Area.** Where Table 17.3.08.040.A lists a parking requirement based on square footage, the square footage shall include the gross leasable square footage of floor area measured in square feet, including basements, mezzanines, or upper floors, but excluding balconies and common areas such as elevators, stair wells, bathrooms, shared hallways, and lobbies, unless otherwise specified in Table 17.3.08.040.A. This shall apply to single and multiple occupant/tenant structures.

<b>Table 17.3.08.040.A: Parking Requirements</b>	
<b>Use</b>	<b>Parking Requirements<sup>1</sup></b>
<b>Agricultural Uses and Animal Keeping Use Types</b>	
Agricultural Storage	Determined by Director
Agricultural Support, Sales and Services	Determined by Director
Animal Keeping and Production	Determined by Director
Community Garden	Determined by Director
Field and Tree Crop Production	Determined by Director
<b>Industrial, Manufacturing, Processing, and Wholesaling Use Types</b>	
All industrial, manufacturing, processing and wholesaling uses, unless otherwise listed	1 space per 2,000 s.f. of indoor area + 1 space per 2,000 s.f. outdoor area + 1 space per 300 s.f. of accessory office or business area
Construction Storage/Supply Yard	1 space per 7,000 s.f. of yard, up to the first 42,000 s.f. 1 space per 20,000 s.f. of yard, in excess of 42,000 s.f. Minimum 3 spaces
Winery and Micro-Alcohol Production Sales, Tasting and Office Production, Storage	1 space per 350 s.f. 1 space per 1,000 s.f. first 5,000 s.f. + 1 space each additional 3,000 s.f.

<b>Table 17.3.08.040.A: Parking Requirements</b>	
<b>Use</b>	<b>Parking Requirements<sup>1</sup></b>
<b>Recreational, Education, and Assembly Use Types</b>	
Business/Trade School	1 space per employee + 1 space per 3 students
Cemeteries, Crematories, or Mausoleums	Determined by Director
Civic/Government	Determined by Director based on similar use(s)
College/University	1 space per employee + 1 space per 3 students, or as otherwise required by the State
Community Assembly	1 space per 5 permanent seats or 1 space per 35 s.f. assembly room(s)
Entertainment, Indoor	1 space per 300 s.f. of floor area
Entertainment, Outdoor	Determined by Director
Library/Museum	1 per 300 s.f. of floor area
Recreation, Indoor	1 space per 300 s.f. of floor area
Recreation, Outdoor	Determined by Director
Recreation, Passive	Determined by Director
Recreational Vehicle (RV) Park	1 space per RV + 1 space per employee
Schools, Public or Private	1 space for each 30 students (K-8); 1 space for each 10 students (9-12)
Studio, Instructional Services	1 space per 250 s.f. of floor area
<b>Residential Use Types</b>	
Accessory Dwelling Unit	See 17.4.04.020
Caretaker's Unit	1 space per unit
Emergency Shelters	1 space per 10 beds + 1 space for each employee (See 17.4.04.100)
Family Day Care Home	See 17.4.04.090
Home Occupations	See 17.4.04.100
Live/Work	1.5 space per unit
Mobile Home Park	2 spaces per unit + 1 guest space for each 25 units
Multi-Family Residential	1 space for each studio or 1-bedroom unit; 2 spaces per unit for units with 2 or more bedrooms; 50% of total spaces must be covered
Residential Care Homes <7	2 spaces per unit
Residential Care Homes ≥7	1 space per 3 beds licensed in the facility + 1 space per employee on the largest shift
Single-Family Residential	2 covered spaces per dwelling unit <sup>2</sup>
Single Room Occupancies	1 space for each 2 bedrooms
Supportive Housing	1 space per 2 units
Transitional Housing	1 space per 2 units
<b>Retail Trade Use Types</b>	
Alcohol Sales	1 space per 350 s.f.
Bar/Nightclub	1 space per 250 s.f.
Drive-Throughs, Non-Restaurants and Restaurant	5 stacking spaces per drive-through, including service window and menu board areas, plus base use requirement (e.g., office, restaurant, etc.)
General Retail	1 space per 250 s.f. net retail floor area
Outdoor Display	-
Outdoor Dining	1 space per 300 s.f. <sup>3</sup>
Restaurant	1 space per 200 s.f.

<b>Table 17.3.08.040.A: Parking Requirements</b>	
<b>Use</b>	<b>Parking Requirements<sup>1</sup></b>
<b>Services Use Types</b>	
Bed & Breakfast	1 space for each guest room over 2 rooms and 2 spaces for the on-site manager
Day Care, Commercial	1 space for each 3 children
Dry Cleaning, Processing	1 space per 300 s.f.
Funeral Homes and Mortuaries	1 space per 200 s.f.
General Services	1 space per 250 s.f.
Hospital	1 space per 200 s.f.
Kennel	1 space per employee + 2 spaces
Lodging	1 space per room + 1 space per 10 rooms
Medical Clinics and Laboratories	1 space per 250 s.f. + 1 space per exam room + 0.5 space per employee
Office, General	1 space per 300 s.f.
Public Services	Determined by Director based on similar use(s)
Veterinary Clinics and Hospitals	1 space per 500 s.f. of floor area
<b>Wireless Telecommunications Facilities</b>	
Wireless Tower	Determined by Director
Other Wireless Telecommunications Facility	Determined by Director
<b>Transportation Facilities Use Types</b>	
Airports	Determined by Director
Passenger Transportation Facilities	Determined by Director
<b>Vehicle Sales and Services Use Types</b>	
Automotive Sales and Rental	1 space per 300 s.f.
Automotive Storage	1 space per 400 s.f.
Gas/Service Station	1 per employee If a convenience store is included, see "General Retail" If service bays are included, see "Repair"
Large Vehicle and Boat Sales and Rental	1 space per 300 s.f.
Repair	3 spaces for each service bay
<b>Other Use Types</b>	
Adult Businesses	Determined by Director based on similar use(s)
Correctional Institution	Determined by Director, or as otherwise required by the State
Temporary Use	Determined by Director based on similar use(s)

<sup>1</sup>For exceptions in the OTC Zone see Subsection 17.3.08.040.E (Parking Exceptions for the OTC Zone).

<sup>2</sup>Only one parking space is required per dwelling unit for single-family residential dwellings less than or equal to 900 s.f.

<sup>3</sup>Parking is not required for an outdoor dining area that is 50% or less of the indoor dining floor area (i.e., area used for table and chairs).

- = No parking is required

**E. Parking Exceptions for the OTC Zone.**

1. **Commercial.** The OTC Zone is exempt from all parking requirements for commercial uses.
2. **Residential.** No parking required for residential uses in the OTC Zone if:
  - a. The planning permit application, if required, for the residential uses, is deemed completed within three years of the adoption of this Code; and
  - b. The Building Permit for the residential uses is issued within five years of the adoption of this Code.

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**17.3.08.050: Bicycle and Motorcycle Parking Requirements**
**A. Bicycle Parking.** The following standards apply to bicycle parking in all zones:

1. Two bicycle parking spaces, or 5% of required off-street parking spaces, whichever is greater, are required for all uses other than single-family residential.
2. Bicycle parking shall be placed in a convenient, highly-visible, and well-lit location not more than 50 feet walking distance from the main entrance and shall not interfere with pedestrian movements.
3. Bicycle stalls shall be provided in compliance with the following requirements:
  - a. A device capable of supporting a bicycle(s) in an upright or hanging position, that allows for two points of contact with the frame and will enable a user to lock the bicycle to the device shall be provided, and the device shall be approved by the City.
  - b. The minimum spacing dimension of bicycle stalls shall be three feet by six feet.
  - c. Areas containing bicycle stalls shall be surfaced with hardscape or paving.
  - d. When located within a parking area, bicycle spaces shall be protected by curbs, fences, planter areas, bumpers, or similar barriers for the mutual protection of bicycles, automobiles, and pedestrians, unless deemed by the Review Authority to be unnecessary because the intended safety is adequately achieved through other means.

**B. Motorcycle Parking.** Parking for motorcycles shall be provided at the rate of one space for the first 40 required automobile spaces and one space for each 20 required automobile spaces above the first 40 required automobile spaces. An individual motorcycle space shall be four feet by seven feet.

**17.3.08.060: Parking Design and Construction**

- A. Applicability.** All parking areas and the respective driveway approaches shall be designed and constructed in compliance with City standards.
- B. Parking Lot Design Criteria and Requirements.** All parking areas shall conform to the standards in Table 17.3.08.060.A (Parking Lot Requirements), Figure 17.3.08.060.1 (Parking Lot Design), Figure 17.3.08.060.2 (Striping Details), and City Engineering design standards. However, compact spaces may deviate from these standards consistent with 17.3.08.030.C.

Table 17.3.08.060.A: Parking Lot Requirements							
A	B	C	D1	E1	D2	E2	F
Parking Angle	Stall Width	Stall Length	Aisle Width				Stall to Curb
			One Way Double Loaded	One Way Single Loaded	Two Way Double Loaded	Two Way Single Loaded	
0°	9 ft.	24 ft.	12 ft.	12 ft.	24 ft.	24 ft.	24 ft.
45°	9 ft.	20 ft.	14 ft.	14 ft.	25 ft.	25 ft.	20.5 ft.
60°	9 ft.	20 ft.	18 ft.	18 ft.	25 ft.	25 ft.	22 ft.
90°	9 ft.	20 ft.	25 ft.	25 ft.	25 ft.	25 ft.	20 ft.

Figure 17.3.08.060.1: Parking Lot Design

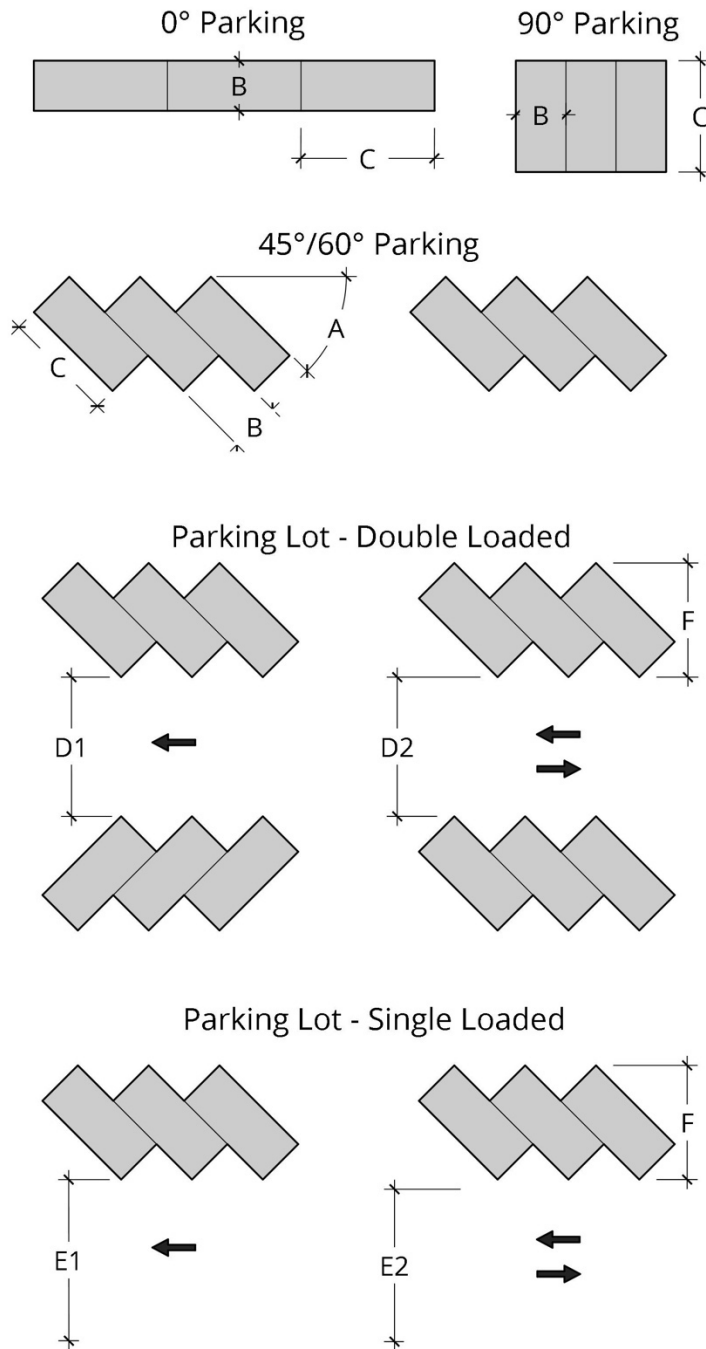
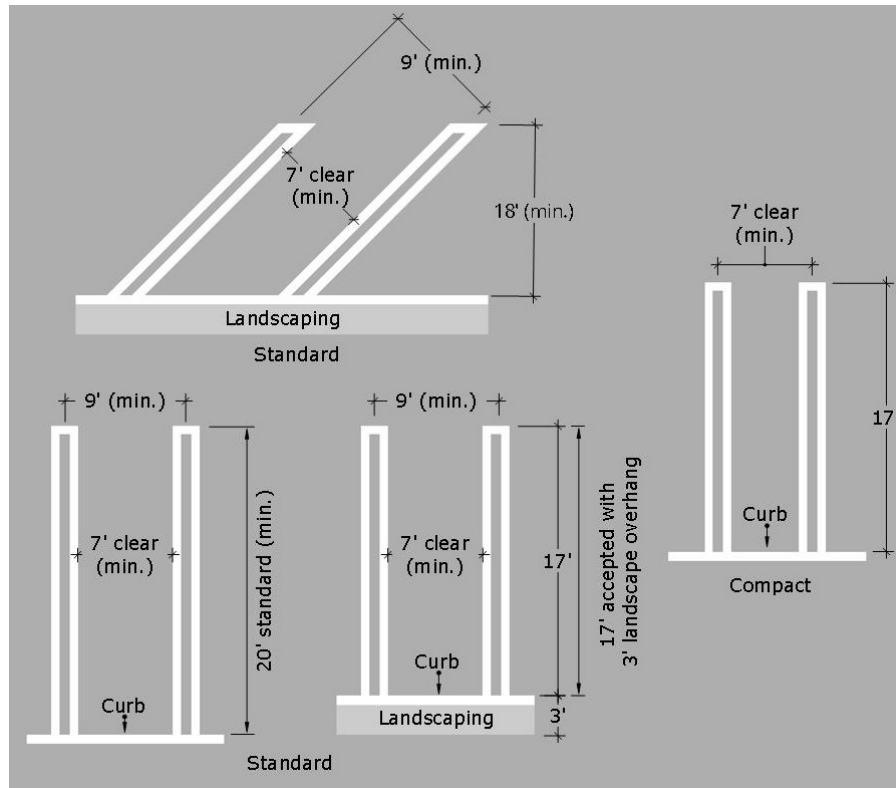




Figure 17.3.08.060.2: Striping Details



**C. Striping Permit.** ~~A Striping Permit, approved by the Department, is required for the restriping of a parking lot.~~ The re-striping of any parking lot that substantially changes the existing parking layout or results in a lesser number of spaces, shall require a striping permit approved by the Community Development Department.

**D. Parking Lot Lighting.**

1. Any lighting used to illuminate a parking lot shall be directed and shielded as to not illuminate surrounding properties (e.g., hooded lights, focused beam lamps).
2. Light standards shall be in scale with the project setting; however, in no case shall light standards exceed 20 feet in height measured from top of finished grade to the highest point of equipment. Where additional height is required for health and safety reasons, an additional five feet in height is allowed subject to review and approval by the Director.

- E. Temporary Parking.** A temporary parking area on a vacant parcel shall be subject to Architectural Design and Site Development Review approval (Chapter 17.5.12), and the following standards.
1. Screening of the lot from public view shall be provided consistent with Chapter 17.3.12 (Landscape and Screening Standards).
  2. Lot drainage details and proposed surface treatment shall be subject to the approval of the Building Official, to assure the lot will drain properly and be dust free (i.e., dust inhibitor, gravel, etc.).
  3. Temporary parking areas shall not be used to satisfy any requirement for parking, whether as a condition of approval or as required by this Code.
  4. The Review Authority may limit the temporary parking use to a certain period of time to achieve compliance with the purpose and intent of this Code.
- E. Single-Family Covered Parking.** A required parking space contained within a garage or carport for a single-family dwelling shall be 10 feet by 20 feet. Two side-by-side covered parking spaces require 20 feet by 20 feet.

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#### 17.3.08.070: Parking Reduction, Alternatives, and Incentives

- A. Applicability.** The Review Authority may approve reductions to the required number of on-site parking spaces in compliance with the criteria in this Section. The reductions described in this Section may be combined provided:
1. The cumulative parking reduction does not exceed 50% of the required number of spaces; and
  2. Multi-family residential projects provide a minimum of one parking space per residential unit.
- B. Shared Peak-Hour Parking.** Where two or more non-residential uses have distinct and differing traffic usage periods (e.g., a theater and a bank), the required number of parking spaces may be reduced. The total number of spaces required for all uses sharing the parking may be reduced to no less than the number of spaces required by Section 17.3.08.040 (Off-Street Parking Requirements) for the single use among those proposed that generates the highest parking demand.
- C. Mixed-Use Parking.** The total requirements of off-street parking spaces on a parcel with mixed uses shall be the sum of the requirements for the various uses computed separately. The Review Authority may reduce the parking requirement on such a parcel by up to 20% to incentivize mixed use projects.
- D. Proximity to Transit.** A parking reduction of up to 10% shall be approved for any use within an eighth of a mile of a transit stop.

- E. Off-Site Parking.** A reduction of up to 25% of on-site parking may be approved with a Minor Use Permit provided the number of spaces that is eliminated as an on-site requirement is provided through off-site parking. A reduction of up to 50% of on-site parking may be approved through a Conditional Use Permit in compliance with Chapter 17.5.20 (Conditional and Minor Use Permits). The off-site parking area shall be located within the same block or within 400 feet of the use(s), and the off-site parking spaces shall be committed by a recorded deed, parking easement, or agreement acceptable to the City Attorney.
- F. Bicycle Parking.** For each 10 required bicycle parking stalls provided, there shall be a reduction of one required automobile parking space to a maximum of 15% of the required automobile parking spaces, except up to a 25% reduction shall be allowed in the Old Town Commercial Zone and the H Street Overlay Zone.
- G. Motorcycle Parking.** Projects that provide more motorcycle spaces than required may reduce the required automobile spaces at the rate of one space for each four motorcycle spaces, up to a 10% reduction.
- H. On-Street Parking.** On-street parking spaces adjoining the lot may count toward the required non-residential use parking standards. In the Special Event Overlay Zone, on-street parking spaces adjacent to the lot may also count toward the required non-residential use parking standards.
- I. Further Reductions Justified by a Parking Study.** The Review Authority may approve additional reductions in the number of required parking spaces if a parking study demonstrates that fewer parking spaces are necessary. The City may require a peer review of the traffic study to be conducted by a qualified traffic engineer prior to preparing a recommendation or determination on the request.

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#### 17.3.08.080: Transportation Demand Management Plan

- A.** A transportation demand management plan shall be required for non-residential discretionary projects over 100,000 square feet. The plan shall be approved by the Review Authority and remain active throughout the life of the project. The plan shall be site specific for the proposed development and include following:
  - 1. An analysis of the expected travel behavior of employees and visitors to the site.
  - 2. A description of the existing transportation/circulation system in the project vicinity.
  - 3. A description of all feasible strategies that would be incorporated into the project to support on-site trip reduction efforts. Feasible trip reduction strategies may include:
    - a. Target higher vehicle occupancy in carpools.

- b. Incentives for carpooling, transit ridership, and/or bicycling for employees and/or customers. Such incentives may include reduced work hours to coincide with transit schedules, employer provided bus passes and direct monetary compensation for transit ridership.
- 4. Accommodating local shuttle and regional transit systems.
- 5. Providing transit shelters.
- 6. Providing secure storage lockers for bicycles.
- 7. Establishing a park-and-ride lot consisting of no less than 20 spaces to serve the project.

**B. Additional Measures.** Additional travel demand measures that may be incorporated into the transportation demand management plan are identified in Table 17.3.08.080.A (Additional Travel Demand Measures).

<b>Table 17.3.08.080.A: Additional Travel Demand Measures</b>
Requirements of <b>m</b> Multi-modal <b>t</b> ransportation <b>i</b> mprovements (see Subsection B.1)
Employee <b>t</b> rip <b>r</b> eduction <b>p</b> ackage (See Subsection B.2)
Alternative work schedules/flex-time
Preferential parking for carpool or vanpool vehicles
Bicycles parking and shower facilities
Information center for transportation alternatives
Bus stop improvements
On-site child care facilities
Facilities and equipment to encourage telecommuting
Contributions to funds for regional facilities such as park-and-ride lots, multi-modal transportation centers, satellite work centers, etc.
On-site amenities such as cafeterias, restaurants, automated teller machines, and other services to reduce the need for additional trips.
Transit incentives for employees such as additional pay for carpoolers, flexible work times, etc.
Elimination of free parking for employees
Parking cash-out incentives for employees
Video-conference facilities and equipment
Programs for delivery of goods at off-peak times for applicable businesses
Programs and facilities for centralized deliveries of goods for multi-tenant facilities

- 1. **Requirements of multi-modal transportation improvements.** Local transportation infrastructure to improve multi-modal transportation and encourage “feet-first” travel (i.e., pedestrian bicycle, transit, etc.) may be provided on- or off-site.
- 2. **Employee trip reduction package.** Employers may make the following information available to each employee upon their date of hire:
  - a. Carpooling/vanpooling information if available;

- b. Transit schedules and route information;
- c. Information on air pollution and alternatives to driving to work alone;
- d. Bicycle route and facility information, including local bicycle maps, locations of nearest bicycle stalls or locker storage facilities, and bicycle safety information; and
- e. Information on walking to work, pedestrian safety, and walking shoe information.

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## 17.3.12: Landscape and Screening Standards

17.3.12.010: Purpose

17.3.12.020: Applicability

17.3.12.030: General Requirements

17.3.12.040: Screening

17.3.12.050: Parking Area Landscaping

17.3.12.060: Regulations Applicable to Landscaping Along Designated Scenic Ridgelines and Roads

17.3.12.070: Maintenance

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### 17.3.12.010: Purpose

This purpose of this Chapter is to establish standards for landscaping that protects and enhances the environmental and visual quality of the community, the control of soil erosion and the establishment of visual buffers where necessary.

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### 17.3.12.020: Applicability

- A. New Projects.** All new projects shall provide landscaping in compliance with this Chapter.
- B. Nonconforming Landscaping.** Landscaping that is not consistent with this Chapter shall comply with Section 17.6.20.070 (Nonconforming Landscaping).
- C. Timing of Installation.** Required landscape and irrigation improvements shall be installed prior to the issuance of a certificate of occupancy by the Building Official unless specified otherwise in the project's conditions of approval.
- D. Alternatives to Standards.** The Review Authority may modify the standards of this Chapter to accommodate alternatives to required landscape materials or methods, where the Review Authority determines that the proposed alternative will be equally or more effective in achieving the purpose of this Chapter and such determination is documented in writing.
- E. Water Efficient Landscape and Irrigation Standards.** All landscaping and irrigation shall comply with LMC Chapter 15.52 (Water Efficient Landscape and Irrigation Standards).

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### 17.3.12.030: General Requirements

- A. Landscape Plan Requirement.** A landscape plan is required for projects in all zones unless exempted by LMC Chapter 15.52 (Water Efficient Landscape and Irrigation Standards).

1. **Conceptual Landscape Design Plan.** A Conceptual Landscape Design Plan shall be submitted for projects requiring a planning permit or approval consistent with Chapter 17.5.04 (Application Processing Procedures). As applicable the Conceptual Landscape Design Plan requirement may be combined with the Landscape Documentation Package as required in LMC Chapter 15.52 (Water Efficient Landscape and Irrigation Standards). If no planning permit or approval is required, a final landscape design plan shall be submitted in compliance with Subsection A.2, below.
2. **Final Landscape Design Plan** A final landscape design plan shall be submitted in a Landscape Documentation Package, in compliance with LMC Chapter 15.52 (Water Efficient Landscape and Irrigation Standards), as part of the Building Permit application. The Review Authority shall approve the final landscape design plan if it is in substantial compliance with this Chapter.
3. **Vegetation Management Plan.** Projects that include common areas that are, or are proposed to be, landscaped or open space areas shall submit a vegetation management plan subject to the review and approval of the Review Authority.

**B. Landscaping Materials.** Landscaping shall be a combination of drought tolerant ground cover, shrubs, and trees designed in compliance with LMC Chapter 15.52 (Water Efficient Landscape and Irrigation Standards). Hardscape material may be integrated into the required landscaping for residential zones in compliance with this Section.

**C. Minimum Landscape Coverage.** All projects shall meet the minimum landscape coverage as established in Table 17.3.12.030.A unless otherwise directed by this Chapter. The landscape coverage calculation may include the area(s) required for buffers and screening in compliance with Section 17.3.12.040 (Screening).

Table 17.3.12.030.A: Percent of Lot Required to be Landscaped			
Zone	Coverage	Zone	Coverage
RA Zone	NA	OTC Zone	5%
R-1 Zone	30%	PCD Zone	15%
R-2 Zone	30%	I Zone	10%
R-3 Zone	30%	BP Zone	10%
MH Zone	30%	MU Zone	10%
CC Zone	15%	PF Zone	20%
CB Zone	15%		

1. **Exceptions.** The minimum landscape coverage requirements may be reduced by the Review Authority as follows:
  - a. In commercial and industrial zones if the following findings are made:
    - (1) It is impractical or infeasible to meet the minimum standards;



- (2) The proposed landscaping is in compliance with the purpose of this Chapter; and
  - (3) There is ample landscaping along the public street frontage(s).
- b. In residential zones for non-residential uses (e.g., community assembly uses) if a finding is made that the proposed landscaping is in compliance with the purpose of this Chapter.

**D. Paving in Residential Setbacks.**

1. To limit the amount of hardscape paving in residential areas, paving, both impervious and pervious, shall be limited to a maximum 50% of the front setback.
2. The Review Authority may allow up to a 20% increase of the paving area allowed for irregularly shaped parcels that lack sufficient area for adequate driveway and pedestrian access due to topography or other site conditions.

**E. Trees.**

1. All trees planted along a street frontage shall be of a minimum 15-gallon size or six feet tall and have a one-inch caliper size at chest height, whichever is greater.
2. All other trees planted in required landscaped areas shall be a minimum of five-gallon size or three feet tall and have a one-inch caliper size at chest height, whichever is greater, unless otherwise approved by the Review Authority on the basis that the alternate size will achieve the desired immediate and/or long-term effect.
3. Along any non-residential interior or rear property line abutting residential uses, trees shall be planted a minimum of every 10 feet.
4. Trees planted under power lines shall not exceed a 24-foot maximum height at maturity.

**F. Artificial Material.** Artificial shrubs shall not be allowed. Artificial turf may be installed, provided it has a permeable base approved by the Public Works Department and does not front Ocean Avenue/Highway 246 or H Street/Highway 1 or be located in the public right-of-way or parkway.

**G. Dust and Soil Protection.** All unpaved areas proposed for development shall be landscaped with ground cover and/or shrub plant material. Any disturbed areas shall be temporarily seeded and irrigated for dust and soil control.

**17.3.12.040: Screening**

- A. Purpose and Applicability.** The requirements of this Section apply to all screening, fences, and walls for the conservation and protection of property, the enhancement of privacy, and the improvement of the visual environment. Standards for screening in parking and loading areas can be found in Section 17.3.12.050 (Parking Area Landscaping).
- B. Required Screening.** Screening shall be installed and maintained in the locations identified in Table 17.3.12.040.A (Required Screening).

Land Uses/Zones	Location
Civic, commercial, industrial, agricultural uses	Along all boundaries other than streets, and where the site abuts residential uses.
Adjacent to residential uses and residential zones	Surrounding storage or loading areas and along the perimeter of open off-street parking adjacent to residential uses or zones.
New construction adjoining residential uses	Along all property lines where new construction adjoins residential uses. <sup>3</sup>
Residential uses adjacent to agricultural uses	Along all property lines abutting or adjacent to agricultural uses.
Non-residential and multi-family uses in or adjacent to single-family residential uses or zones	Along all property lines abutting single-family residences or zones.
Mobile homes	Along all property lines and areas abutting a public street.
All properties, regardless of zone or use	Surrounding all mechanical equipment, meter boxes, and utility transformers, in compliance with Subsection 17.3.12.040.G (Equipment Screening).

<sup>1</sup> Subsection 17.3.12.040.F (Buffers) includes additional requirements for buffers between land uses and zones.

<sup>2</sup> Screening shall comply with height limitations of sight visibility triangles described in Subsections 17.3.04.070.D and E.

<sup>3</sup> A masonry wall shall be used for screening.

- C. Required Screening Types.** Required screening may consist of one or more of the following screening types identified in Table 17.3.12.040.B (Required Screening Types). Alternative screening types may be approved if the Review Authority finds that it achieves the intent and objectives of this Code.

Type	Description
Walls	A wall shall consist of concrete, stone, brick, tile, or similar type of solid masonry material a minimum of 6 inches thick.
Berms	A berm shall be constructed of earthen materials, and it shall be landscaped.

Table 17.3.12.040.B: Required Screening Types	
Type	Description
Open Fence	An open fence may be constructed of wood, welded wire, chain link, tubular steel, or wrought iron. Chain link may only be used along sides behind the required front setback and along the rear. <sup>1,2</sup>
Solid Fence	A solid fence shall be constructed of wood, masonry, welded wire, or chain link type fence combined with plant materials, wood slats, or other material approved by the Director to form an opaque screen. <sup>1,2</sup>
Planting <sup>3</sup>	Plant materials, when used as a visual screen, shall consist of compact evergreen plants a minimum of 5 gallon in size, planted in a minimum 3 ft. wide planting strip. They shall be of a kind, or used in such a manner, so as to effectively eliminate any view of objects on the opposite side. <sup>4</sup>
Trees	Trees, when used as a visual screen, shall be a minimum of 5 gallon in size when planted, in compliance with Subsection 17.3.12.030.E (Trees). Planting shall be one tree for each 30 linear feet of the combined length of the rear and both sidewall dimensions of the structure or area intended to be screened.

<sup>1</sup> All parts of a fence shall be built with a uniform screen or design and shall be constructed to be architecturally compatible with main structures on the site.

<sup>2</sup> See Subsection 17.3.12.040.H (Regulated Fencing Materials).

<sup>3</sup> The selection of plants must have the ability to achieve a minimum height and width of two feet within 12 months after initial installation. The Review Authority may require installation of walls, berms or solid fence, if, after 12 months after installation, the plant materials have not formed an opaque screen or if, at any time, the plant materials are not maintained so as to create the desired screen.

<sup>4</sup> The required planting strip width may vary based on zone or use, see Subsection [17.3.12.040.F](#) (Buffers), below.

**D. Height.**

- Screening height.** Screening, except for plant material and trees, shall comply with the height limits established in Table 17.3.12.040.C (Screening Heights).

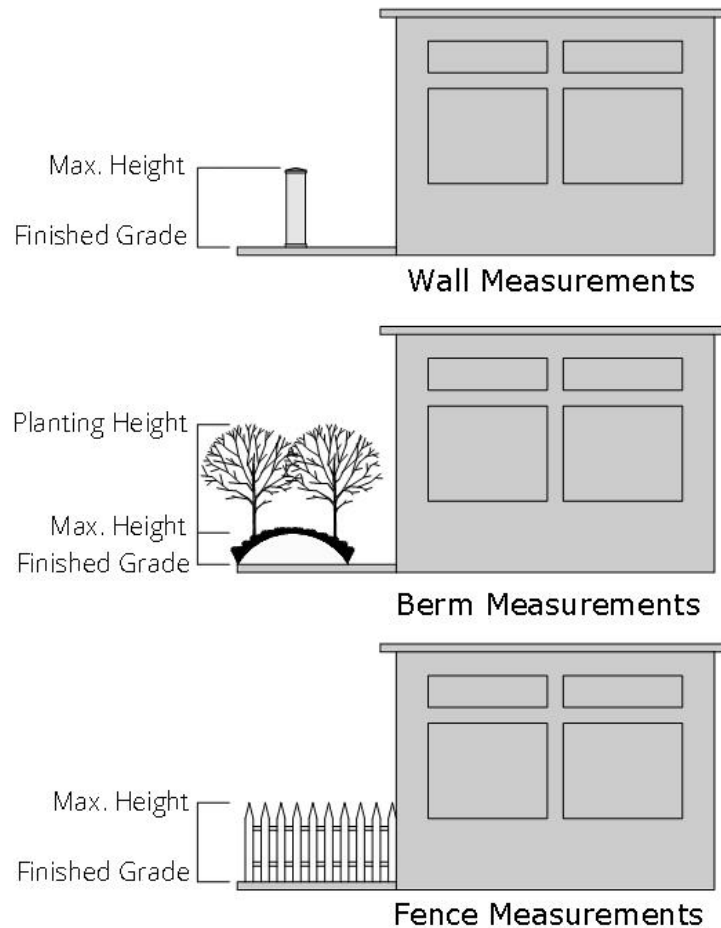
Table 17.3.12.040.C: Screening Heights <sup>1</sup>		
Location of Screening	Min. Height	Max. Height
Non-Industrial Zones	N/A	6 ft.
Industrial Zones	N/A	7 ft.
<b>Exceptions:</b>		
Within front setback	N/A	3 ft.
Within street side setback		
Side and rear lot line in the CB Zone that adjoins a residential zone	5 ft.	6 ft.
Industrial zone lot line that is adjacent to a residential zone	6 ft.	7 ft.

<sup>1</sup> All fences, walls, and berms shall comply with Subsection 17.3.04.070.D (Height Limit at Street Corners).

2. **Height at planting.** Where a specific height of planting is required for screening, such landscaping shall comply with Table 17.3.12.040.D (Height at Planting).

Table 17.3.12.040.D: Height at Planting	
Prescribed Height	Height at Planting
≥ 5 ft.	Within 2 ft. of prescribed height
< 5 ft.	Within 1 ft. of prescribed height

3. **Height measurement.**
- a. All screening height shall be measured as the vertical distance between the top of finished grade or highest elevation at the base of the screening and the top edge of the screening material (see Figure 17.3.12.040.1 (Screening Height Measurement)).
  - b. An earthen berm or mound not taller than two feet may count toward required height of landscaping and screening.
  - c. The portion of any screening functioning as a structural retaining wall shall not be counted in determining overall screening height.

**Figure 17.3.12.040.1: Screening Height Measurement**

**E. Reduction of Required Screening or Screening Design Standards.** The Review Authority may approve an adjustment to the requirements of this Section in compliance with Section 17.1.08.030 (Rules of Interpretation), if it is determined that:

1. The relationship of the proposed uses makes the required screening unnecessary;
2. The intent of this Section can be successfully met by means of alternative screening methods;
3. Physical constraints on the site make the required screening infeasible; or
4. The physical characteristics of the site or adjoining lots make the required screening unnecessary.

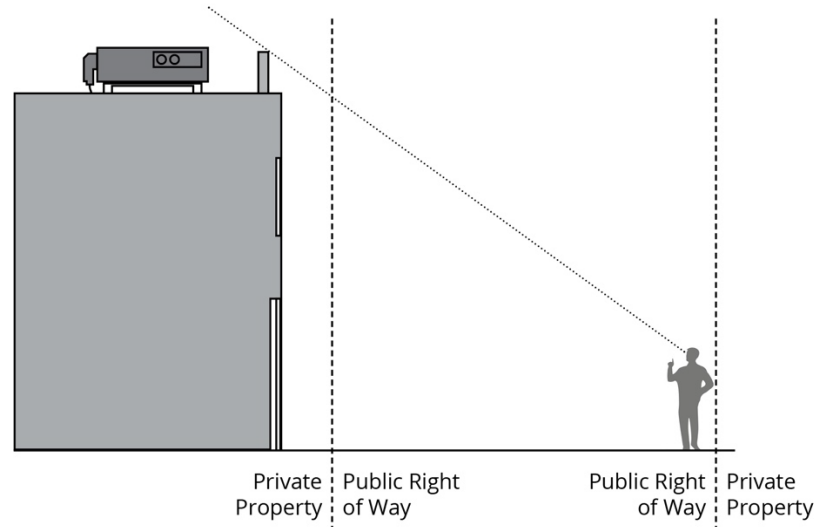
**F. Buffers.**

1. **Industrial.** In the industrial zones, a minimum of 10 feet of landscaping of 75% opacity, shall be planted and maintained when new industrial construction adjoins existing residential zones.
2. **Commercial.** In commercial zones, a minimum of five feet of landscaping of 75% opacity, shall be planted and maintained adjacent to residential zones.
3. **Agriculture.** For residential uses, a minimum of five feet of landscaping of 75% opacity, shall be planted and maintained adjacent to areas designated for agriculture.
4. **Residential.** For new residential projects, a minimum of five feet of landscaping of 75% opacity, shall be planted and maintained along all property lines adjacent to commercial and industrial uses, except where mixed-use is a component of the residential project.
5. **Open space.** Non-invasive local native plants shall be included in landscaping areas and screening areas to protect designated open space and wildlife habitat.
  - a. A minimum of five feet native landscaping of 75% opacity, shall be planted and maintained adjacent to designated open space areas.
  - b. Native landscaping shall be used in the screening of stream or riparian habitats in compliance with the *Citywide Best Management Practices* for storm water pollution prevention.
  - c. Properties adjacent to or abutting the western and eastern boundaries of the City's Urban Limit Line shall provide screening along the Urban Limit Line in compliance with this Subsection and the standards of this Chapter.
6. **Hazardous materials routes.** Where feasible, open space buffers (e.g., landscape strips, masonry walls, etc.) shall be provided between hazardous materials routes and residential neighborhoods.
7. **Fuel breaks.** Fuel breaks shall be required around projects in wildland fire hazard areas, in compliance with the Wildland Fire Hazard Areas map in the General Plan. Compliance with the requirements of this Subsection may result in reduced densities on the property.
  - a. The minimum width of the fuel break shall be determined by the Fire Chief.
  - b. Mosaic fuel breaks may be a minimum width of 100 feet if additional fire-resistive infrastructure and construction measures are provided.
  - c. The establishment and maintenance of the fuel breaks is the responsibility of the property owner.

### G. Equipment Screening.

1. Roof mounted equipment shall be screened from public view and residential uses consistent with Figure 17.3.12.040.2 (Screening for Roof Mounted Equipment). This equipment includes, but is not limited to air conditioning, heating, and ventilation ducts; exhaust vents; and utility services.

**Figure 17.3.12.040.2: Screening for Roof Mounted Equipment**



2. Ground level mechanical equipment and utility services shall be screened from public view as determined by the Director.
3. The colors, material, landscaping, and architectural style of screening shall be compatible with other on-site development (e.g., uses the same materials and colors as other structures).
4. All planting and trees used in screening equipment shall be designed and maintained in compliance with this Chapter.

### H. Regulated Fence Materials

1. Barbed type or razor wire is allowed in the I Zone and may be allowed in the BP Zone when not visible from the street or from residential zones subject to Director or Review Authority approval.
2. All parts of a fence shall be built with a uniform screen or with an open work design that has a minimum of four inches between vertical and horizontal members.

**17.3.12.050: Parking Area Landscaping**

**A. Applicability.**

1. Every parcel of land used for the parking or loading of motor vehicle or motor vehicle sales shall be improved and maintained with landscaping as required in this Section.
2. Landscaping design plans for commercial parking areas shall be submitted for review and approval by the Review Authority prior to installation in compliance with Section 17.3.12.030.A (Landscape Plan Requirement).

**B. Adjacent to Residential.** Where a parking area is across the street from a residential zone or adjoins an abutting residential zone on the same side of the street, there shall be a 10-foot wide landscaped area between the parking area and the street.

**C. Adjacent to Streets.**

1. Landscaping shall be designed and maintained to screen parking areas from public streets. Screening materials may include a combination of plant materials, earth berms, fences/walls, raised planters, or other screening at a minimum height of four feet, in compliance with Section 17.3.12.040 (Screening).
2. Landscaping for the screening of parking areas shall be a minimum of five feet, measured from the back of the sidewalk, and shall be planted with sufficient vegetation to effectively screen the parking area. If no sidewalk exists, distance shall be measured from the edge of right-of-way.
3. Screening within a traffic safety visibility area shall comply with Subsection 17.3.04.070.D (Height Limit at Street Corners).

**D. Interior Parking Lot Landscaping.**

1. **Amount of landscaping.** The minimum landscaped area within a parking area shall comply with Table 17.3.12.050.A (Required Interior Parking Lot Landscaping).

Table 17.3.12.050.A: Required Interior Parking Lot Landscaping	
Number of Parking Spaces	Percent of Gross Parking Area Required for Landscaping
15 or fewer	5%
16 to 30	10%
31 to 70	12%
71 and over	16%



- 2. Location of Landscaping.** Landscaping shall be dispersed throughout the parking area and include interior landscaped areas and perimeter landscaping.
- E. Protection.** Required landscaping next to parking spaces or driveways shall be protected by a minimum six-inch high continuous concrete border or curb wall with rebar.
- F. Plant Material.** Required landscape shall include a combination of drought tolerant trees, shrubs, ground covers, and permanent irrigation.
  - 1. Size and time of planting.** Plant materials shall be sized and spaced to achieve immediate effect and shall not be less than a five gallon container for trees with height consistent to Subsection 17.3.12.030.E [\(Trees\)](#), one gallon container for shrubs, and one gallon or less for perennials, vines, and mass planting, unless otherwise approved by the Review Authority on the basis that the alternate size will achieve the desired immediate and/or long-term effect equally well.
  - 2. Trees.** The minimum number of trees to be provided in any parking area shall be one for every eight parking stalls.
  - 3. Ground cover and shrubs.** The majority of areas required for landscaping shall be covered with ground cover, shrubs, or other types of plants.
    - a. Ground cover shall be provided throughout the landscaped area and shall be spaced to achieve full coverage within one year.
    - b. Excessive use of turf is discouraged.
    - c. Crushed rock, wood chips, pebbles, stone, and similar materials shall be allowed up to 15% of the total required landscaping.
    - d. Landscaped areas shall be top dressed with a bark chip mulch or approved alternative to avoid exposed bare soil.
- G. Reduction of required parking area landscaping.** The Review Authority may approve a reduction from the standards relating to the location of landscaped areas within parking areas if the lot configuration causes a hardship or unsafe condition. The Review Authority may approve a reduction not exceeding 50% in the size of any required area, provided another landscaped area is provided or increased to equally compensate for the loss.

**H. Storm Water Protection in Parking Areas.**

1. **Post-Construction Hydromodification Requirements.** Post-Construction Hydromodification Storm Water Control Measures (including, but not limited to, rain gardens or bio-retention ponds, permeable pavement, underground cisterns or infiltration chambers) are required by the City's adopted Post-Construction Hydromodification requirements. These requirements may apply to the design of parking and loading areas, and their design shall be submitted with grading plans and landscape plans.
2. **Groundwater recharge.** The design of parking lot landscaped areas may be required to include on-site infiltration of storm water run-off, in compliance with the City's adopted Post-Construction Hydromodification requirements, or other applicable Municipal Code requirements.

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**17.3.12.060: Regulations Applicable to Landscaping Along Designated Scenic Ridgelines and Roads**

In reviewing Landscape Design Plans, the minimum landscaping and screening requirements of this Chapter may be increased or otherwise modified for projects located on or along scenic ridgelines or roads designated in Figure UD-2 of the General Plan Urban Design Element in order to meet the following objectives:

- A. Adequately screen uses which by their nature will detract from the scenic qualities of a particular designated route or ridgeline.
- B. Not obstruct significant views with landscaping or screening; and
- C. Harmonize landscaping and screening with the natural landscaping and environment of the site and surroundings.

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**17.3.12.070: Maintenance**

- A. All landscaping (e.g., ground cover, hedges, lawns, shrubs, and trees) shall be maintained in a healthful and thriving condition at all times.
- B. Any damaged, dead, or decaying vegetation shall be replaced by the equivalent vegetation of a size, form, and character which will be comparable at full growth.
- C. Vegetation used for screening purposes shall be selectively thinned if it is determined by the Director that thinning would improve view corridors, walkability, or protect public health, safety, and welfare.
- D. All vegetation shall be adequately and efficiently irrigated. Irrigation systems and their components shall be maintained in a fully functional manner.
- E. Landscaping shall regularly be kept clean and free of debris, litter, and weeds.

- F.** All fences and walls that have been incorporated into an approved landscape design plan shall regularly be maintained in an attractive and safe manner.
- G.** The Review Authority shall, as a condition of approval of any Landscape Design Plan require the implementation of a landscaping maintenance agreement for the maintenance of any or all landscaping on a project.

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## 17.3.16: Sign Standards

17.3.16.010: Purpose

17.3.16.020: Applicability

17.3.16.030: Sign Minor Modifications and Design Performance Standards

17.3.16.040: Prohibited Signs and General Restrictions for All Signs

17.3.16.050: General Requirements for All Signs

17.3.16.060: Permanent Signs

17.3.16.070: Temporary Signs

17.3.16.080: Supplemental Sign Standards for the Old Town Commercial Zone

17.3.16.090: Landmark Signs

17.3.16.100: Nonconforming Signs

17.3.16.110: Enforcement

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### 17.3.16.010: Purpose

The purpose of this Chapter is to promote the public health, safety, and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards and requirements to:

- A.** Promote and accomplish the goals, policies and measures of the General Plan, including enhancing visual qualities of the urban streetscape (Urban Design Element Policy 4.3) and removing inappropriate obstacles to the formation and expansion of local businesses (Economic Development Policy 3.5);
- B.** Balance public and private objectives by allowing adequate avenues for both commercial and non-commercial messages;
- C.** Improve pedestrian, bicycle, and traffic safety by promoting the free flow of traffic and the protection of pedestrians, bicyclists, and motorists from injury and property damage caused by, or which may be fully or partially attributed to cluttered or distracting signage;
- D.** Prevent property damage, personal injury, and litter caused by signs that are improperly constructed or poorly maintained;
- E.** Protect and improve the local economy and quality of life by preserving and enhancing the appearance of the streetscape;
- F.** Allow signs to serve as an effective channel of communication through flexible standards applicable in certain circumstances;
- G.** Provide for the preservation of Landmark Signs that contribute to the unique character and history of Lompoc;

- H. Provide clear and unambiguous sign standards that enable fair and consistent enforcement; and
- I. Strengthen the identity of Lompoc as a year-round tourist destination.

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**17.3.16.020: Applicability****A. Applicability.**

1. This Chapter applies to all signs within the City unless specifically exempted.
2. Nothing in this Chapter shall be construed to prohibit a person from holding a sign while picketing or protesting on City property that is open to the public, so long as the person holding the sign does not block ingress and egress from buildings, create a safety hazard by impeding travel on sidewalks, in bike or vehicle lanes, or on trails, or violate any other reasonable time, place, and manner restrictions adopted by the City.
3. The provisions of this Chapter shall not require alteration of the display of any registered mark, or any trademark, service mark, trade name, or corporate name that may be associated with or incorporated into a registered mark, where such alteration would require the registered mark to be displayed in a manner differing from the mark as exhibited in the certificate of registration issued by the United States Patent and Trademark Office. It is the responsibility of the applicant to establish that a proposed sign includes a registered mark.

**B. Interpretations.**

1. This Chapter is not intended to, and does not, restrict speech on the basis of its content, viewpoint, or message. No part of this Chapter shall be constructed to favor commercial speech over non-commercial speech. A non-commercial message may be substituted for any commercial message displayed on a sign, or the content of any non-commercial message displayed on a sign that may be changed to a different non-commercial message, without the need for any approval or permit, provided that the size of the sign is not altered. To the extent that any provision of the Chapter is ambiguous, the term shall be interpreted not to regulate on the basis of the content of the message.
2. Where a particular type of sign is proposed in a permit application, and the type is not expressly allowed, restricted, or prohibited by this Chapter, the Review Authority shall approve, conditionally approve, or deny the application based on the most similar sign type that is expressly regulated by this Chapter.

**C. Exemptions.** The provisions of this chapter do not apply to the following signs:

1. Interior building signs.
2. Any sign, posting, notice or similar signs placed, installed or required by law by the City, County, or a Federal or State governmental agency in carrying out its responsibility to protect the public health, safety, and welfare, including but not limited, to the following:
  - a. Emergency and warning signs necessary for public safety or civil defense;
  - b. Traffic and parking signs erected and maintained by an authorized public agency or approved by an authorized public agency;
  - c. Numerals and lettering identifying the address from the street to facilitate emergency response and compliant with City requirements;
  - d. Signs directing the public to points of interest (e.g., wayfinding signs only erected by the City); and
  - e. Signs showing the location of public facilities.
3. Business information signs. Non-illuminated signs which provide business information including, but not limited to credit card acceptance, business hours, open/closed, or menus provided signs do not exceed an aggregate six square feet in sign area.
4. Community information bulletin boards approved by the City and signs posted on such boards in compliance with any applicable City posting protocol.
5. Signs neatly and permanently affixed to a vehicle. Refer also to 17.3.16.040.A.3. Such signage shall not be a banner, board, paper, or any temporary sign and shall not substantially project or deviate above or from the vehicle profile.
6. Signs that constitute an integral part of a permitted vending machine or similar facilities located outside of a business.
7. Murals.
8. Barber poles no more than 2.5 feet in height.

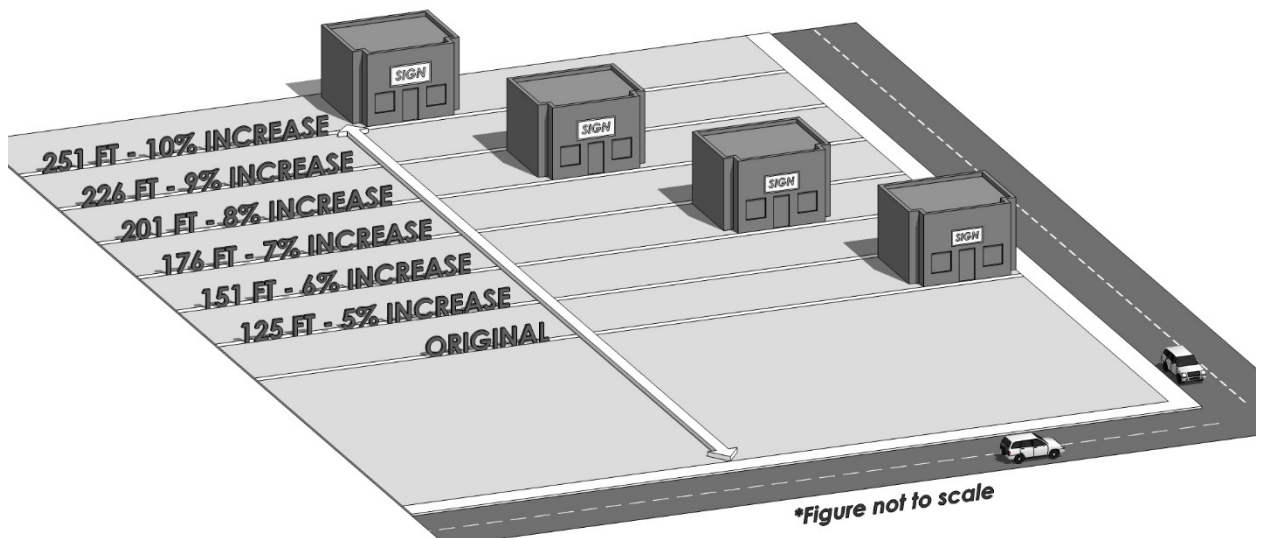
**17.3.16.030: Sign Minor Modifications and Design Performance Standards**

**A. Minor Modifications.** The following minor modifications or exceptions to sign standards are allowed subject to the approval of a Sign Permit by the applicable Review Authority in compliance with Chapter 17.5.04 (Application Processing Procedures) and Chapter 17.5.40 (Sign Permit and Sign Program); a Minor Modification does not trigger a different level of review than would otherwise be required for the Sign Permit.

- 1. Sign area.** Allowable sign area may be increased incrementally by up to 10% if a sign and business frontage identified by the sign are located at certain distances or more from the property line along a street; provided however, that the incremental increase shall only be applied to the sign located at the given distance or more from the property line along the street the sign faces. Table 17.3.16.030.A identifies the incremental increases allowed (also illustrated by Figure 17.3.16.030.1).

Table 17.3.16.030.A: Incremental Sign Area Increase	
Distance Between Property Line Along the Street to Sign	Sign Area Increase
125 - 150 ft.	5%
151 - 175 ft.	6%
176 - 200 ft.	7%
201 - 225 ft.	8%
226 - 250 ft.	9%
251 ft. +	10%

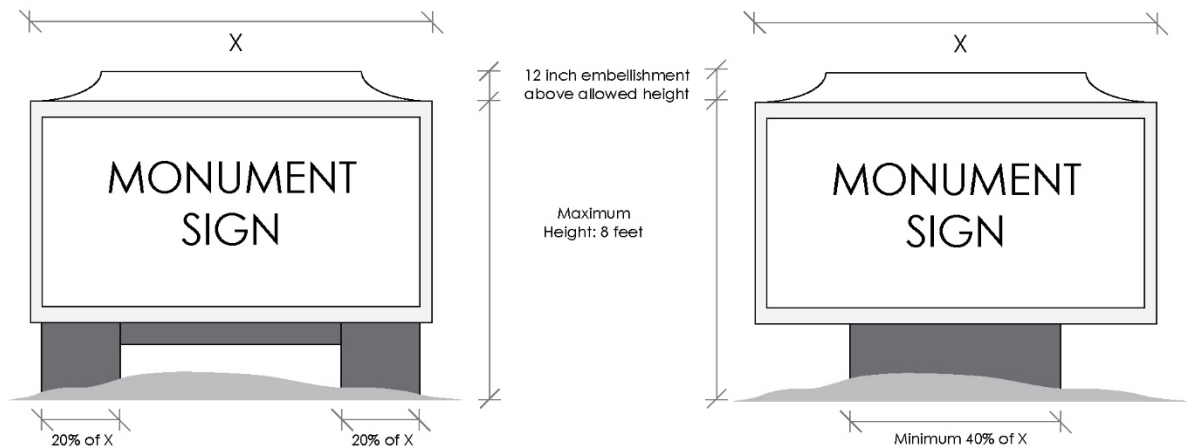
**Figure 17.3.16.030.1**





2. **Sign dimensions.** Architectural features or embellishments may exceed the maximum allowable sign height or dimensions by 10% or 12 inches, whichever is greater (Figure 17.3.16.030.2).

**Figure 17.3.16.030.2**



3. **Monument sign base width.** The required monumental sign base width may be reduced by 10% when warranted by unique parcel conditions, including elevation changes, irregularly shaped parcel, or natural obstructions, or when an improvement in overall sign design is achieved as determined by the Review Authority (Figure 17.3.16.030.2). For example, a sign base required to be four feet wide could be reduced to 3.6 feet.
4. **Corporate sign standards.** Adopted corporate sign standards that require signs to be a certain size or dimension may be allowed if the dimensions deviate no more than 10% from the applicable standards established in the chapter. If the deviation exceeds 10%, Sign Program approval would be required. It is the responsibility of the applicant to establish that a proposed sign is compliant with corporate sign standards.

## **B. Sign Design Performance Standards.**

1. **Sign design elements.** Increases in the allowable area and/or the height of permanent monument and building mounted signs in non-residential zones may be approved to encourage preferred sign design features that are identified in this Subsection. The preferred design features detailed below are in addition to the base maximum area and height limitations described in Table 17.3.16.060.A. and in addition to minor modifications allowed by Subsection 17.3.16.030.A. The increases allowed in this Subsection will be allowed as a minor modification consistent with Subsection 17.3.16.030.A. Nothing in this Subsection allows deviations from standards for signs subject to an approved Sign Program unless the Sign Program allows for such deviation. This Subsection is not applicable to temporary signs.

- a. **Raised letter signs.** This standard encourages the use of individual lettered business and logo design, or where appropriate, signs contain copy, logo, and/or decorative embellishments in relief on the face of the sign (Figure 17.3.16.030.3). The improved sign design enhances the readability of sign copy. A sign area and/or height increase as established in Table 17.3.16.030.B may be approved for sign designs that display either:
- (i) Pan channel letters without raceways or intentionally illuminated individual channel letters on an unlit or otherwise indistinguishable background on a monument sign or building wall (halo lighting, where the light source is concealed behind three-dimensional opaque letters, is encouraged); or
  - (ii) Where appropriate, carved signs with a three-dimensional textured surface that is integral to its design, such as extensively carved, routed and/or sandblasted signs containing the business name and/or logo.

**Figure 17.3.16.030.3**



- b. **Sign materials.** This standard encourages the use of native or natural materials in the construction of signs and structures, resulting in improved and innovative sign design and an improved image of the business or development to which it refers. A sign area and/or height increase as established in Table 17.3.16.030.B may be approved for the sign designs in which a minimum of 75% of the sign structure and face are constructed of native and natural materials, such as flagstone, river rock, redwood, cedar, treated pine, used brick, and/or unpainted or unfinished non-reflective metals (not including dilapidated materials such as rusted iron or corroded alloys).

- c. **Monument signs of reduced height.** This standard encourages the reduction of the overall height of monument signs as otherwise established in Table 17.3.16.060.A, while maintaining sign and site compatibility and improving the image of the business or development. See Table 17.3.16.030.B for percentage increases allowed.

Table 17.3.16.030.B: Percentage Increases for Design Elements Used				
Design Feature	Monument Sign		Building Mounted Sign	
	Area Increase	Height Increase	Area Increase	Height Increase
Raised Letter <sup>1</sup>	5%	5%	5%	N/A
Sign Materials	10%	10%	10%	N/A
Reduced Height	5%	N/A	5%	N/A

<sup>1</sup> Increases allowed by raised lettering do not apply to the Old Town Commercial Zone.

- 2. **Cumulative adjustments.** Where more than one feature listed in Subsection B.1 is proposed, the adjustment allowed for each individual feature is cumulative. Such sign area and/or height adjustment is measured and based upon the base maximum sign area and height for the applicable site as determined in Table 17.3.16.060.A. The cumulative maximum increase allowed for permanent monument and building mounted signs is 20% for sign area and 15% for sign height.

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### 17.3.16.040: Prohibited Signs and General Restrictions for All Signs

**A. Location Restrictions.** Signs may not be placed in the following locations except where specifically authorized:

- 1. Signs placed in City right-of-way, except for governmental signs and signs specifically allowed by this Chapter (e.g., bus bench sign, portable signs in the OTC Zone, etc.);
- 2. Signs tacked, painted, cut, pasted, or otherwise affixed to trees, light and utility poles, posts, fences, ladders, or similar supports that are visible from the public right-of-way;
- 3. No person engaging in the business of automobile repair or selling, renting, or parking vehicles shall park or stand any such vehicle on any street or City public parking lot for display, advertising or storage purposes;
- 4. Signs constructed or placed in such a manner as to prevent or interfere with free ingress to or egress from any door, window, or any exit way required by the California Building Code or Fire Department standards;
- 5. Signs that obstruct the view of any authorized traffic sign, signal, or other traffic control device; and

6. Signs constructed or placed in such a way as to be confused with any authorized traffic signal or device.

**B. Prohibited Signs.** The following signs are prohibited except where specifically authorized:

1. Abandoned signs;
2. Illegal signs;
3. Inflatable or tethered signs or devices, including air-activated graphics;
4. Pole signs;
5. Feather signs;
6. Roof signs;
7. People signs; and
8. Off-premises signs, except those permitted by an approved Sign Program pursuant to Section 17.5.40.020.B.

**C. Display Restrictions.** Signs with the following display features are prohibited:

1. Lighting devices with intermittent, flashing, blinking, or varying intensity of light or color, including animation or motion picture, or any lighting effects creating the illusion of motion, as well as laser or hologram lights unless explicitly allowed by this Chapter (e.g., electromagnetic messages).
2. Sound, odor, or smoke,
3. Rotating or moving sign body or any other portions of the sign whether mechanically or by other means unless explicitly allowed by this Chapter.

**D. Parking of Mobile Billboards Prohibited.** No person shall park or convey any mobile billboard advertising display as defined herein, either standing alone or attached to a motor vehicle, upon any public street or public lands in the City.

- 1. Removal of mobile billboard advertising displays authorized.** Pursuant to § 22651 (v) and (w) of the California Vehicle Code, a peace officer, or any regularly employed and salaried employee of the City, who is authorized to engage in directing traffic or enforcing parking laws and regulations may remove, or cause to be removed, the mobile billboard, or anything the mobile billboard is attached to including a motor vehicle, located within the territorial limits of the City when the mobile billboard is found upon any public street or any public lands, if all of the following requirements are satisfied:

- a. When a mobile billboard either standing alone or attached to a motor vehicle, is parked or left standing in violation of the Code, and the registered owner of the vehicle or display was previously issues a warning notice or citation for the same offence;
  - b. A warning notice or citation was issued to a first-time offender at least 24 hours prior to the removal of the vehicle or display. The City is not required pursuant to § 22651(v)(2) and § 22651(w)(2) of the Vehicle Code to provide further notice for a subsequent violation prior to enforcement; and
  - c. The warning notice or citation advised the registered owner of the vehicle or display that he or she may be subject to penalties upon a subsequent violation of the ordinance that may include removal of the vehicle or display.
- 2. Permanent advertising signs excepted.** Pursuant to § 21100(p)(2) and (p)(3) of the California Vehicle Code, this Section does not apply to advertising signs that are permanently affixed in a manner that is painted directly upon the body of a motor vehicle, applied to a decal on the body of a motor vehicle, or placed in a location on the body of a motor vehicle that was specifically designed by vehicle manufacturer for the express purpose of containing an advertising sign, such that they are an integral part of, or fixture of a motor vehicle for permanent decoration, identification, or display and that do not extend beyond the overall length, width, or height of the vehicle.
- 3. Post storage impound hearing.** Section 22852 of the California Vehicle Code applies to this Section with respect to the removal of any mobile billboard advertising display vehicle. Section 22852 is incorporated by reference as if set forth in full herein and provides, in summary, that whenever an authorized employee of the City shall direct the storage operator to provide the vehicle's registered and legal owner(s) of record, or their agents(s), with the opportunity to for a post-storage hearing to determine the validity of the storage. Notice of the storage shall be mailed or personally delivered to the registered and legal owner(s) of record, or their agent(s), with the opportunity for a post-storage hearing to determine the validity of the storage. Notice of the storage shall be mailed or personally delivered to the registered and legal owner(s) within 48 hours, excluding weekends, as specifically provided by for under § 22852 of the California Vehicle Code. To receive a post-storage hearing, the owner(s) of record, or their agent(s), must request a hearing in person, in writing, or by telephone within 10 days of the date appearing on the notice. The City may authorize its own officer or employee to conduct the hearing as long as the hearing officer is not the same person who directed the storage of the vehicle.

- 4. Violation – Penalties.** A violation of this Section is a misdemeanor, punishable upon conviction by a fine of not less than \$250, no more than \$1,000, or by imprisonment in the county jail for not more than six months, or by both fine and imprisonment. At the discretion of any person duly authorized by the Chief of Police to issue a citation for any violation of this Section, or the Lompoc City Attorney’s Office, a violation of this Section may be an infraction enforced through the parking penalty process set forth in § 40200 et seq. of the California Vehicle Code.

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**17.3.16.050: General Requirements for All Signs**

**A. Sign Message.**

1. Any allowed sign may contain, in lieu of any other message or copy, any lawful non-commercial message, provided that the sign complies with the size, height, area, location, and other requirements of this Chapter.
2. A sign’s message should be clearly legible for the intended audience (e.g., vehicular traffic, pedestrians, etc.).

**B. Sign Measurement Criteria.** The measurement of sign area and height to determine compliance with the limitations of this Chapter shall be regulated as follows:

1. **Surface area.** The surface area of a sign is calculated by enclosing the extreme limits of all framing, emblem, logo, representation, writing, or other display within a single continuous perimeter composed of squares or rectangles with no more than eight (8) lines. See Figures 17.3.16.050.1 and 17.3.16.050.2.

**Figure 17.3.16.050.1**

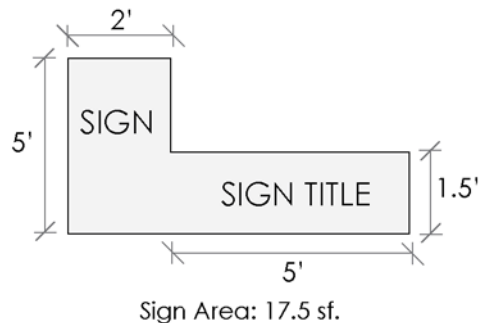


**Figure 17.3.16.050.2**



2. **Sign structure.** Supporting sign frame and support structures that are clearly incidental to the display itself is not computed as a sign area, except for portable signs.
3. **Double-sided signs.** The area of a double-sided sign that has no more than 24 inches separating the outer surfaces of the sign's two parallel planes is computed by multiplying the total height by the total length of only one side of the sign area.
4. **Three-dimensional objects.** Where a sign consists of one or more three-dimensional objects (e.g., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), the sign area is measured at their maximum projection upon a vertical plane.
5. **Multiple objects.** When signs are composed of individual elements, the area of all sign elements, which together convey a single complete message, are considered a single sign. See figure 17.3.16.050.3.

**Figure 17.3.16.050.3**



6. **Height.** Sign height is measured as the vertical distance from the highest elevation of the finished grade below or surrounding the base of the sign to the top of the highest element of the sign. In cases where substantial fill is proposed, "finished grade" shall be established by the Director consistent with properties in the immediate vicinity, and shall not be artificially raised to gain additional sign height. If highest finished grade surrounding the sign is lower than the grade of an adjacent road, the height of the sign shall be measured from the top of the curb elevation nearest the sign. See Figure 17.3.16.050.4.

**Figure 17.3.16.050.4****Figure 17.3.16.050.4**

**C. Sign Illumination.** Sign illumination shall be designed to minimize light and glare on surrounding rights-of-way and properties, according to the following standards:

**1. General.**

- a. LED / neon lighting is encouraged for energy conservation purposed and to allow for creatively designed and attractive signs.
- b. Sign illumination shall be limited to avoid light projection or reflection into residential zones.
- c. Sign illumination shall not blink, flash, flutter, or change light intensity, brightness, or color unless consistent with the standards for electronic message signs (Subsection 17.3.16.050.C.2). Illuminated window signs that are no greater than 2.5 square feet in area are exempt from this standard.
- d. Neither the direct nor reflected light from primary light sources may create hazards for pedestrians or operators of motor vehicles.

**2. Electronic message signs.**

- a. Electronic message signs are only allowed in the PF, CB, CC, and PCD zones, on sign types that allow for internal illumination in compliance with this Chapter (see Table 17.3.16.060.B).
- b. Electronic message signs shall not flash, blink, flutter, include intermittent or chasing lights, or display video messages (i.e., any illumination or message that is in motion or appears to be in motion). Electronic message signs may display changing messages provided that each message is displayed for no less than four seconds.



- c. One electronic message sign may be allowed per parcel, except that up to two electronic message menu boards may be allowed for drive-through uses.
- d. Night-time brightness.
  - (i) Night-time brightness shall be measured with an illuminance meter set to measure foot-candles accurate to at least two decimals. Illuminance shall be measured with the electronic message off, and again with the electronic message or a solid message for a single-color electronic message.
  - (ii) All measurements shall be taken perpendicular to the face of the electronic message at the following distance:
 
$$\text{Measurement Distance} = \sqrt{\text{Area of Sign Sq. Ft.} \times 100}$$
  - (iii) The difference between the off and solid message measurements shall not exceed 0.3 foot-candles at night.
- e. Electronic message signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions (e.g., photocell technology), or that can be adjusted to comply with the 0.3 foot-candle requirement.
- f. Electronic message signs shall be turned off daily at the close of business.

**D. Sign Design and Materials.** All signs shall be designed and constructed in compliance with the following standards:

**1. Design and construction.**

- a. All signs shall comply with applicable provisions of the uniform codes of the City, any other applicable City ordinance, resolutions, or standards, and this Chapter.
- b. The size of the structural members (e.g., columns, crossbeams, and braces) shall be proportional to the sign panel they are supporting. In general, fewer larger supporting members are preferable to many smaller supports.
- c. All permanent signs shall be designed by professionals (e.g., architects, building designers, landscape architects, interior designers, or those whose principal business is the design, manufacture, or sale of signs) who are capable of producing professional results.

- d. All permanent signs shall be constructed by persons whose principal business is building construction or a related trade including sign manufacturing and installation businesses, or others capable of producing professional results. The intent is to ensure public safety, achieve signs of careful construction, neat and readable copy, and durability so as to reduce maintenance costs and to prevent dilapidation.

**2. Materials.**

- a. Sign materials (including framing and supports) shall be characteristic of or compatible with the type and scale of materials used on the parcel of the sign.
- b. Reflective materials shall not be included on signs.
- c. Sign materials shall be durable and capable of withstanding weathering over the life of the sign with reasonable maintenance.

**E. Sign Placement at Intersection.** No sign located within the traffic safety visibility area shall exceed the height maximum identified in Section 17.3.04.070.D (Height Limit at Street Corners) and E (Height Limit at Driveways).

**F. Sign Maintenance.** All signs, both temporary and permanent, shall be continuously maintained in compliance with the following standards:

1. Each sign and supporting hardware shall be maintained in good repair so that it is able to function properly at all times. This includes the replacement of burned out or broken light bulbs and repair or replacement of faded, peeled, cracked, or otherwise damaged parts of a sign.
2. Signs that have structural or electrical components that may be compromised by weather should be inspected as necessary by a competent engineer or qualified building inspector, contractor, or sign professional.
3. Any repair to a sign shall be of materials and design of equal or better quality to as the original sign.
4. Signs that have been physically damaged by weather or physical impact shall be reviewed by a competent engineer or qualified building inspector, contractor, or sign professional within 24 hours after the damage occurs.
5. Signs that are not properly maintained and are dilapidated will be deemed a public nuisance and shall be abated in compliance with Section 17.3.16.110 (Enforcement).
6. When an existing sign is replaced, all brackets, poles, and other supports that are no longer required shall be removed.

7. Property owners are responsible for the structural and electrical integrity of signs located on their property and for obtaining all necessary permits in compliance with Chapter 17.5.40 (Sign Permit and Sign Program).
8. Landscaping required by this Chapter shall be maintained in a neat, clean, and healthy condition, which includes pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary, and the regular watering of all plantings.

**17.3.16.060: Permanent Signs**

Permanent signs shall comply with the standards provided in this Section. This Section is organized into three subsections: A.) signs allowed in residential zones; B.) signs allowed in non-residential zones; and C.) standards by sign type. Key standards are identified in the tables located in Subsections A and B (e.g., maximum sign number, sign area, sign height, permit requirements, etc.) which allows for a comparison across sign types. Subsection C identifies standards for each sign type regardless of zone and repeats certain standards listed in the tables located in Subsections A and B. Cross references provide linkages between standards.

**A. Signs Allowed in Residential Zones.**

1. Permanent signs in residential zones are allowed in compliance with the standards established in Table 17.3.16.060.A. The signs listed in Table 17.3.16.060.A are allowed in any number or combination, unless otherwise noted in the Section.
2. Multi-family residential subdivisions that have vehicle access off two or more streets shall provide directional signage (e.g., a site map with building locations and addresses) if necessary to facilitate emergency response activities as determined by the Fire Chief.

Sign Type	Maximum Number <sup>3, 4</sup>	Maximum Area	Maximum Height	Lighting Allowed?	Permit Required?	Additional Requirements
Flag	1 per parcel	35 s.f.	Limited to the zone’s allowable building height	External	yes	17.3.16.060.C.3.f
Monument Sign	1 per street frontage <sup>5</sup>	24 s.f.	5 feet	Limited, external, down-directed	yes	17.3.16.060.C.4
	1 per parcel <sup>6</sup>	4 s.f.	3 feet		no	

Table 17.3.16.060.A: Permanent Sign Standards for All Residential Zones <sup>1, 2</sup>						
Sign Type	Maximum Number <sup>3, 4</sup>	Maximum Area	Maximum Height	Lighting Allowed?	Permit Required?	Additional Requirements
Wall Sign	1 per street frontage <sup>5</sup>	24 s.f.	Not displayed above the second story	Limited, external, down-directed	yes	17.3.16.060.C.8
	1 per parcel <sup>6</sup>	4 s.f.			no	

<sup>1</sup> Not allowed in the R-1 or R-2 zones unless approved with a Sign Program.

<sup>2</sup> Parcels in the MU Zone that contain only residential uses shall be subject to the standards in this Table.

<sup>3</sup> Additional signs may be allowed if approved with a Sign Program.

<sup>4</sup> Directional signs required by 17.3.16.060.A.2 shall not be counted toward the maximum number of signs.

<sup>5</sup> Allowed for signs identifying a multi-family building or complex by name and/or address. Only one 24 square foot sign is allowed per street frontage, which may be either a wall or monument sign.

<sup>6</sup> Allowed for signs identifying or providing direction to the manager’s office of a multi-family building or complex or similar directional signs.

**B. Signs Allowed in Non-Residential Zones.** Permanent signs in non-residential zones are allowed in compliance with the standards established in Table 17.3.16.060.B. The signs provided in Table 17.3.16.060.B. are allowed in any combination unless otherwise noted in this Section; however, total square footage of all permanent signage shall not exceed two square feet per one lineal foot of street frontage or business frontage, with a maximum of 300 square feet per business.

Table 17.3.16.060.B: Permanent Sign Standards for All Non-Residential Zones <sup>1</sup>							
Sign Type	Maximum Number	Maximum Area <sup>2</sup>	Maximum Height <sup>2</sup>	Lighting Allowed?	Included in maximum area of signs?	Sign Permit Required?	Additional Requirements
Awning or Canopy Sign	1 per awning or canopy; 1 per valance	1 s.f. per 1 lineal foot of awning or canopy width; 75% maximum coverage of valance	Not displayed above the second story	Internal or external	yes	yes	17.3.16.060.C.1
Directory Sign	Ground mounted - 1 per parcel	20 s.f.	6 ft.	Internal or external	no <sup>3</sup>	yes	17.3.16.060.C.2
	On-building - 1 per bldg. entrance		12 ft. above finished grade below				

<b>Table 17.3.16.060.B: Permanent Sign Standards for All Non-Residential Zones<sup>1</sup></b>							
<b>Sign Type</b>	<b>Maximum Number</b>	<b>Maximum Area<sup>2</sup></b>	<b>Maximum Height<sup>2</sup></b>	<b>Lighting Allowed?</b>	<b>Included in maximum area of signs?</b>	<b>Sign Permit Required?</b>	<b>Additional Requirements</b>
Flag	1 per business	35 s.f.	Limited to the zone's allowable building height	External	yes	no	17.3.16.060.C.3
Monument Sign <sup>4</sup>	2 per street frontage, with minimum separation of 100 feet	60 s.f. (for each monument sign)	8 ft.	Internal or external	yes	yes	17.3.16.060.C.4
Parking Lot Sign	2 per parcel	4 s.f.	3 ft.	Internal or external	no	yes	17.3.16.060.C.5
Projecting Sign <sup>5</sup>	1 per business entrance	12 s.f.	14 ft. above finished grade below	Internal or external	yes	yes	17.3.16.060.C.6
Suspended Sign	1 per business entrance	8 s.f.	Limited to ground level businesses only	Internal or external	yes	yes	17.3.16.060.C.7
Wall Sign	2 per bldg. façade, max 4 per bldg. Multi-tenant buildings may have at least one sign per tenant space	Max two square feet per one lineal foot of street frontage	Not displayed above the second story	Internal or external	yes	yes	17.3.16.060.C.8
Window Sign	n/a	30% of window area <sup>6</sup>	n/a	Internal	no	yes	17.3.16.060.C.9

<sup>1</sup> Parcels in the MU Zone that contain only residential uses shall be subject to the standards in Table 17.3.16.060.A.

<sup>2</sup> See 17.3.16.050.B for how to measure sign area and height.

<sup>3</sup> Only if not visible from the public right-of-way. If the sign is visible from the public right-of-way, it shall be considered a monument or wall sign and will be included in the limitations for maximum number of signs and sign area.

<sup>4</sup> Prohibited in the OTC Zone.

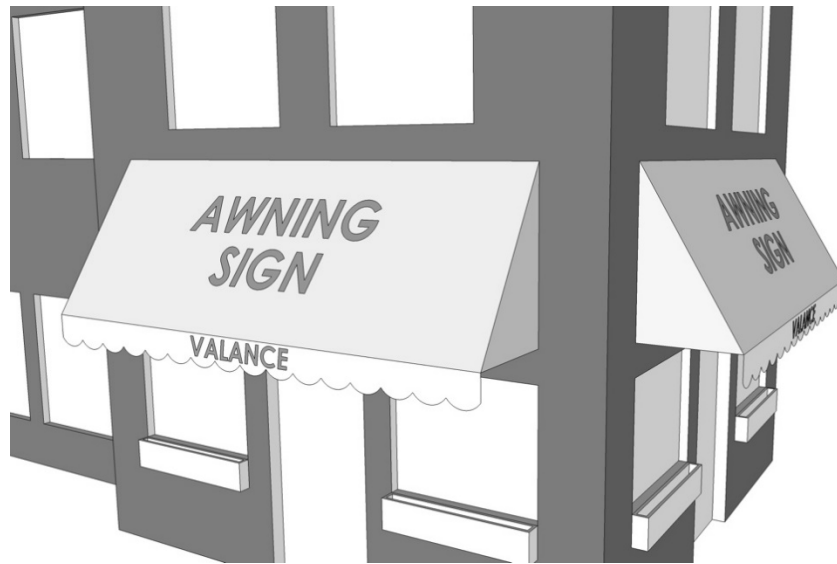
<sup>5</sup> Standards in Subsection 17.3.16.080.D.2 apply to projecting signs in the OTC Zone.

<sup>6</sup> Only 25% of window area allowed for signage in the Old Town Commercial Zone (see Section 17.3.16.080).

**C. Standards by Sign Type.** As listed in, and in addition to the standards in Table 17.3.16.060.B, signs shall comply with the following standards applicable to the specific sign type. Each sign type listed in the subsection shall be included in the calculation of the total sign area and/or number of signs allowed on a parcel by Subsection 17.3.16.060.B (Signs allowed in Non-Residential Zones), unless this Chapter explicitly provides otherwise. Each sign shall also comply with the requirements of Section 17.3.16.050 General Requirements for all Signs, and all other applicable provisions after this Chapter.

1. **Awning or canopy signs.** An awning or canopy sign is any sign that is painted or applied to the face, valance, or side panel or a projecting structure consisting of a frame and a material covering, attached to and wholly supported by a building wall and installed over and partially in front of doors, windows, and other openings in a building (as defined in Chapter 17.7.12).

**Figure 17.3.16.060.1**



- a. **Maximum number.** One sign per awning or canopy, and one per valance.
- b. **Maximum area.** One square foot per one lineal foot of awning or canopy width, and 75% maximum coverage per valance.
- c. **Maximum height.** Sign is not to be displayed above the second story.
- d. **Illumination.** May be internally or externally illuminated consistent with Section 17.3.16.050.C.
- e. **Permit required.** A Sign Permit is required in compliance with Chapter 17.5.40 (Sign Permit and Sign Program).

f. **Additional requirements:**

- (1) **Vertical clearance.** Maximum eight feet from bottom of the awning, including variance, or canopy to finished grade.
  - (2) **Setback and projection into public right-of-way.** A minimum of two feet between the edge of the awning or canopy and outer curb face shall be maintained. Any encroachment into City right-of-way is subject to City Engineer approval and requires a City Encroachment Permit. Signs and awnings or canopies may not encroach into State right-of-way unless authorized by the State.
  - (3) **Sign width.** Sign copy on an awning or canopy shall not exceed 60% of awning or canopy width.
2. **Directory signs.** A dictionary sign is a pedestrian oriented sign used to provide a directory of tenant locations within a multi-tenant building(s) (as defined in Chapter 17.7.12).

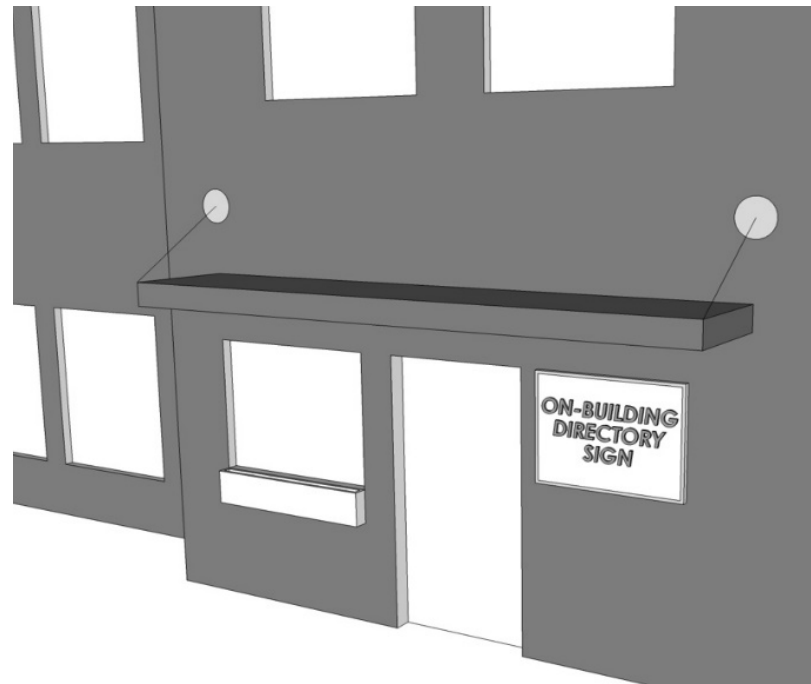
**Figure 17.3.16.060.2**

Figure 17.3.16.060.3



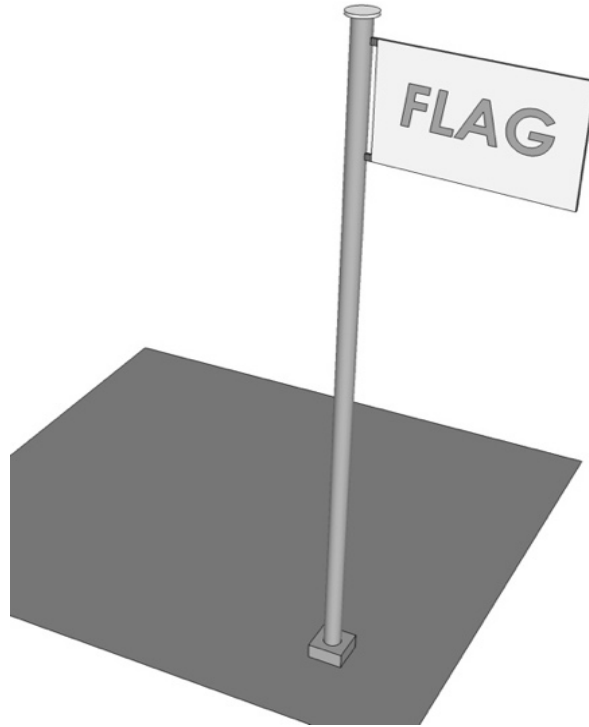
The following standards apply to directory signs (see Figures 17.3.16.060.2 and 17.1.~~1608~~.060.3).

- a. **Maximum number.** Ground mounted: 1 per parcel; On-building: 1 per building entrance.
- b. **Maximum area.** 20 square feet.
- c. **Maximum height.** Ground mounted: Six feet; On-building: 12 feet above finished grade below.
- d. **Illumination.** May be internally or externally illuminated consistent with Section 17.3.16.050.C.
- e. **Permit required.** A Sign Permit is required in compliance with Chapter 17.5.40 (Sign Permit and Sign Program).
- f. **Additional requirement:** Ground mounted directory signs shall comply with the standards for monument signs in Subsection 17.3.16.060.C.4.



3. **Flags.** A flag is a fabric sheet of square, rectangular or triangular shape that is mounted on a pole. This sign type includes official flags of national, state, or local governments. This sign type does not include feather signs (as defined in Chapter 17.7.12).

**Figure 17.3.16.060.4**



The following standards apply to flags (see Figure 17.3.16.060.4).

- a. **Maximum number.** One per business.
- b. **Maximum area.** 35 square feet.
- c. **Maximum height.** The height of a flag is limited to the zone's allowable building height.
- d. **Illumination.** May be externally illuminated consistent with Section 17.3.16.050.C.
- e. **Permit required.** No.
- f. **Additional requirements:**
  - (1) **Attached to flag pole.** A flag shall be securely attached to a flag pole.
  - (2) **Vertical clearance.** Minimum eight feet from bottom of the flag to finished grade.

4. **Monument signs.** A monument sign is an independent, freestanding sign supported on the ground having a solid base (as defined in Chapter 17.7.12).

**Figure 17.3.16.060.5**

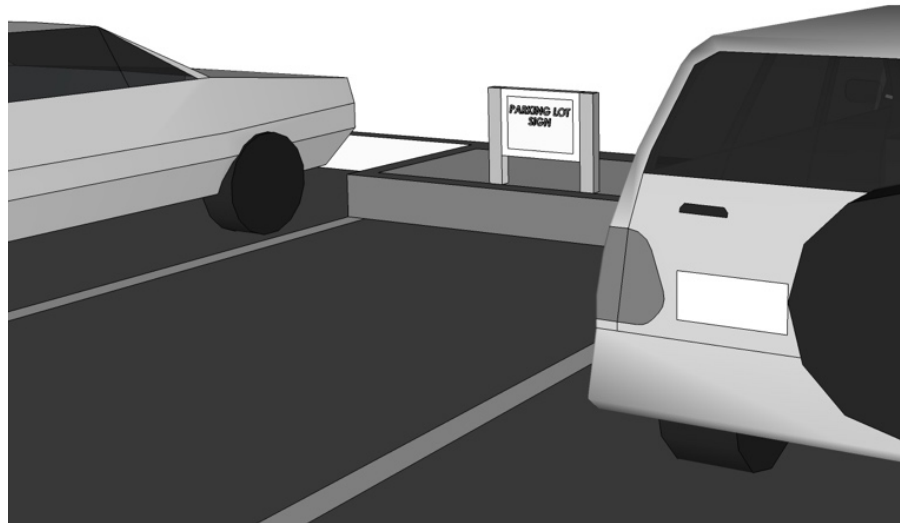


The following standards apply to monument signs (see Figure 17.3.16.060.5).

- a. **Maximum number.** Residential: See Table 17.3.16.060.A; Non-Residential: two per street frontage per parcel with a minimum separation of 100 feet (see Subsection f(4)).
- b. **Maximum area.** Residential: See Table 17.3.16.060.A; Non-Residential: 60 square feet (for each monument sign).
- c. **Maximum height.** Residential: see Table 17.3.16.060.A; Non-Residential: eight feet.
- d. **Illumination.** Residential: limited, external, and must be directed downwards; Non-residential: may be internally or externally illuminated consistent with Section 17.3.16.050.C.
- e. **Permit required.** Residential: see Table 17.3.16.060.A; Non-Residential: a Sign Permit is Required in compliance with Chapter 17.5.40 (Sign Permit and Sign Program).
- f. **Additional requirements:**
  - (1) **Setback.** Minimum one foot from a property line in non-residential zones, and a minimum of five feet from a property line in residential zones.
  - (2) **Landscaping.** Monument signs shall be located within a minimum 70 square foot landscape area.

- (3) **Base width.** Monument signs larger than four square feet or taller than three feet include a sign base with an aggregate width of at least 40% of the width of the sign face. See Figure 17.3.16.030.2.
  - (4) **Separation.** Multiple monument signs should be separated by a minimum of 100 feet to ensure adequate visibility for all signs. The Director may modify this requirement to where the locations of existing signs on adjacent properties would make the 100-foot separation impractical.
  - (5) Monument signs are prohibited in the OTC Zone.
5. **Parking lot signs.** A parking lot sign is a sign placed or displayed in parking lots to supply information to people using such lots, including information with respect to liability as well as entry, exit, and directional information, handicapped parking requirements, and other information to facilitate the safe movement of vehicles served by the parking area (as defined in Chapter 17.7.12).

**Figure 17.3.16.060.6**

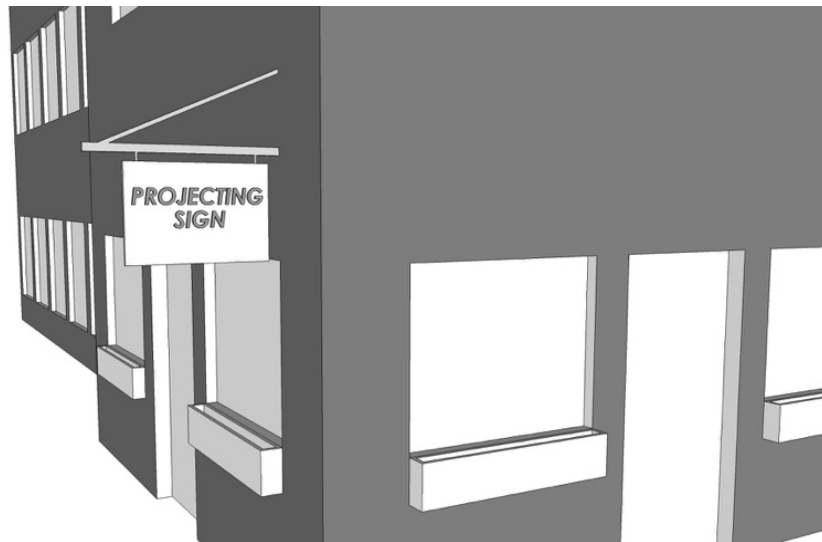


The following standards apply to parking lot signs (see Figure 17.3.16.060.6).

- a. **Maximum number.** Two per parcel.
- b. **Maximum area.** Four square feet.
- c. **Maximum height.** Three feet.

- d. **Illumination.** May be internally or externally illuminated consistent with Section 17.3.16.050.C.
  - e. **Permit requirement.** A Sign Permit is required in compliance with Chapter 17.5.40 (Sign Permit and Sign Program).
  - f. **Additional requirement:** A maximum of one parking lot sign at each driveway.
6. **Projecting signs.** A projecting sign is a sign projecting from and supported by a wall or building with the display surface of the sign perpendicular to the wall or building (as defined in Chapter 17.7.12).

**Figure 17.3.16.060.7**

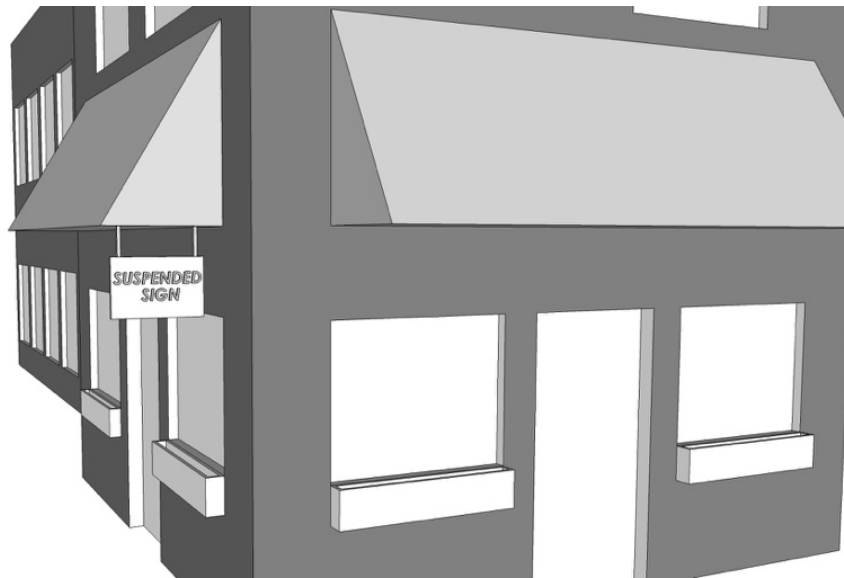


The following standards apply to projecting signs (see Figure 17.3.16.060.7)

- a. **Maximum number.** One per business entrance.
- b. **Maximum area.** 12 square feet.
- c. **Maximum height.** 14 feet above finished grade.
- d. **Illumination.** May be externally illuminated consistent with Section 17.3.16.050.C.
- e. **Permit required.** A Sign Permit is required in compliance with Chapter 17.5.40 (Sign Permit and Sign Program).
- f. **Additional requirements:**
  - (1) **Vertical clearance.** Minimum eight feet from bottom of the sign to finished grade below.

- (2) **Projecting into public right-of-way.** May encroach into the city right-of-way a maximum of three feet if approval is obtained from the City Engineer and a City Encroachment Permit is issued. Signs may not encroach into State right-of-way unless authorized by the State.
  - (3) Projecting signs shall not extend more than five feet from a structure wall.
  - (4) Projecting signs shall be double-sided.
  - (5) Projecting signs in the OTC Zone are subject to the supplemental standards in 17.3.16.080.D.2.
7. **Suspended signs.** A suspended sign is a sign that is suspended from the underside of an eave, canopy, awning, arcade, or other covered walkway (as defined in Chapter 17.7.12).

**Figure 17.3.16.060.8**

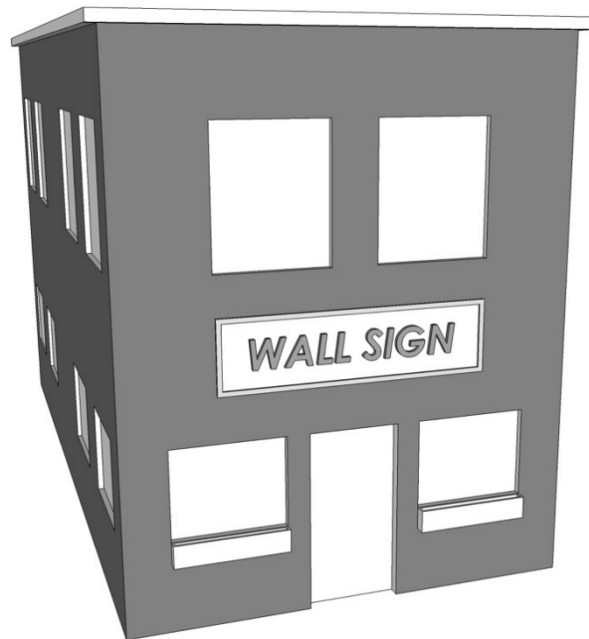


The following standards apply to suspended signs (see Figure 17.3.16.060.8).

- a. **Maximum number.** One per business entrance.
- b. **Maximum area.** Eight square feet,
- c. **Maximum height.** Sign is limited to ground level businesses only.
- d. **Illumination.** May be externally illuminated consistent with Section 17.3.16.~~050060~~.C).
- e. **Permit required.** A Sign Permit is required in compliance with Chapter 17.5.40 (Sign Permit and Sign Program).

- f. **Additional requirement: vertical clearance.** Minimum eight feet from bottom of the sign to finished grade.
8. **Wall signs.** A wall sign is a sign attached to or painted to the exterior wall of a building or structure with the display surface of the sign approximately parallel to the building or structure wall (as defined in Chapter 17.7.12).

**Figure 17.3.16.060.9**

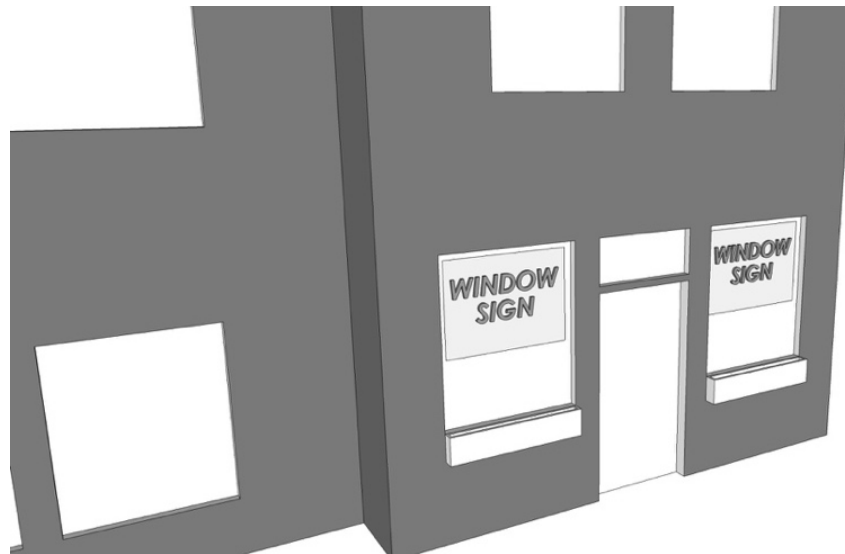


The following standards apply to wall signs (See Figure 17.3.16.060.9).

- a. **Maximum number.** Residential: one per street frontage or one per parcel; Non-Residential: two per building façade, with a maximum of four per building. Multi-tenant buildings may have at least one sign per tenant.
- b. **Maximum area.** Residential: 24 square feet or four square feet; Non-Residential: Two square feet per one lineal foot of street frontage. If the building does not have street frontage then the sign square footage area is based on business frontage. Each business is allowed a total wall sign area of at least 25 square feet regardless of the street frontage.
- c. **Maximum height.** Sign is not to be displayed above the second story.
- d. **Illumination.** Residential: limited, external, and directed downwards; Non-Residential: may be internally or externally illuminated and must be consistent with Section 17.3.16.050.C.

- e. **Permit required.** A Sign Permit, in compliance with Chapter 17.5.40 (Sign Permit and Sign Program), may or may not be required (see Tables 17.3.16.060.A and 17.3.16.060.B).
- f. **Additional requirements:**
  - (1) **Maximum sign height.** Top of sign maximum 25 feet above ground level.
  - (2) **Projection.** A wall sign shall not project more than eight inches from the surface to which it is attached,
  - (3) **Sign width.** Maximum 60% width of building façade or business frontage.
- 9. **Window signs, permanent.** A permanent window sign is a sign placed on or behind a window facing a public way. Window signs do not include common wall windows on the inside of a building not visible by the general public from any public right-of-way or any public area (as defined in Chapter 17.7.12).

**Figure 17.3.16.060.10**



The following standards apply to permanent window signs (see Figure 17.3.16.060.10).

- a. **Maximum number:** Not applicable.
- b. **Maximum area.** 30% of window area in all non-residential zones and 25% in the OTC Zone (see Section 17.3.16.080.D.3).
- c. **Maximum height.** Not applicable.

- d. **Illumination.** May be internally illuminated consistent with Section 17.3.16.050.C.
- e. **Permit required.** A Sign Permit is required in compliance with Chapter 17.5.40 (Sign Permit and Sign Program).
- f. **Additional requirement.** Transparent window signs may be excluded from window size calculations subject to review and approval by the Director.

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**17.3.16.070: Temporary Signs**

- A. Purpose.** In addition to the Purpose of this Chapter (Section 17.3.16.010), the Council finds that the proliferation of temporary signs is a distraction to the traveling public and creates aesthetic blight and litter that threatens the public’s health, safety, and welfare. The purpose of these regulations is to ensure that temporary signs do not create a distraction to the traveling public by eliminating the aesthetic blight and litter caused by temporary signs.
- B. General to All Temporary Signs.** Temporary Signs are allowed only in compliance with the provisions of this Section.
  - 1. Temporary sign types not listed in Table 17.3.16.070.A are not allowed (see [Subsection 17.3.16.020.B Applicability](#)—Interpretations).
  - 2. Temporary signs shall be well-maintained consistent with Subsection 17.3.16.050.D (Sign Design and Materials).
  - 3. Temporary signs shall not include attachments, including, but not limited to, balloons, pennant flags, ribbons, loudspeakers, etc.
  - 4. Temporary signs are not counted toward the total (permanent) allowable sign area or number.
- C. Temporary Sign Standards for Non-Residential Zones.** Temporary signs in Non-Residential Zones are allowed as provided in Table 17.3.16.070.A. The signs in Table 17.3.16.070.A are allowed in any combination unless otherwise noted in this Section; however, businesses shall not display more than three temporary signs (excluding window signs) at any one time.

<b>Table 17.3.16.070.A: Temporary Sign Standards for Non-Residential Zones</b>						
<b>Sign Type</b>	<b>Maximum Number</b>	<b>Maximum Area</b>	<b>Maximum Height</b>	<b>Lighting Allowed?</b>	<b>Sign Permit Required?</b>	<b>Additional Requirements</b>
Banner Sign	1 per business frontage	30 s.f. or 10% of business frontage on which banner is placed,	n/a	no	yes	17.3.16.070.D.1



Table 17.3.16.070.A: Temporary Sign Standards for Non-Residential Zones						
Sign Type	Maximum Number	Maximum Area	Maximum Height	Lighting Allowed?	Sign Permit Required?	Additional Requirements
		whichever is greater <sup>1</sup>				
Bus Bench Sign	1 sign per bus bench	8 s.f. and not to extend beyond the exterior limits of the bench backrest, whichever is smaller	n/a	no	yes	17.3.16.070.D.2
Portable Sign	1 per business	6 s.f.	3 ft.	no	no	17.3.16.070.D.3
Window Sign	n/a	50% of window area <sup>2</sup>	n/a	no	no	17.3.16.070.D.4
Yard Sign	1 per business frontage	12 s.f. (lots < 1 acre) 32 s.f. (lots ≥ 1 acre)	6ft (lots < 1 acre) 8ft (lots ≥ 1 acre)	no	no (signs < 12 s.f.) yes (signs ≥ 12 s.f.)	17.3.16.070.D.5

<sup>1</sup> For the purposes of calculating allowed banner sign area, the height of a business frontage shall be eight feet regardless of existing conditions.

<sup>2</sup> In no event shall more than 50% of the total window area be covered by signage, including permanent and temporary window signs.

**D. Standards by Sign Type.** As listed in, and in addition to the standards in Table 17.3.16.070.A, signs shall comply with the following standards applicable to the specific sign type. Each sign shall also comply with all other applicable provisions of this Chapter.

1. **Banner signs.** A banner sign is a temporary sign composed of cloth, canvas, plastic, fabric, or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or ~~ss~~ similar method (as defined in Chapter 17.7.12).



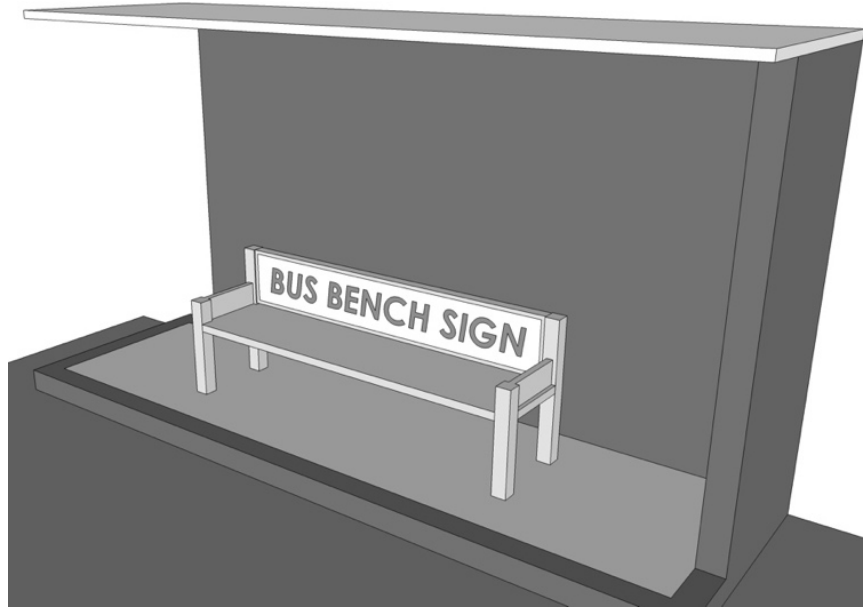
**Figure 17.3.16.070.1****Figure 17.3.16.070.1**

The following standards apply to banner signs (See Figure 17.3.16.070.1).

- a. **Maximum number.** One per business frontage.
- b. **Maximum area.** 30 square feet or 10% of business frontage on which the banner is placed, whichever is greater.
- c. **Maximum height.** Not applicable.
- d. **Illumination.** Not allowed.
- e. **Permit required.** A Sign Permit is required in compliance with Chapter 17.5.40 (Sign Permit and Sign Program).
- f. **Additional requirements.**
  - (1) Banners shall be affixed to a permanent structure (i.e., cannot be freestanding, such as mounted on temporary posts).
  - (2) A banner may be displayed for no longer than 30 consecutive days, twice per calendar year. A minimum of 30 days is required between the two 30-day display periods. A new business is allowed to have one banner for up to 90 consecutive days to allow time for a permanent sign to be installed.
  - (3) Banners shall not project above the edge of the roof of a structure.

- (4) Banners shall be well-maintained (not torn, bent, faded, or dirty) and securely affixed at all corners.
  - (5) Banners shall be professionally crafted.
2. **Bus bench signs.** A bus bench sign is a temporary message located on the backrest of a City bus bench (as defined in Chapter 17.7.12)

**Figure 17.3.16.070.2**

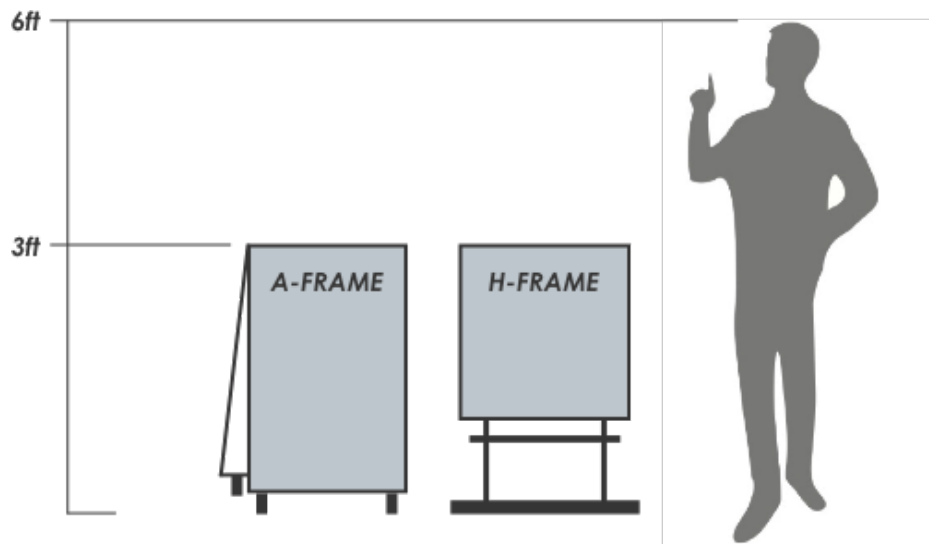


The following standards apply to bus bench signs (see Figure 17.3.16.070.2).

- a. **Maximum number.** One sign per bus bench.
- b. **Maximum area.** Eight square feet and not to extend beyond the exterior limits of the bench backrest, whichever is smaller.
- c. **Maximum height.** Not applicable.
- d. **Illumination.** Not allowed.
- e. **Permit required.** A Sign Permit is required in compliance with Chapter 17.5.40 (Sign Permit and Sign Program).
- f. **Additional requirement:** Bus bench signs may be allowed within City right-of-way with the approval of an Encroachment, Sign Permit, and any indemnification required to the City Attorney. Bus bench signs may also be allowed within the State right-of-way, subject to State review and approval in addition to City Sign Permit issuance.

3. **Portable signs.** A portable sign is a sign that rests on the ground and is not designed to be permanently attached to a building or permanently anchored to the ground, including but not limited to A-frame and H-frame signs. Portable signs do not include pole or wooden post signs (as defined in Chapter 17.7.12).

**Figure 17.3.16.070.3**



The following standards apply to portable signs (See Figure 17.3.16.070.3).

- a. **Maximum number.** One per business.
- b. **Maximum area.** Six square feet.
- c. **Maximum height.** Three feet.
- d. **Illumination.** Not allowed.
- e. **Permit required.** No.
- f. **Additional requirements:**
  - (1) In non-residential zones, a portable sign shall be located at a maximum of 10 feet from the primary business entrance.
  - (2) Portable signs shall be removed at the close of business.
  - (3) Portable signs shall be professionally crafted and constructed of durable, weather-resistant materials (not subject to damage or fading from weather).

- (4) Portable signs shall be of sufficient weight and durability to withstand wind gusts, storms, etc.
  - (5) Portable signs shall not be located in any landscaping area and shall not encroach into required parking areas, interfere with pedestrian traffic or ADA access, create traffic hazards, or cause a nuisance or hazard.
  - (6) Portable signs in the OTC Zone are subject to the supplemental standards in 17.3.16.080.D.1.
4. **Window signs, temporary.** A temporary window sign is a sign placed on or behind a window facing a public way. Window signs do not include common wall windows or the inside of a building not visible by the general public from any public right-of-way or any public area (as defined in Chapter 17.7.12). See Figure 17.3.16.060.10.

The following standards apply to temporary window signs.

- a. **Maximum number.** Not applicable.
  - b. **Maximum area.** 50% of the window area. In no event shall more than 50% of the total window area be covered by signage, permanent, or temporary.
  - c. **Maximum height.** Not applicable.
  - d. **Illumination.** Not allowed.
  - e. **Permit required.** No.
  - f. **Additional requirements:**
    - (1) Temporary window signs may be displayed for no longer than 60 days.
    - (2) Transparent window signs may be excluded from window sign size calculations subject to review by approval of the Director.
5. **Yard signs.** A yard sign is any temporary sign placed in the ground or attached to a supporting structure, posts, or poles, that is not attached to any building, not including banners (as defined in Chapter 17.7.12).

**Figure 17.3.16.070.4**



Figure 17.3.16.070.5



Figure 17.3.16.070.6



The following standards apply to yard signs (see Figures 17.3.16.070.4, 17.3.16.070.5, and 17.3.16.070.6).

- a. **Maximum number.** One per business frontage.
- b. **Maximum area.** If lot size is less than one acre: 12 square feet; if lot size is greater than or equal to one acre: 32 square feet.

- c. **Maximum height.** If lot size is less than one acre: six feet; if lot size is greater than or equal to one acre: eight feet.
- d. **Illumination.** Not allowed.
- e. **Permit required.** If sign is less than 12 square feet: no; if sign is greater than or equal to 12 square feet: yes.
- f. **Additional requirements:**
  - (1) Yard signs shall maintain a minimum one-foot setback from property lines.
  - (2) Yard signs shall be installed securely in the ground.

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#### 17.3.16.080: Supplemental Sign Standards for the Old Town Commercial Zone

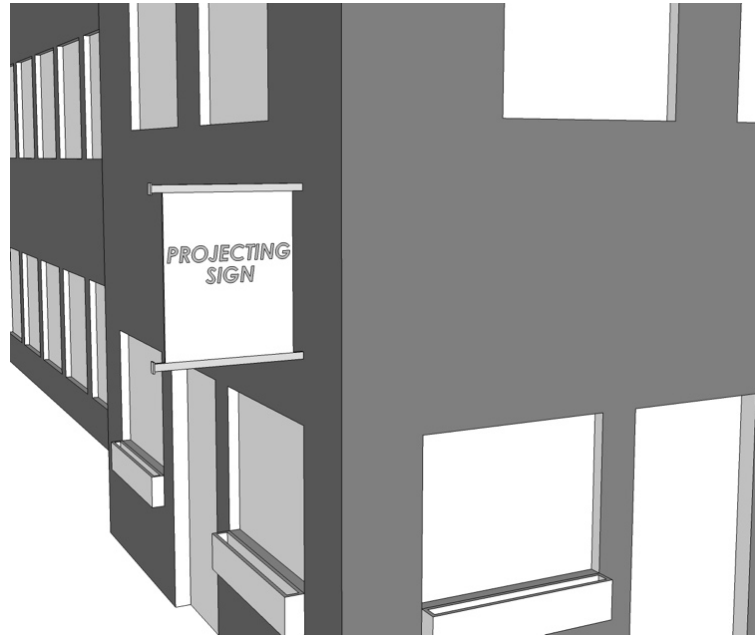
- A. Purpose.** The additional sign standards provided in this Section for the Old Town Commercial (OTC) Zone are intended to recognize, preserve, and promote the inherent and unique qualities of Lompoc's historic Old Town area, which is an integral part of the City's economic stability and growth. The area designated as the OTC Zone is characterized by smaller lots and lot frontages and structures representative of the early development of the City.
- B. Applicability.**
  - 1. These standards apply to the OTC Zone.
  - 2. The standards provided in this Section shall be applied in addition to the standards and requirements otherwise established in this Chapter. If conflicts occur between this Section and other Sections of this Chapter, this Section (17.3.16.080) shall control.
- C. Additional Findings.** In addition to the findings required in Section 17.5.40.050 (Findings and Decision), signs proposed in the OTC Zone shall be reviewed and approved based on consistency with the following findings:
  - 1. Signs are representative of, or complementary to, the character of the surrounding district and adjacent architecture, as well as of the structure on which they appear, when considered in terms of scale, color, materials, lighting levels, and adjoining uses;
  - 2. Signs are in proper scale to the business frontage on which they are displayed and clearly identify the business;
  - 3. Sign elements on suspended signs, wall signs, and projecting signs not made of flexible material have relief or three-dimensional form (i.e., varied physical depth, projections, relief, or recesses); and



4. Signs are made of high quality and durable materials appropriate for an urban setting.

**D. Supplemental Sign Standards.**

1. **Portable signs.** The following standards apply to portable signs (Figure 17.3.16.070.3), in addition to the standards in Table 17.3.16.070.A. and Subsection 17.3.16.070.D.3.
  - a. Portable signs are allowed in the City right-of-way in the OTC Zone with an Encroachment Permit, provided the sign does not interfere with vehicular or pedestrian movement or wheelchair access to, through, and around the parcel on which the sign is located, or create traffic hazards. A minimum access width of six feet shall be maintained along all sidewalks and building entrances accessible to the public.
  - b. The placement of a portable sign in the City right-of-way requires the business, person, or entity responsible for placing the sign to indemnify and hold harmless the City from any action or expense that may occur as a result of a portable sign being located on any sidewalk or City right-of-way, satisfactory to the City Attorney. The Encroachment Permit shall not be issued until the City Attorney has determined that this requirement has been compiled with. Portable signs for any business that fails to indemnify the City shall be deemed illegal, nonconforming, and shall be removed.
2. **Projecting signs.** The following standards apply to projecting signs (Figure 17.3.16.080.1), in addition to the standards in Table 17.3.16.060.B. and Subsection 17.3.16.060.C.67. If conflicts occur between requirements of this Paragraph and other standards in this Chapter, this Paragraph shall control.

**Figure 17.3.16.080.1**

- a. Projecting signs may be made of a flexible lightweight material permanently mounted on a building.
  - b. Projecting signs shall not extend more than five feet from the building or one third the width of a public sidewalk, whichever is less.
  - c. Projecting signs shall not be used in lieu of permanent signage.
3. **Window signs.** Window signs, including both permanent and temporary window signs, in the OTC Zone shall not exceed 25% of the total area of the window in which they are displayed.
- E. Prohibited Sign Types.** In addition to prohibited signs listed in Section 17.3.16.040 ([Prohibited Signs and General Restrictions for All Signs](#)), monument signs are prohibited in the OTC Zone.

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### 17.3.16.090: Landmark Signs

- A. Purpose and Intent.** The Landmark Sign standards are intended to provide for the preservation of the City's unique character, history, and identity as reflected in its historic and iconic signs.
- B. Landmark Sign Designation Criteria.** Signs which may be unusual, significant, or meaningful to the City streetscape and the City's history may be worthy of special recognition and may be designated as a Landmark Sign in compliance with Chapter 17.6.16 (Designation of Landmarks).

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**17.3.16.100: Nonconforming Signs**

- A. Applicability.** This Section applies to any permanent or temporary sign, including its physical structure and supporting elements, which was lawfully erected and maintained in compliance with all applicable laws in effect at the time of original installation, but which does not now comply with the provisions of this Chapter.
- B. Allowed Modifications to Nonconforming Signs.** The following modifications to nonconforming signs are allowed:
1. A nonconforming sign may be continued and shall be maintained in good condition as required by this Chapter, unless provided otherwise in this Section.
  2. Sign copy and face changes, non-structural modifications, and non-structural maintenance (e.g., painting and rust removal) are allowed so long as there is no alteration to the physical structure of support elements of the sign. Changes to sign copy and the sign face require a Sign Permit in compliance with Chapter 17.5.40 (Sign Permit and Sign Program).
  3. A nonconforming sign may be restored to its original condition if 50% or less of the sign is damaged, provided that the restoration is started within 90 days of the damage occurring and is diligently pursued to completion. A nonconforming sign is deemed to be more than 50% damaged if the estimated cost of reconstruction or repair exceeds 50% of the replacement cost as determined by the Director. Destruction may be voluntary or as required by law.

- C. Prohibited Modifications to Nonconforming Signs.** A nonconforming sign shall not be:
1. Changed to another nonconforming sign;
  2. Structurally altered to extend its useful life;
  3. Altered unless required by law or unless the alteration results in the elimination of the nonconformity;
  4. Enlarged;
  5. Moved or replaced; or
  6. Re-established after damage or destruction to 50% or more of the sign (i.e., if the estimated cost of reconstruction or repair exceeds 50% of the replacement cost as determined by the Director).
- D.** A nonconforming sign shall be removed or modified to comply with this Chapter if the following occurs:
1. Any modifications prohibited by Subsection 17.3.16.100.C are made to the sign;
  2. The sign is temporary;
  3. The sign is or may become a danger to the public or is unsafe; or
  4. The sign constitutes a traffic hazard not created by the relocation of streets or by acts of the City.
- E. Exceptions.** The following are exceptions to the requirements of this Section.
1. The Review Authority may grant an exception to the requirements of this Section only after finding that the new proposal sign or alteration to the existing nonconforming sign is significantly more conforming to the provisions of this chapter than the existing nonconforming sign.
  2. The City shall not require the removal of any nonconforming sign on the basis of its height or size by requiring conformance with this Chapter if special topographic circumstances would result in a material impairment of visibility of the sign or the applicant's or user's ability to adequately and effectively continue to communicate with the public through the use of the sign. Special topographic circumstances include but are not limited to terrain, contours, off-site structures, streets, and other off-site impediments as determined by the Director. In compliance with these circumstances, the applicant or user may maintain the sign, including change of copy, at the business premises and at a location necessary for continued public visibility at the height or size at which

the sign was previously erected consistent with Business and Professions Code § 5499.

3. Landmark Signs are not subject to the requirements of this Section.

- F. Amortization of Nonconforming Signs and Inventory.** All nonconforming signs shall have a useful and legal life of 15 years, after which they may be removed in compliance with the requirements of the California Business and Professions Code. As often as may be desirable, but no less frequently than required by State law, the Director shall authorize an identification and inventory of all illegal and abandoned signs within the City in compliance with the requirements of State Law.

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#### 17.3.16.110: Enforcement

- A.** It shall be unlawful to erect, construct, enlarge, alter, repair, display, or use a sign within the City contrary to, or in violation of, any provision of this Chapter. The requirements of this Chapter shall be enforced in compliance with the applicable provisions of Chapter 17.6.24 (Enforcement) and Chapter 17.6.28 (Property Nuisances).
- B.** The City may not require the removal of the structure of an abandoned sign provided that the structure conforms to the applicable requirements of this Chapter, but the sign copy shall be removed. The City maintains this discretion due to the cost associated with replacement of a sign structure by a future business or property owner.

## 17.3.20: Density Bonuses and Other Incentives for Affordable Housing

17.3.20.010: Purpose

17.3.20.020: Applicability

17.3.20.030: Allowed Density Bonuses

17.3.20.040: Density Bonuses and Incentives for Housing with Child Care Facilities

17.3.20.050: Density Bonuses and Incentives for Housing with Condominium Conversions

17.3.20.060: Development Standards

17.3.20.070: Allowed Incentives

17.3.20.080: Application Requirements

17.3.20.090: Review and Approval

17.3.20.100: Density Agreement

17.3.20.110: Indemnity

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### 17.3.20.010: Purpose

The provisions of this Chapter are intended to incentivize development of affordable housing, implement the goals and policies of the Housing Element of the General Plan, and ensure compliance with State Government Code § 65915 et seq., as may be amended.

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### 17.3.20.020: Applicability

- A.** In compliance with Government Code § 65915 et seq., the provisions of this Chapter shall apply to all development, including mixed-use projects, within any zone where five or more residential dwelling units are proposed and where the applicant agrees to satisfy one or more of the following criteria:
1. At least 10% of the units are designated for low-income households, as defined in § 50079.5 of the Health and Safety Code;
  2. At least five percent of the units are designated for very low-income households, as defined in § 50105 of the Health and Safety Code;
  3. 100% of the units are designated for senior citizens as defined in § 51.3 and 51.12 of the Civil Code, or mobile home park that limits residency based on age requirements for housing for older persons in compliance with § 798.76 or 799.5 of the Civil Code;

4. At least 10% of the total dwelling units are in a common interest development as defined in § 4100 of the Civil Code for persons and families of moderate income, as defined in § 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase;
  5. At least 10% of the total units of a housing development for transitional foster youth, as defined in § 66025.9 of the California Education Code, disabled veterans, as defined in Government Code § 18541, or homeless persons, as defined in the Federal McKinney-Vento Homeless Assistance Act (42 U.S.C § 11301 et seq.). These units shall be provided at the same affordability level as very low-income units; or
  6. At least 20% of the total units of a student housing development for lower income students, as defined in § 65915(b)(1)(F)(II) of the California Government Code.
- B.** An applicant shall be ineligible for a density bonus or any other incentive allowed by this Chapter if the housing development is proposed on any site that includes, or included in the last five years, rental dwelling units that are not replaced consistent with Government Code § 65915(c)(3).

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**17.3.20.030: Allowed Density Bonuses**

- A. Applicant Election.** The Applicant shall elect under which criteria identified in Subsection 17.3.20.020.A the density bonus shall be awarded.
- B. Density Bonus Calculation.** All density calculations resulting in fractional units shall be rounded up the next whole number consistent with Government Code § 65915(q). The density bonus units shall not be included when determining the number of dwelling units used to satisfy the criteria in Subsection 17.3.20.020.A. The applicant may select from only one of the income categories identified in Table 17.3.20.030.A (Density Bonuses) and may not combine density bonuses from different income categories to achieve a larger density bonus.
- C. Density Bonuses.** For projects meeting the criteria of Section 17.3.20.020 (Applicability), an increase in density over the otherwise maximum allowable residential density shall be awarded as indicated in Table 17.3.20.030.A (Density Bonuses).

<b>Table 17.3.20.030.A Density Bonuses</b>				
<b>Affordability Category</b>	<b>Min. % Affordable Units</b>	<b>Base Density Bonus</b>	<b>Additional Density Bonus for Each 1% Increase in Affordable Units</b>	<b>Maximum Density Bonus</b>
<b>Affordable Housing</b>				
Very Low Income	5%	20%	2.5%	35%
Low Income	10%	20%	1.5%	35%
Moderate Income	10%	5%	1.0%	35%

<b>Table 17.3.20.030.A Density Bonuses</b>				
<b>Affordability Category</b>	<b>Min. % Affordable Units</b>	<b>Base Density Bonus</b>	<b>Additional Density Bonus for Each 1% Increase in Affordable Units</b>	<b>Maximum Density Bonus</b>
<b>Senior Citizen Housing</b>				
100% senior housing development or mobile home park for seniors	100%	20%	N/A	20%
<b>Transitional Foster Youth, Disabled Veterans, Homeless Housing</b>				
Very Low Income	10%	20% of the number of the type of units giving rise to this density bonus (Government Code 65915(f)(3)(B))		
<b>Student Housing<sup>1</sup></b>				
Lower Income	20%	35% of the student housing units (Government Code 65915(f)(3)(C))		
<b>Land Donation<sup>2</sup></b>				
Very Low Income	10% <sup>3</sup>	15%	1.0%	35%

<sup>1</sup> The student housing development must comply with the requirements of State Government Code § 65915(b)(1)(F).

<sup>2</sup> The land donation must comply with the requirements of State Government Code § 65915(g)(2).

<sup>3</sup> The developable acreage and zoning of the donated land must be sufficient to permit construction of very low-income units in an amount of not less than 10% of the number of residential units in the proposed development.

**D. Floor Area Ratio Bonus In Lieu of Density Bonus.** Consistent with Government Code § 65917.2, upon the developer’s request, the City may grant the developer of an eligible housing development a floor area ratio bonus in lieu of a density bonus. The floor area ratio bonus shall be calculated in compliance with Government Code § 65917.2(b)(2).

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**17.3.20.040: Density Bonuses and Incentives for Housing with Child Care Facilities**

- A.** Projects meeting the criteria of Section 17.3.20.020 (Applicability), that also include a child care facility, shall be granted either an additional bonus in an amount of square feet of residential floor area equal to the amount of square feet in the child care facility, or an additional incentive as described in Section 17.3.20.070 (Allowed Incentives), that significantly contributes to the economic feasibility of constructing the child care facility.
- B.** The requirements of Government Code § 65915(h)(2) shall be included as conditions of project approval.



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**17.3.20.050: Density Bonuses and Incentives for Housing with Condominium Conversions**

In compliance with Government Code § 65915.5, when an applicant's residential development project is the conversion of an existing apartment complex to a condominium complex, the applicant agrees to make at least 33% of the total units of the proposed condominium residential development project affordable to low- or moderate-income households as defined in Health & Safety Code § 50093, or 15% of the total units of the proposed condominium residential development project to lower income households as defined in Health & Safety Code § 50079.5, and agrees to pay for the administrative costs incurred by the City related to process the application and monitor the future status of the affordable housing units, the City shall either (i) grant a density bonus of 25% over the number of apartments or (ii) provide other incentives of equivalent financial value to be determined by the City. City may impose reasonable conditions on the granting of a density bonus or incentive pursuant to Government Code § 65915.5(a). Condominium conversions shall also comply with the requirements of Section 17.4.04.~~150140~~ (Multi-Family Housing - Condominium Conversion).

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**17.3.20.060: Development Standards**

- A. Availability.** All designated affordable housing units shall be made available to qualified occupants at the same time as the market-rate housing units are made available within the same project.
- B. Time Period of Affordability.** The time period in which a unit is considered affordable shall be in compliance with Section 17.3.24.080 (Eligibility, Continued Affordability).
- C. Establishment of Rents and Affordable Housing Cost.** Rents for lower income density bonus units shall be set at an affordable rent as defined in § 50053 of the Health and Safety Code. For-sale units that qualified the applicant for a density bonus shall be offered at an affordable housing cost and shall have an equity sharing agreement, both as described in Government Code § 65915(c)(2).
- D. Design Quality.** The design quality for affordable units shall be in compliance with Section 17.3.24.070 (Design Standards).
- E. Parking Requirements for Qualified Projects.** An applicant for a project that meets the requirements of Section 17.3.20.020 (Applicability) shall not be required to provide parking in addition to that required by Government Code § 65915(p).

**17.3.20.070: Allowed Incentives**

**A. Number of Incentives.** A qualified project, as described in Section 17.3.20.020 (Applicability), shall be granted between one and three incentives according to Table 17.3.20.070.A (Incentives), and as described in Subsection 17.3.20.070.B (List of Incentives).

Table 17.3.20.070.A Incentives			
Affordability Category	Number of Incentives		
	One	Two	Three
Very Low Income	5-9%	10-14%	15% or greater
Low Income	10-19%	20-29%	30% or greater
Moderate Income	10-19%	20-29%	30% or greater
Set aside calculation rounded up to the next whole number.			

**B. List of Incentives.** Applicants may select from the incentives listed below:

**1. Setback.**

- a. Up to a 20% modification from side setback requirements.
- b. Up to a 35% modification of front and rear setback requirements. All setback modifications shall count as one incentive.

**2. Building height.** Up to a 10-foot increase in height.

**3. Floor area ratio.** Up to a 20% increase in allowable floor area ratio.

**4. Other incentives.** A qualified development may also request incentives not listed above in compliance with Government Code § 65915(d), (k), and (l).

**17.3.20.080: Application Requirements**

**A. Required Project Information.** The applicant requesting a density bonus or incentive under the provisions of this Chapter shall provide the following information:

- 1. The total number of base units.
- 2. The number of proposed affordable housing units and the percent density bonus proposed.
- 3. The affordability category and level(s) of the proposed affordable housing units as identified in Table 17.3.20.030.A.

### 17.3.20: Density Bonuses and Other Incentives for Affordable Housing

4. The unit types (1-bedroom, 2-bedroom, etc.) and sizes proposed for both market rate and affordable units.
5. Description of whether the units will be restricted by age, and if so, the proposed age restriction (e.g., 62 years of age or older).
6. Location of affordable units within the projects.
7. Construction schedule and phasing plan.
8. The specific incentive(s) sought, as described in Section 17.3.20.070 (Allowed Incentives), if any. The applicant may provide documentation regarding the necessity of the incentive(s) in order to provide affordable housing costs or rents.
9. Proposed number of parking spaces for both the market rate and affordable units.
10. If requesting a density bonus based on land donation in compliance with State Government Code § 65915(g), information sufficient to permit the City to determine that the proposed donation conforms with the requirements of § 65915 and this Code.
11. If requesting a density bonus or incentive based on the provision of a child care facility in compliance with State Government Code § 65915(h), information sufficient to permit the City to determine that the proposed child care facility conforms with the requirements of Government Code § 65915 and this Code.
12. Any other information identified by the City's official application form.

**B. Existing Housing Projects.** An application in compliance with this Chapter, which involves rehabilitation and/or conversion of an existing housing project to an affordable housing development or which involves conversion of an approved, unbuilt housing project to an affordable housing development, shall be in compliance with Chapter 17.5.60 (Permit Modification and Revocation).

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#### 17.3.20.090: Review and Approval

- A.** The granting of a density bonus or an incentive shall not, in and of itself, be interpreted to require a General Plan or Code amendment.
- B. Finding for Denial of an Incentive.** The Review Authority shall grant the incentive(s) requested by the applicant, unless a written finding is made, based upon substantial evidence, consistent with Government Code § 65915(d)(1). The City shall bear the burden of proof for denial (Government Code § 65915(d)(4)).

- C. Pre-Application (optional).** A developer of a proposed housing development, in compliance with this Chapter, may submit a pre-application consistent with Chapter 17.5.04 (Application Processing Procedures).
1. A pre-application for a project that includes a density bonus request consistent with this Chapter shall include the following information as a minimum:
    - a. A brief description of the proposed housing development, including the total number of units, affordable units, and density bonus units proposed;
    - b. The zoning and General Plan designation(s) and assessor's parcel number(s) for the project site;
    - c. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveways, and parking layout; and
    - d. If an incentive is requested, the application may describe why the incentive is necessary to provide the minimum number of affordable units.
  2. Within 90 days after receipt of the pre-application, the City shall provide to the developer a letter which identifies project issues of concern and the procedures for compliance with this Chapter.

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#### 17.3.20.100: Density Agreement

**A. Agreement Required.** Consistent with Government Code § 65917, an applicant requesting a density bonus and/or incentives or concessions shall agree to enter into a density bonus agreement with the City in a form approved by the Council. The agreement shall be consistent with any construction or mortgage financing assistance program, mortgage insurance program, rental subsidy program, or other similar grant program requirements or terms, and with Government Code § 65915.

**B. Execution of Agreement.**

1. Following approval of the agreement, and execution of the agreement by all parties, the City shall record the completed agreement on the parcels designated for the construction of designated dwelling units, at the County Recorder's Office.
2. The approval and recordation shall take place at the same time as the final map or, where a map is not being processed, before the issuance of a Building Permit for the designated dwelling units.
3. The agreement shall be binding on all future owners, developers, and/or successors-in-interest for the specified term.

**17.3.20.110: Indemnity**

The developer of a housing development shall defend, indemnify and hold the City, its officials and employees harmless from any and all claims of damages or injuries arising from developer's obtaining entitlements and permits, developer's construction, maintenance, operation, use or sale of the housing development, or any act or omission of the developer, its officers, employees or agents, and from any and all expenses, liabilities, costs, and reasonable attorney fees incurred on account of any claims, action, or proceeding brought against the City, its officials, officers and employees in connection with the housing development.

## 17.3.24: Inclusionary Housing

17.3.24.010: Purpose

17.3.24.020: Applicability

17.3.24.030: Inclusionary Requirements

17.3.24.040: Alternative Methods of Compliance

17.3.24.050: Rental Regulatory Agreement

17.3.24.060: Affordable Housing Trust Fund

17.3.24.070: Design Standards

17.3.24.080: Eligibility, Continued Affordability

17.3.24.090: Request for Waivers

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### 17.3.24.010: Purpose

- A. To implement State law that declares local governments have a responsibility to exercise their powers to facilitate the development of housing to adequately provide for the housing needs of all economic segments of the community, as stated in Government Code § 65580.
- B. Implement the policies of the Housing Element to establish means for the development of housing that is affordable to a broad range of households with varying income levels, including extremely low-, very low-, low-, and moderate-income households.

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### 17.3.24.020: Applicability

- A. Inclusionary housing shall be required in the following residential developments:
  1. **Residential Developments Outside the Old Town Redevelopment Project, Amendment No. 2 Area.** Residential developments of 10 units or more that are not exempt pursuant to Subsection 17.3.24.020.B, shall be required to comply with inclusionary housing requirements in compliance with the options identified in Section 17.3.24.030 (Inclusionary Requirements), unless an alternative method of compliance, per Section (17.3.24.040 Alternative Methods of Compliance), is approved by the Review Authority.
  2. **Residential Developments Within the Old Town Redevelopment Project, Amendment No. 2 Area.** Within the Old Town Redevelopment Project, Amendment No. 2 Area, residential developments shall be required to comply with inclusionary housing requirements in compliance with Subsection 17.3.24.030.B.

- B. Exemptions.** The following developments are exempt from the inclusionary housing requirement of this Chapter:
1. Live/work units.
  2. Accessory dwelling units.
  3. Mobile homes.
  4. Emergency shelters and any development operated by a non-profit or social services organization to provide food storage, meal service, and/or temporary shelter to the homeless.
  5. Residential care homes.
  6. Transitional housing.
  7. Supportive housing.

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**17.3.24.030: Inclusionary Requirements**

**A. Residential Development Outside of Old Town Redevelopment Project, Amendment No. 2 Area.**

1. A minimum of 10% of the total units shall be affordable units restricted for occupancy by target income groups, in compliance with Section 17.3.24.080 (Eligibility, Continued Affordability).
2. The on-site unit(s) required to satisfy the inclusionary housing requirement shall meet or exceed the housing quality standards described in Subsection 17.3.24.070.B (Design Quality) unless a waiver or modification to those standards has been approved by the Review Authority.

**B. Residential Development Projects within the Old Town Redevelopment Project, Amendment No. 2 Area.** A minimum of 15% of new housing affordable to low- and moderate-income households. A minimum of 40% of the required affordable units shall qualify for very low-income households.

**C. Inclusionary Calculations, Fractional Units.** In determining the number of whole inclusionary housing units required, any fraction above 0.1 shall be deemed a requirement for one additional affordable unit. The housing in-lieu fee shall be calculated on the number of affordable housing units required in the residential development.

**17.3.24.040: Alternative Methods of Compliance**

**A.** Where it is not feasible or desirable for an applicant to meet the inclusionary housing requirements for residential developments located outside of the Old Town Redevelopment Project, Amendment No. 2 area, alternative compliance methods may be considered by the Review Authority, including, but not limited to:

1. **Housing in-lieu fee.** Residential developments may choose to satisfy the inclusionary requirement by payment of a housing in-lieu fee. The housing in-lieu fee may be used to satisfy the entire inclusionary requirement or a portion of the inclusionary requirement with the remainder of the portion satisfied by providing on-site affordable units.

a. **Single-family for sale developments.**

(i) **Calculation of housing in-lieu fee.**

(a) The housing in-lieu fees shall be calculated in its entirety at the time of issuance of the first Building Permit for construction of the first dwelling unit in the residential development. Said fee shall be calculated on the basis of the difference between the estimated total construction cost of a market rate single-family unit and the affordable purchase price of a unit for which a low-income household unit can qualify, see Table 17.3.24.040.A.

<b>Table 17.3.24.040.A: Per Unit Housing In-lieu Fee Calculation</b>
<b>Housing In-lieu Fee Calculation (per unit)</b>
Single-Family Unit Total Construction Cost - Affordable Purchase Price = Housing In-lieu fee (per unit)

(b) **Total housing in-lieu fee calculation.** The total housing in-lieu fee shall be calculated by multiplying the required number of inclusionary units by the per-unit housing in-lieu fee, see Table 17.3.24.040.B.

<b>Table 17.3.24.040.B: Total Housing In-lieu Fee Calculation</b>
<b>Total Housing In-lieu Fee Calculation</b>
Per Unit Housing In-Lieu Fee x Required Number of Inclusionary Units = Total Housing In-lieu fee



- (ii) **Payment of housing in-lieu fee.** The housing in-lieu fee shall be paid in one of the following manners:
    - (a) As a lump sum prior to the issuance of the first Building Permit for construction of the first dwelling unit in the residential development;
    - (b) Total housing in-lieu fee calculated and divided equally among the total number of units in the residential development and collected as a fee prior to issuance of each Building Permit;
    - (c) On a pro rata basis proportionally on a 10:1 ratio, payment of in-lieu fees equal to one inclusionary unit shall be paid prior to issuance of Building Permit for next unit. The project conditions of approval shall specify the payment schedule of in-lieu fees based on the prorated computation (e.g., for a 100-unit residential development, the first in-lieu fee payment would be due prior to issuance of the Building Permit for the eleventh unit, the second in-lieu fee payment would be due prior to issuance of the Building Permit for the 21<sup>st</sup> unit, etc.); or
    - (d) The Review Authority may defer the in-lieu fee payment to prior to certificate of occupancy when all of the payment options listed above would cause an undue burden on the applicant as supported by substantial evidence.
  - b. **Non-single-family-for-sale developments.** Residential developments other than single-family for sale developments shall have the option to pay an in-lieu fee if such fee or fee calculation is established by Council prior to Building Permit issuance.
2. **Off-site construction.** Off-site affordable housing units may be proposed within the City limits to satisfy the inclusionary requirement for the development. Off-site housing units may include any combination of new units, new units created in existing structures, or acquisition and conversion of existing market-rate units to units that are affordable to target income groups. Off-site units shall meet the same requirements as if they were inclusionary (on-site) units (e.g., number, unit type and size, etc.).
3. **Conveyance of land.**
- a. **Criteria for conveyance of land.** The dedication of land may be proposed to satisfy the housing mitigation requirement, if it can be determined by the City that all the following criteria have been met:

- (i) Marketable title to the site is transferred to the City, or an affordable housing developer or non-profit approved by the City, no later than the approval of a final map or issuance of first Building Permit, in compliance with an agreement between the market-rate project developer and the City, and such agreement is in the best interest of the City.
  - (ii) The site has General Plan and zoning designations that authorize residential uses.
  - (iii) Infrastructure to serve the dedicated site, including but not limited to streets and public utilities, must be available at the property line, or will be made available prior to issuance of certification of occupancy.
  - (iv) Environmental review of the proposed site has been completed to allow full disclosure for the conveyance of the proposed site, including but not limited to, an analysis of the site for the presence of hazardous materials; cultural and historical resources; and geological hazards and that such resources or hazards are or will be mitigated to the satisfaction of the City prior to acceptance of the site by the City.
  - (v) The value of the site upon the date of conveyance is equal to or greater than the applicable housing fee for the market-rate development. Fair market value shall be determined preliminarily at the time and market-rate development is submitted to the City for review. Final determination of fair market value shall be made by a licensed California appraiser prior to Building Permit issuance and shall be net of any real estate commission for the conveyance of the land.
  - (vi) If the value of the site upon the date of conveyance exceeds the amount of the applicable housing in-lieu fee in compliance with Subsection 17.3.24.040.A.1, the developer shall be assigned housing migration credit for the different in the value of the site conveyance and the applicable housing in-lieu fee, consistent with these requirements for conveyance of land.
- b. **Disposition of land by the City.** The City shall not be required to construct inclusionary units on the site dedicated to the City, but may sell, transfer, lease, or otherwise dispose of the dedicated site in order to facilitate the construction of those units and only when a clearly demonstrable greater housing benefit would be achieved as determined by Council. Any funds collected as a result of sale, transfer, lease, or other disposition of sites dedicated to the City shall be deposited in the Affordable Housing Trust Fund and the funds and interests accrued shall remain in the fund and shall be used in compliance with Section 17.3.24.060 (Affordable Housing Trust Fund).

- c. **Conveyance of development-ready lots within the project site.** The builder or developer may dedicate development-ready lots within the project site in compliance with Section 17.3.24.030 (Inclusionary Requirements). All conveyance lots shall be part of an approved final subdivision map and have completed utility connections and roadway improvements at the time of conveyance so as to be development ready. Such conveyance shall be subject to the criteria in Subsection A.3.a.
  - 4. **Combination.** The Review Authority may approve any combination of on-site construction, off-site construction, housing in-lieu fees, and land dedication that is at least equal to the inclusionary requirement.
- B. Findings.** The Review Authority may approve, conditionally approve or deny any alternative proposed by an applicant as part of a project application. Any approval or conditional approval shall be based on a finding that the purpose of this Chapter would be better served by implementation of the proposed alternative(s). In determining whether the purpose of this Chapter would be better served under the proposed alternative, the Review Authority shall make the following findings:
- 1. Implementation of the proposed alternative shall not overly concentrate inclusionary units within any specific area, unless the undesirable concentration of inclusionary units is offset by other identified benefits that result from implementation of the alternative.
  - 2. When compared to the prompt construction of the inclusionary units on-site, implementation of the proposed alternatives will significantly reduce costs and delays relating to appraisal, site design, zoning, infrastructure, clear title, grading, and environmental review.

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#### 17.3.24.050: Rental Regulatory Agreement

A rental regulatory agreement with the City, shall be required for rent inclusionary housing units and shall be consistent with all applicable State laws.

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#### 17.3.24.060: Affordable Housing Trust Fund

**A. Procedures.**

- 1. All housing in-lieu fees collected in compliance with this Chapter shall be deposited into an affordable housing fund (Lompoc Affordable Housing Trust Fund).
- 2. Separate accounts within the housing fund may be created from time to time to avoid commingling as required by law or as deemed appropriate to further the purposes of the housing fund.

3. The housing fund shall be administered by the City Manager (or designee) who shall have the authority to govern the housing fund consistent with this Chapter, and to prescribe procedures for said purpose, subject to approval by the Council.
4. Expenditures from the housing fund shall be controlled, authorized and paid in compliance with general City budgetary policies. Execution of contracts related to the use or administration of housing fund moneys shall comply with standard Council policy.
5. The housing fund may be used for administrative costs in compliance with the *Lompoc Affordable Housing Trust Fund Program Implementation Plan*.

**B. Purposes and Use of Funds.** Moneys deposited in the housing fund along with any interest earnings on such monies shall be used solely to increase and improve the supply of housing affordable to households of extremely low-, very low-, low-, and moderate-income.

**C. Planning and Programming.**

1. Moneys in the housing fund shall be used to further the goals, policies, programs and priorities identified in the Housing Element of providing housing affordable for homeownership and affordable rental housing for families of extremely low-, very low-, low- and moderate-income levels.
2. Moneys in the housing fund may be disbursed, hypothecated, collateralized, or otherwise employed for these purposes from time to time as the Council determines is appropriate to accomplish the purposes of the housing fund. Uses include, but are not limited to, assistance to first-time homebuyers.

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**17.3.24.070: Design Standards**

**A. Applicability.** All inclusionary units required by this Chapter shall comply with the design standards described in this Section.

**B. Design Quality.**

1. Affordable units constructed as part of a larger project, shall be comparable in exterior appearance and overall quality of construction to market rate units.
2. The size and interior features of affordable units may vary from market rate units; however, they shall have the same number of bedrooms and bathrooms.
3. Affordable units shall be dispersed throughout the project and not concentrated in a single location, to the maximum extent feasible.

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**17.3.24.080: Eligibility, Continued Affordability****A. Eligibility for Below Market Rate Units (Owner-occupied and Rental Units).**

1. No household shall be permitted to occupy or purchase an affordable housing unit required by this Chapter, unless the City or City-authorized entity has approved the household's eligibility. If the City maintains a list of eligible households, households selected to occupy such units shall be first selected from that list in compliance with any applicable rules, agreements, or restrictions.
2. Any household which occupies or purchases an affordable housing unit required by this Chapter shall occupy that unit as its principal residence and shall not lease or sublease to a different party, unless allowed in special circumstances as documented in the deed restriction.

**B. Continued Affordability Requirements (Owner-occupied and Rental Units).**

Prior to the issuance of certificated of occupancy for the inclusionary units, any deeds, restrictions, or agreements applicable to the units shall be deemed acceptable by the Director and City Attorney and recorded against parcels or units having such affordable units. Such units shall be legally restricted to occupancy by households of the target income levels for which the units were designated for a minimum of 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. At a minimum, agreements provided in compliance with this Section shall provide:

1. A standard to provide the City or its qualified designee the continuing right-of-first-refusal to purchase or lease any or all of the designated dwelling units at the appraised value of the units or the value based on the target income levels, whichever is less, subject to the resale restriction;
2. A covenant stating that the developer or successor-in-interest shall not assign, lease, rent, sell, sublet, or otherwise transfer any interests for the designated units without the written approval of the City;
3. That in any action taken to enforce compliance with the deed restrictions, the City Attorney shall, if compliance is ordered by a court of competent jurisdiction, take all action that may be allowed by law to recover all of the City's costs of action including legal services; and
4. That compliance with the agreement will be monitored and enforced in compliance with the measures included in the agreement.

**C. Initial and Continued Affordability: Owner-Occupied Units.** In addition to the minimum requirements set forth in Subsection B, the developer shall agree to the following measures to assure the initial and on-going affordability of required inclusionary units:

1. **Initial Sales Price.** The initial sales price of a for-sale inclusionary housing unit shall be based on the developer's estimate of homeowners associate dues, if any, the City's assumptions for interest rates and other factors, and the methodology or formula for calculating sales prices contained in the Council resolution. The City shall provide the developer with an estimate of the initial sales price for the inclusionary units at an earlier date if so requested by the developer in writing. After the Building Permit is issued, the initial sales price may be adjusted by the City due to changes in market factors upon written request by the developer no less than 90 days prior to marketing of the inclusionary units.
2. **Resale Restrictions.** Documents to assure continued affordability shall be recorded against the property in compliance with the provisions of Subsections A and B, and the following concerning resale restrictions:
  - a. Terms and conditions concerning the resale of the units shall be specified as necessary to ensure their continuing affordability. Such requirements may include, but are limited to:
    - (i) Limits on resale price, based on an appropriate calculation method.
    - (ii) Provision offering units for resale to the City.
    - (iii) Monitoring requirements for resale of units, including required notice of intent to sell in a timely manner before the unit is intended to be marketed.
  - b. The City reserves the right to modify or waive recorded resale restrictions at the time of resale, as warranted, based on residential real estate market conditions or economic hardship on the part of the inclusionary homeowner. An inclusionary homeowner may request a modification or waiver of resale restrictions by completing a modification/waiver request form provided by the City.

**D. Initial and Continued Affordability: Rental Units.**

1. **Initial Rents for Below Market Rate Units.** The initial rent of inclusionary units shall be set by the City at least 30 days prior to the marketing of the inclusionary unit, so that the eligible households will pay an affordable rent in compliance with the established affordability level. The initial rent shall be based on the City's assumptions of utility costs and the methodology or formula for calculating rents contained in the Council resolution.
2. **Rent Regulatory Agreement.** A rent regulatory agreement acceptable to the City shall be recorded against the residential development prior to issuance of certificate of occupancy. Such an agreement shall reflect the limitations on rents required by this Chapter, the provisions of Subsection D.1, and the minimum requirements outlined below:

- a. **Nondiscrimination.** When selecting tenants, the owners of inclusionary units shall follow all fair-housing laws, rules, regulations, and guidelines. The owner shall apply the same rental terms and conditions to tenants of inclusionary units as are applied to all other tenants, except as required to comply with this Chapter (for example, rent levels and income requirements) or with other applicable government subsidy programs.
  - b. **Move-in costs.** Total deposits, including security deposits, required of households occupying an inclusionary unit shall be limited as mandated by State law applicable at the time of leasing or renting.
  - c. **Reporting requirements.**
    - (i) The owners shall submit an annual report summarizing the occupancy of each inclusionary unit for the year, demonstrating the continuing income-eligibility of the tenant, and the rent charged for each inclusionary unit. The City may require additional information to confirm household income and rents charged for the unit if it determines necessary.
    - (ii) The City shall maintain the right to periodically audit the information supplied to the City for the annual report if deemed necessary to ensure compliance with this Chapter.
  - d. The owners of any inclusionary unit shall agree to cooperate with any audit or reporting requirements conducted by the City, State agencies, Federal agencies, or their designees.
  - e. Provisions concerning changes in tenant income, where, after moving into a unit a tenant's household income would exceed the specified limit for that unit. It is anticipated that these standards would comply with the U.S. Department of Housing and Urban Development's standards for annual income recertification.
- E. Availability and Timing.** All affordable units must be constructed, made available, and occupied concurrently with or prior to the construction and occupancy of market-rate units or development. In phased developments, affordable units may be constructed, made available, and occupied in proportion to the number of units in each phase of the residential development.

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#### 17.3.24.090: Request for Waivers

- A.** An applicant may submit a request for a waiver or reduction of the requirements contained in this Chapter, including but not limited to the number of affordable housing units required or the required design standards.

- B.** A waiver or reduction from the requirements of the Chapter shall be approved by the Commission, and may only be approved by the Commission after the finding(s) in Subsection 17.3.24.090.C, below, are made.
- C.** No waiver or reduction shall be approved unless at least one of the following findings is made:
  - 1. There is no reasonable relationship or nexus between the impact of the development and the amount of the inclusionary requirement;
  - 2. Special circumstances, unique to the development justify the grant of the waiver or reduction;
  - 3. The development would not be feasible without the waiver or reduction;
  - 4. A specific and substantial financial hardship would occur if the waiver or reduction was not granted; or
  - 5. Another finding deemed reasonable and appropriate by the Commission and City Attorney based on the requirements in this Chapter and the Housing Element.



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# Division 17.4: Standards and Regulations for Specific Land Uses

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## 17.4.04: Specific to Use Standards

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- 17.4.04.~~210200~~: Wireless Telecommunication Facilities

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### 17.4.04.010: Purpose and Intent

Purpose and intent of this Chapter is to provide additional standards and requirements for certain land uses where allowed by Division 2 and for activities that require special standards to ensure compatibility with site features and existing uses.

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### 17.4.04.020: Accessory Dwelling Units

**A. Purpose.** This Section provides the requirements for the establishment of accessory dwelling units (ADUs) consistent with Government Code § 65852.2. Accessory dwelling units contribute needed housing to the community's housing stock and are a residential use which is consistent with the General Plan objectives and this Code and which enhances housing opportunities.

**B. Applicability.** The provisions of this Section apply to all lots where ADUs are allowed in the applicable zone.

**C. General Requirements for ADUs.**

1. **Primary dwelling.** A single-family dwelling must be in existence on the lot for which the accessory dwelling is proposed, or an accessory dwelling may be approved and constructed simultaneously with the approval and construction of a single-family dwelling.
2. **Number of units allowed per lot.** No more than one ADU shall be located on a lot.
3. **Sale of unit prohibited.** No ADU shall be created for sale or financing through a condominium plan, community apartment plan, housing cooperative, or other subdivision. An ADU shall not be sold independently of the single-family dwelling.
4. **Deed restriction or covenant.** Prior to issuance of a certificate of occupancy for the ADU, the owner(s) shall record a deed restriction or covenant acknowledging the requirements contained herein. Said deed restriction or covenant shall run with the land, and shall be binding upon any future owners, heirs, or assigns.

**D. Permit Requirements.**

1. One ADU proposed within existing space of the primary structure, an attached or detached garage, or other accessory structure per single-family lot shall be allowed ministerially with a Building Permit regardless of all other standards within this Code if the proposed ADU complies with all of the following:
  - a. Building and safety codes;
  - b. Independent exterior access from the existing residence is provided; and
  - c. The side and rear setbacks are sufficient for fire safety.
2. ADUs shall be allowed ministerially, in compliance with this Section, within 120 calendar days of an application. The Building Official shall issue a Building Permit to establish an ADU in compliance with this Section if all applicable requirements of this Section are met. The Santa Barbara County Public Health Officer or his or her designee shall approve an application where a private sewage disposal system is being used.

- E. Development Standards.** Except as otherwise provided in this Section, ADUs shall comply with the development standards for the primary structure applicable to the zone in which the ADU is located and applicable California Building Code requirements, in addition to the following:
1. **Density Standards.** ADUs shall not be determined to exceed the allowable density for a lot on which they would otherwise be permitted.
  2. **Location on-site.** The ADU shall be either attached to the single-family dwelling or detached from the single-family dwelling and located on the same lot as the single-family dwelling. A detached ADU that is not located within an existing structure shall not be located closer to the front property line than the primary structure.
  3. **Floor area limitations.**
    - a. **Attached ADUs.** The floor area of an attached ADU shall not exceed 50% of the single-family dwelling living area with a maximum increase in floor area of 1,200 square feet.
    - b. **Detached ADUs.** The floor area of a detached ADU shall not exceed 1,200 square feet.
  4. **Required facilities.** An ADU shall contain kitchen and bathroom facilities separate from the single-family dwelling.
  5. **Parking.**
    - a. One off-street parking space shall be provided for an ADU, consistent with Chapter 17.3.08 (Parking Standards), in addition to the parking required for the single-family dwelling; however, parking is not required for the ADU in the following circumstances:
      - (i) The ADU is located within one-half mile of public transit, including transit stations and bus stations;
      - (ii) The ADU is part of an existing primary residence or an existing accessory structure;
      - (iii) When on-street parking permits are required but not offered to the occupant of the ADU; or
      - (iv) When there is a car share vehicle location within one block of the ADU.
    - b. Required parking for the ADU may be provided as tandem parking, including on an existing driveway or in setback areas, excluding the non-driveway area of the front yard setback.

- c. See Subsection E.7 below, for replacement parking requirements when a garage is converted to an ADU.
6. **Entrances for attached ADUs.** Entrances to an attached ADU shall be located on the side or in the rear of the primary structure.
7. **Conversion of existing structures to ADUs.**
  - a. No setback shall be required for an existing garage that is converted to an ADU. A setback of no more than five feet from the side and rear lot lines shall be required for an ADU constructed above a garage (i.e., five-foot setback applies to ADU portion constructed above the garage).
  - b. When a garage, carport, or covered parking is demolished or converted in conjunction with the construction of an ADU, replacement parking shall be required, but may be located in any configuration on the same lot as the ADU.
8. **Fire sprinklers.** Fire sprinklers are not required in an ADU if they are not required for the single-family dwelling.
9. **Design standards.**
  - a. **Architectural consistency.** Each ADU shall be constructed to be architecturally consistent with the single-family dwelling. Architectural consistency is defined as having consistency in the:
    - (i) Shape and style of exterior doors and windows;
    - (ii) Level and type of architectural design details; and
    - (iii) Building materials and paint color.
  - b. **Privacy.** Any window or door on a second story of an ADU that faces adjacent residences shall utilize one or more of the following techniques to lessen the privacy impacts onto those properties:
    - (i) Use of opaque windows;
    - (ii) Placement of windows above eye-level (five feet or below) if architecturally compatible; and/or
    - (iii) Provision of vegetative or other screening treatment that is installed and effective prior to occupancy.

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**17.4.04.030: Adult Businesses****A. Purpose and Intent.**

1. Where allowed by Division 2 (~~Zones~~ Allowable Land Uses and Development Standards for All Zones), an adult business shall comply with the provisions of this Section. Adult businesses provide products and services of a mature nature capable of causing serious negative secondary effects on the community, including depreciation of property values; increase in vacancies in residential and commercial areas in the vicinity of adult businesses; interference with residential property owner's enjoyment of their properties when the properties are located in the vicinity of adult businesses; and blight conditions such as inadequate maintenance of commercial premises and parking lots, which thereby have deleterious effect upon adjacent areas.
2. The intent of these zoning provisions is to provide special design standards and regulatory guidelines which will direct the time, place, and manner of the operation of adult businesses in order to minimize the associated negative secondary effects.

**B. Location.**

1. No adult business shall be established or operated at any location closer than 500 feet to the following uses:
  - a. Religious institutions;
  - b. Public parks, recreation areas, or youth organizations;
  - c. Schools; or
  - d. Another adult business.
2. All distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest exterior wall of the unit or structure containing or proposed to contain the adult business to the nearest property line or zone enumerated in this Section. The distance between any two adult businesses shall be measured in a straight line, without regard to intervening structures or object, from the nearest exterior wall of the unit or structure in which each adult business is located or to be located.
3. An adult business shall not be operated on any building, structure, or portions thereof containing another adult business or use as defined by this Section.



- C. Adult Business Development and Performance Standards.** To maintain the City's standard for safe business conduct, adult businesses must remain in compliance with the following:
1. Maximum occupancy load, fire exits, aisles and fire equipment shall be regulated, designed, and provided in compliance with the Fire Department and building regulations and standards adopted by the City.
  2. No adult business shall be operated in any manner that allows the observation of any material or activities depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" from any public way or from a location outside the building or areas of such establishment. This provision shall apply to any display, decoration, sign, show window or other opening. No exterior door or window on the premises shall be propped or kept open at any time while the business is open, and any exterior windows shall be covered with opaque covering at all times.
  3. Lighting shall be required which is designated to illuminate all off-street parking areas serving such use for the purpose of increasing the personal safety of patrons and reducing the incidents of vandalism and theft. Said lighting shall be consistent with Section 17.3.08.060. ~~DC~~ (Parking Lot Lighting).
  4. No loudspeakers or sounds equipment shall be used by an adult business for the amplification of sounds to a level discernible by the public beyond the walks of the building in which such use is conducted or which violates any existing noise restrictions or standards which may be adopted by the City. The premises within which the adult business is located shall provide sufficient sound-absorbing insulation so that noise generated inside said premises shall not be audible anywhere on any adjacent property or public right-of-way or within any other building or other separate unit within the same building.
  5. The building entrance to an adult business shall be clearly and legibly posted with a notice indicating that persons under 18 years of age are precluded from entering the premises. Said notice shall be constructed and posted to the satisfaction of the Director. No person under the age of 18 years shall be permitted within the premises at any time.
  6. The adult business shall not be located, in whole or in part, within any portable structure.
  7. The adult business shall not conduct or sponsor any special events, promotions, festivals, concerts, or similar activities which would increase the demand for parking spaces beyond the number of spaces for the business, as required by the Code.
  8. The adult business shall not conduct any massage, acupuncture, tattooing, acupressure, or escort services and shall not allow such activities on the premises.

9. Landscaping shall conform to the standards established for the zone, except that, if the adult business is the sole use on a lot, no planting shall exceed 30 inches in height, except trees with foliage not less than six feet above the ground.
10. All indoor areas of the adult business within which patrons are permitted, except restrooms, shall be open to view by the management at all times.
11. Except as specifically provided in this Section, the adult business shall comply with the zoning, parking, signage, development and design standards applicable to the zone in which the business is located.
12. Specified sexual activities are prohibited in restrooms of any adult business.
13. Except as otherwise required by law for adult motion picture theaters, and except as provided in Subsection C.14 of this Section with regard to adult arcades, all areas of the adult business accessible to patrons shall be illuminated to a minimum level of 20 foot-candles, minimally maintained and evenly distributed at ground level.
14. The Minor Use Permit shall be conspicuously posted and visible to patrons inside the adult business.
15. The following additional requirements shall pertain to adult arcades which provide one or more viewing area(s):
  - a. One or more manager's stations (not to exceed 32 square feet of floor area with no dimension greater than eight feet) shall be provided.
  - b. It shall be the duty of the owner(s) to ensure that at least one employee is on duty and situated at each manager's station at all times that any patron is present inside the adult arcade.
  - c. The interior of the adult arcade shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the adult arcade to which any patron is permitted access, excluding restrooms. If the adult arcade has two or more manager's stations designated, then the interior of the adult arcade shall be configured in such a manner that there is an unobstructed view of each area of the adult arcade to which any patron is permitted access, excluding restrooms, from at least one of the manager's stations. The view required in this Subsection must be by direct line of sight from the manager's station.

- d. It shall be the duty of the owner(s) and also the duty of all employees present in the adult arcade to ensure that the individual viewing areas remains unobstructed by any doors, walls, persons, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the adult arcade which has been designated as an area in which patrons will not be permitted in the application filed pursuant to this Section.
  - e. No individual viewing area may be occupied by more than one person at a time. Individual viewing areas of the adult arcade shall be operated and maintained without any hole or other opening or means of direct communication or visual or physical access between the interior space of two or more individual viewing areas.
  - f. No individual viewing area shall contain booths, stalls, or partitioned portions of such individual viewing area used for viewing of adult material or other forms of entertainment, having doors, curtains or portal partitions, unless such individual viewing areas containing booths, stalls or partitioned portions have at least one side open to the manager's station and is visible to such manager's station. Any booth, stall or partitioned portion of an individual viewing area authorized under this subparagraph shall be constructed so as to allow 12 inches of open space between the bottom of the stall or partition and the floor. Such open space shall remain unobstructed at all times.
  - g. The adult arcade shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, but such lighting shall not be of an intensity as to prevent the viewing of the adult material.
16. The following additional requirements shall pertain to adult businesses providing live entertainment depicting specified anatomical areas or involving specified sexual activities:
- a. No person shall perform live entertainment for patrons of an adult business except upon a stage at least 18 inches above the level of the floor which is separated by a distance of at least six feet from the nearest area occupied by patrons, and no patron shall be permitted within six feet of the stage while the stage is occupied by an entertainer.
  - b. The adult business shall provide separate dressing room facilities for entertainers which are exclusively dedicated to the entertainers' use.
  - c. The adult business shall provide an entrance/exit for entertainers which is separate from the entrance/exit used by patrons.

- d. The adult business shall provide access for entertainers between the stage and the dressing rooms which is completely separated from the patrons. If such separate access is not physically feasible, the adult business shall provide a minimum three-foot-wide walk aisle for entertainers between the dressing rooms area and the stage, with a railing, fence or other barrier separating the patrons and the entertainers capable of (and which actually results in) preventing any physical contact between patrons and entertainers.
  - e. No entertainer acting within the scope of their employment, either before, during or after performances, shall have physical contact with any patron and no patron shall have physical contact with any entertainer either before, during or after performances by such entertainer.
  - f. Fixed rail(s) at least 30 inches in height shall be maintained establishing the separations between entertainers and patrons required by this Subsection.
17. Adult businesses shall employ security guards in order to maintain the public peace and safety, based upon the following standards:
- a. Adult businesses featuring live entertainment shall provide at least one security guard at all times while the business is open. If the occupancy limit of the premises is greater than 35 persons, an additional security guard shall be on duty.
  - b. Security guards for other businesses may be required if it is determined by the Chief of Police that their presence is necessary in order to prevent any of the conduct listed in Subsection H from occurring.
  - c. Security guard(s) shall be charged with preventing violations of law and enforcing compliance by patrons of the requirements of these regulations. Security guards shall be uniformed in such a manner so as to be readily identifiable as a security guard by the public and shall be duly licensed as a security guard as required by applicable provisions of State law. No security guard required pursuant to this Subsection shall act as a door person, ticket seller, ticket taker, admittance person, or sole occupant of the manager's station while acting as a security guard.

**D. Adult Business Minor Use Permit.**

1. It is unlawful for any person to establish, operate, engage in, conduct, or carry on any adult business within the City unless the person first obtains, and continues to maintain in full force and effect, and adult business Minor Use Permit pursuant to Chapter 17.5.20 (Conditional and Minor Use Permits).

2. In addition to the requirements of Chapter 17.5.20 (Conditional and Minor Use Permits), an adult business Minor Use Permit application shall include but not be limited to the following information and accompanying documents:
  - a. The property owner's and the applicant's mailing address, and name and phone number of the person who is responsible for providing access to the proposed use for inspection purposes.
  - b. The legal form of the applicant (e.g., individual, partnership, corporation).
    - (i) If the applicant is an individual, the individual shall state his or her legal name, including any aliases, address, and submit satisfactory written proof that he or she is at least 18 years of age.
    - (ii) If the applicant is a partnership, the partners shall state the partnership's complete name, address, the names of all partners, whether the partnership is general or limited, and attach a copy of the partnership agreement, if any.
    - (iii) If the applicant is a corporation, the corporation shall provide its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of California, the legal names and aliases and capacity of all officers, directors, and principal stockholders, the name of the registered corporate agent and the address of the registered office for service of process.
  - c. If the applicant is an individual, he or she shall sign the application. If the applicant is other than an individual, an officer of the business entity or an individual with a 10% or greater interest in the business entity shall sign the application.
  - d. If the applicant intends to operate the adult business under a name other than that of the applicant, the applicant shall file the fictitious name of the adult business and show proof of registration of the fictitious name.
  - e. Whether or not the applicant has had a previous adult use permit revoked in the City or anywhere else and if so, the date and reason of the revocation.
  - f. A description of the type of adult business for which the Minor Use Permit is requested, using the definitions contained in Chapter 17.7.04 (Definitions of Terms) and the proposed address where the adult business will operate, plus the names and addresses of the owners and lessors of the adult business site.
  - g. The address to which notice of action on the application is to be mailed.

- h. A sketch or diagram showing the interior configuration of the premises (i.e., floor plan), including a statement of the total floor area occupied by the adult business. The floor plan shall show all pertinent information regarding the interiors, including the location(s) of viewing booths, if applicable, necessary to determine compliance with this Section. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
  - i. A signed statement and map depicting the building and the portion thereof to be occupied by the adult business, and its proximity to the uses listed in Section 17.4.04.~~030020~~.B (Location).
  - j. Accurately scaled plot plans indicating the structure in which the adult business is to be conducted, identifying and locating all land uses and property lines within a radius of 100 feet of the structure, and indicating all existing and proposed structures, parking areas, landscaping, walls, driveways, lighting, driveways, and signs.
3. The completed application shall be accompanied by a nonrefundable application fee. The amount of such fees shall be set by Council resolution. Processing of the permit application shall not begin until all associated application fees are paid to the City.

**E. Findings, Decision, and Action on Application.**

- 1. The Commission shall approve, with or without conditions, the adult business Minor Use Permit application only after the following findings are made:
  - a. All applicable findings contained in Section 17.5.48.050 (Findings and Decision) are made;
  - b. All requirements of this Section, including location limitations, are complied with;
  - c. Neither the applicant, if an individual, or any of the officers or general partners, if a corporation or partnership, has been convicted of a sex-related misdemeanor or any felony;
  - d. The applicant passes a background check administered by the Lompoc Police Department including but not limited to a fingerprint check; and
  - e. All other information and attachments required in the adult business Minor Use Permit application is found to be satisfactory.
- 2. The Director shall notify the applicant of the decision by providing the Commission resolution documenting the decision, including the required findings.

3. The permittee shall post the permit conspicuously in the adult business premises.

**F. Transfer of Adult Businesses or Adult Business Minor Use Permits.**

1. A permittee shall not operate an adult business under the authority of an adult business Minor Use Permit at any place other than the address of the adult business stated in the application for the permit.
2. A permittee shall not transfer ownership or control of an adult business or transfer an adult business Minor Use Permit to another person unless and until the transferee obtains an amendment to the Minor Use Permit from the City Manager, or his or her designee, stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the City Manager, or his or her designee, in accordance with Section 17.5.56.080 (Changes to an Approved Permit), accompanies the application with a transfer fee in an amount set by Council resolution, and the City Manager, or his or her designee, determines in accordance with this Section that the transferee would be entitled to the issuance of an original adult business Minor Use Permit.
3. No adult business Minor Use Permit may be transferred when the City Manager, or his or her designee, has notified the permittee that the permit has been or may be suspended or revoked.
4. Any attempt to transfer an adult business Minor Use Permit either directly or indirectly in violation of this Section is hereby declared void, and the Minor Use Permit shall be deemed revoked.

**G. Suspension or Revocation of Adult Business Minor Use Permits and Adult Business Employee Licenses.** An adult business Minor Use Permit or adult business employee license may be suspended or revoked following the procedures in Chapter 17.5.60 (Permit Modification and Revocation) on the basis of any of the following:

1. The building or structure in which the adult business is conducted is hazardous to the health or safety of the employees or patrons of the business or the general public under the standards set forth in the California Building Code, Plumbing Code, or Fire Code.
2. The permittee or licensee has knowingly made any false, misleading, or fraudulent statement of material facts in the application for a permit or license, or in any report or record required to be filed with the City.
3. The adult business has been conducted in a manner which violates one or more of the conditions imposed upon the issuance of the Minor Use Permit or license, fails to conform to the plans and procedures described in the applicable, or violates the occupancy load limits set by the Fire Marshal.

4. The Minor Use Permit is being used to conduct a use different from that for which it was approved.
5. An adult business has been operated without a responsible adult on the premises, officially acting in the capacity of manager, at all times during which the business is open or operating.
6. The permittee, employee, agent, partner, director, stockholder, or manager has been convicted of a sex-related misdemeanor or any felony.

**H. Appeal of Decisions.**

1. Decisions on adult business Minor Use Permits may be appealed consistent with Chapter 17.6.12 (Appeals).
2. Decisions on adult business employee licenses may be appealed consistent with LMC Section 1.32.010.

**I. Inspections.** An applicant or permittee shall permit representatives of the Police Department, Health Department, Fire Department, Community Development Department, or other City Departments or agencies to inspect the premises of an adult business for the purpose of insuring compliance with the law and the development and performance standards applicable to adult businesses, at any time it is occupied or opened for business. A person who operates an adult business or his or her agent or employee is in violation of the provisions of this Section if he or she refuses to permit such lawful inspection of the premises at any time it is occupied for business.

**J. Regulations Nonexclusive.** The standards of this Section regulating adult businesses are not intended to be exclusive and compliance therewith shall not excuse noncompliance with any other regulations pertaining to the operation of businesses as adopted by the Council; provided, however, that the provisions contained in Title 5 of the Municipal Code relating to Amusements, Chapters 5.16 through 5.28, shall be superseded by these regulations in the event a business activity meets the definitions contained herein and in Title 5.

**K. Violations – Penalties.** Any firm, corporation, or person, whether as principal, agent, employee, or otherwise, violating or causing the violation of any of these provisions regulating adult businesses shall be guilty of a misdemeanor, and any conviction thereof shall be punishable by a fine of not more than \$1,000 or by imprisonment in the County jail for not more than six months, or by both such fine and imprisonment. Any violation of these provisions shall constitute a separate offense for each and every day during which such violation is committed or continued.



- L. Public Nuisance.** In addition to the penalties set forth in Section 17.4.04.030.KL (Violations – Penalties), any adult business which is operating in violation of these provisions regulating adult businesses is hereby declared to constitute a public nuisance and, as such, may be abated or enjoined from further operation in compliance with Chapter 17.6.28 (Property Nuisances).

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#### 17.4.04.040: Animal Raising and Keeping

- A. Applicability.** Where allowed by Division 2 ([Allowed Uses and Development Standards for All Zones](#)), animal raising and keeping shall comply with the standards in this Section.

**B. General Standards.**

1. Animal raising and keeping shall only occur on a lot that is a minimum of 5,000 square feet in area.
2. A clean and sanitary enclosure shall be provided. The enclosure shall be located consistent with the following requirements:
  - a. At least 40 feet from any door or window of each adjoining residence;
  - b. At least 10 feet from the rear property line, unless an alley abuts the rear of the property, then no rear setback required;
  - c. At least 10 feet from each side property line (excludes front yard); and
  - d. On the rear half of the lot.
3. The cumulative number of small animals on any property shall be a maximum of six.
4. Roosters are prohibited.
5. Birds, not including chickens or ducks, are permitted to be kept in an enclosed aviary, which shall be no closer than 30 feet from any residence other than that of the aviary owner. The number of birds in an aviary shall not exceed six for each 6,000 square feet of the owner's premises.
6. The use shall not create an offensive noise or odor for adjacent property owners.

- C. Miniature Asian Pot-bellied Pigs.** Notwithstanding any other provision of this Title, miniature Asian pot-bellied pigs shall be deemed to be household pets and allowed in residential zones, provided that:
1. No more than two miniature Asian pot-bellied pigs shall be kept at any one time; and
  2. The Asian pot-bellied pigs shall not be used for commercial breeding purposes.

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#### 17.4.04.050: Antennas and Antenna Systems

- A. Applicability.** In interpreting and applying the provisions of this Section as to radio or television antennas or similar structures, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort and general welfare.
- B. Proximity to Transmission Wires.** No person shall install, construct, erect, maintain, use or have within the City any outside radio antenna, television antenna, mast, pole or similar structure, whether intended for use in connection with the reception or transmission of radio, telephone, television or otherwise, which shall be so located, positioned, or constructed that the same shall be in contact with, or in dangerous proximity to any electric light or power transmission.
- C. Radio or Television Antennas.**
1. **Applicability.** No person shall install or erect or cause to be installed or erected within the City any radio or television antenna, mast, pole, or similar structure, which exceeds 15 feet in vertical height, without first obtaining Architectural Design and Site Development Review approval.
  2. **Application.** Applications for each required permit shall be filed in compliance with Chapter 17.5.08 (Administrative Use Permit) and shall contain additional information as necessary to enable the Fire Marshal and Building Official to determine that the proposed installation will meet all the safety factors provided in this Section.
  3. **Construction and Installation.** Any radio or television antenna or similar device, mounted, supported, or installed upon any building or other structure, shall be mounted, supported, and installed separately and independently of any other appurtenances of the building or structure, and shall not be connected with a similar installation. All construction material for any such antenna, mast, pole, or similar structure, shall be corrosion resistant. Each such antenna or similar device shall be constructed in accordance with sound engineering principles as determined by the Fire Marshal and Building Official.

**D. Satellite Television Systems.**

1. **Purpose.** A satellite television antenna is categorized by this Section as mechanical equipment that is an accessory use to other uses on any lot. These regulations serve to ensure a safe and aesthetically pleasing architectural integration of this type of accessory use with other buildings or structures on a lot or parcel.
2. **Applicability.** No satellite television antenna shall be erected, constructed, located maintained, or operated, except in conformance with the following standards, and subject to approval of an Architectural Design and Site Development Review (Chapter 17.5.12) as well as issuance of a Building Permit.
3. **Location.**
  - a. **Commercial and Industrial Zones.** In any commercial or industrial zone, there is no location restriction for a satellite television antenna, subject to approval of the required findings in Section 17.5.12.050 (Findings and Decision).
  - b. **Residential Zones.**
    - (i) In a residential zone, a satellite television antenna, not attached to a building or structure, shall be located only in the rear yard of any lot. If a usable satellite signal cannot be obtained from such rear yard, the antenna may be located on the side yard of the property subject to requirements contained in this Section. Side yard location shall be limited to an area 10 feet from any main or accessory building on the site.
    - (ii) In the event that a usable satellite signal cannot be obtained by locating the antenna on the rear or side yard of the property, such antenna may be placed on the building's roof. Such location shall be allowed upon a showing by the applicant that a usable satellite signal is not obtainable from any other location on the property.
4. **General Restrictions and Standards.**
  - a. Except for antennas located on a roof in accordance with Subsection 17.4.04.050.D.3.b.(ii), such antenna shall not be installed at a height greater than 15 feet, including any platform or structure upon which said antenna is mounted or affixed.
  - b. All satellite television antennas shall be located and designed to reduce visual impact upon surrounding properties at street level and from public streets.

- c. All antennas and the construction and installation thereof shall conform to the applicable California Building and Electrical Code regulations and requirements, and shall require issuance of a Building Permit.
- d. The maximum diameter size of a satellite antenna dish shall be limited to 12 feet.

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#### 17.4.04.060: Caretaker's Unit

- A. Applicability.** Where allowed by Division 2 ([Allowed Uses and Development Standards for All Zones](#)), caretaker's units shall comply with the standards in this Section.
- B. Eligibility.** Caretaker's units shall be allowed only where the primary use of the site involves operations, equipment, or other resources that require 24-hour oversight.
- C. General Standards.**
  - 1. **Occupant(s).** The only occupant(s) of a caretaker's unit shall be a full-time employee of the business, operation, or use that qualifies for caretakers in compliance with this Section.
  - 2. **Location of Unit.** A caretaker's unit shall be located on the same lot as the primary use proposing the caretaker's unit subject to the following standards.
    - a. **Attached Unit.** If the caretaker's unit is to be attached to the main building, the unit shall be located on the second floor or in the rear half of the building.
    - b. **Detached Unit.** A detached caretaker's unit shall be located behind the main building or on the rear half of the lot.
  - 3. **Size of Unit.** A caretaker's unit shall not exceed 900 square feet, unless a larger size is determined by the Review Authority to be appropriate due to the unique conditions or operating characteristics of the primary use.
  - 4. **Number of Units.** No more than one caretaker's unit per lot shall be allowed for the primary use.
- D. Removal of Unit.** A caretaker's unit shall be used no longer than the existence of the primary use of the site that justifies the unit. Upon termination of the primary use, the caretaker's unit shall be removed or converted to another allowed use. A demolition, remodel, or other Building Permit shall be required for the removal of the unit.

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**17.4.04.070: Community Garden**

**A. Applicability.** Community gardens are allowed on vacant lands, rooftops, or any other acceptable location in compliance with Division 2 (~~Zones~~ Allowed Uses and Development Standards for All Zones) and any other applicable City standards.

**B. General Standards.**

1. Community gardens shall have a set of operating rules addressing the governance structure of the garden, hours of operation, maintenance, and security requirements and responsibilities. A garden coordinator shall be designated to perform the coordinating role for the management of the community garden. The garden coordinator shall be responsible for assigning garden plots in a fair and impartial manner according to the operating rules established for that garden. The name and telephone number of the garden coordinator and a copy of the operating rules shall be provided to the Director and posted on-site.
2. The site is designed and maintained so that water and fertilizer will not drain onto adjacent property.
3. There shall be no retail on-site, except for produce grown on-site.
4. No building or structures shall be permitted on-site, with the exception of the following:
  - a. Sheds for storage of tools limited in size to 120 square feet;
  - b. Greenhouses, consisting of buildings made of glass, plastic or fiberglass in which plants are cultivated, limited in size to 120 square feet and designed in compliance with setbacks for accessory structures; and
  - c. Other small hardscape areas and amenities (such as benches, bike racks, raised/accessible planting beds, compost or waste bins, picnic tables, seasonal farm stands, fences, garden art, rain barrels, and children's play areas).
5. The combined area of all structures shall not exceed 15% of the community garden site area.
6. Fences shall be in compliance with Chapter 17.3.12 (Landscape and Screening Standards).
7. On-site storm water systems and irrigation shall be consistent with applicable Public Works standards.

- C. Maintenance Required.** Maintenance of community gardens shall ensure that no conditions constituting a nuisance are created (Chapter 17.6.28, Property Nuisances).
- D. Abandoned or Unproductive Community Gardens.** If a community garden is left in an unproductive state for longer than a period of 12 months, the garden coordinator or other individual(s) responsible for the community garden shall ensure that it is replaced with landscaping in compliance with Chapter 17.3.12 (Landscaping and Screening Standards) or seeded in accordance with Public Works standards, subject to the approval of the Public Works Director.

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#### 17.4.04.080: Construction Storage/Supply Yard

- A. Storage.** All operations and storage, including all equipment used in conducting such use, other than parking, shall be conducted within an enclosed building or within an area enclosed by a solid wall or solid fence in compliance with Chapter 17.3.12 (Landscape and Screening Standards).
- B. Fences and Walls.** Where fences or walls are required by this Section, they shall comply with Section 17.3.12.040 (Screening) and the following.
1. All fences and walls shall be of a uniform height in relation to the ground upon which they stand and shall be a minimum of six feet in height. Areas outside of the storage/supply yard between the fence and the lot line shall be fully landscaped consistent with Subsection 17.4.04.080.D (Landscaping).
  2. The Commission may modify the requirements for fences or walls not exposed to view from any street or highway in the following cases:
    - a. Where adjoining property is developed with an automobile dismantling yard, junk and salvage yard, scrap metal processing yard, or other open storage use displaying similar characteristics; or
    - b. Where substantial fences, walls or buildings are located adjacent to property lines on surrounding property which serve to enclose such yard as well or better than the wall or fence required herein.
  3. Should the use, fence, wall, or building providing justification for such modification in Subparagraph 17.4.04.080.B.2.b, above, be removed, such wall or fence shall be provided within six months from the date of removal.
- C. Paving of Yards.** All areas of the yard open to vehicular passage shall be paved with an asphalt surfacing or concrete to prevent emission of dust or tracking of mud onto public rights-of-way; however, the Commission may approve other paving materials which provide the equivalent in service and useful life.

- D. Landscaping.** At least two square feet of landscaping shall be provided for each linear foot of street or highway frontage, and such planting areas shall have a minimum horizontal dimension of three feet. Landscaping shall comply with the Chapter 17.3.12 (Landscape and Screening Standards).
- E. Storage of Salvage or Junk.** Salvage or junk, including salvaged or junked automobiles and parts thereof, shall not be:
  1. Placed or allowed to remain outside of the enclosed yard area; or
  2. Stored or placed above the height of any required fence or wall.

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#### 17.4.04.090: Emergency Shelter

- A. Purpose.** This Section establishes performance, development, design, and managerial standards for emergency shelters consistent with Government Code § 65583(a)(4).
- B. Applicability.** Emergency shelters are allowed in compliance with Division 2 (~~Zones~~ Allowed Uses and Development Standards **for All Zones**). Emergency shelters shall conform to all development standards of the zone in which it is located, except as modified by the standards in this Section.
- C. Licenses and Permits.** Emergency shelters shall obtain and maintain in good standing all required licenses, permits, and approvals from City, County, State, and Federal agencies or departments and comply with all applicable Building and Fire Codes.
- D. Management.** A minimum of one staff person or agent shall be on-duty and awake when the facility is in operation.
- E. Maximum Number of Beds.** The total number of emergency shelter beds allowed in Lompoc shall not exceed 104 unless a Conditional Use Permit is approved to allow additional beds. This threshold shall remain in effect until September 30, 2022 when the current Housing Element period ends.
- F. Separation Requirement.** No emergency shelter shall be located within 300 feet of another emergency shelter when measured from the closest property lines.
- G. Parking.**
  1. Parking and outdoor facilities shall be designed to provide security for residents, visitors, employees and the surrounding area.
  2. A covered and secured area for bicycle parking shall be provided for use by staff and clients, commensurate with demonstrated need, but no less than a minimum of eight bicycle parking spaces.

**H. Lighting.** External lighting shall be provided for security purposes. The lighting shall be stationary and directed away from adjacent properties and the public right-of-way consistent with Section 17.3.04.090 (Performance Standards).

**I. Waiting and Intake Area.** A client waiting and intake area shall be provided as interior space and contain a minimum of 10 square feet per bed provided at the facility, and a minimum size of 100 square feet of floor area.

**J. Outdoor Facilities, Activities, and Signs.**

1. Outdoor toilets and outdoor public telephones shall not be visible from the public right-of-way or public property.
2. Outdoor charitable food distribution shall be conducted entirely on private property in a covered area during times that are approved by the City, and shall not block accessible pathways.
3. No signs shall be present on the property relating to its use as a shelter for the homeless.
4. Donation/collection bins and areas shall be screened from public view and shall be open to the public between the hours of 9:00 a.m. and 6:00 p.m. A sign stating hours of operation shall be placed in a clear, visible location and shall be no larger than 15 square feet.

**K. Personal Storage.** Adequate storage for personal belongings shall be provided.

**L. Management Plan.** The applicant or operator shall submit a management and operation plan for the emergency shelter for review and approval by the Review Authority prior to approval of a business license or Conditional Use Permit, if applicable. The plan shall include, but not be limited to, the following:

1. Security;
2. Staff training;
3. Neighborhood relations;
4. Pet policy;
5. Client intake process;
6. List of services provided;
7. Facility maintenance;
8. Refuse control;



9. Amenities, such as hours of operation, cooking/dining facilities, laundry facilities and activity ~~policies~~policies; and
10. Anti-discrimination policies.

**M. Management Plan Compliance.** The City may inspect the facility during business hours for compliance with the management plan and any other applicable regulations and standards. The plan may be reviewed as needed by the City with revisions made by the operator.

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#### 17.4.04.100: Family Day Care Home

**A. Purpose.** The purpose of this Section is to provide standards for family day care homes in compliance with the provisions of Health and Safety § 1596.70 et seq.

**B. Permits.**

1. **Small Family Day Care Home.** Operation of a small family day care home in a residential zone shall be a permitted use in compliance with Health and Safety Code § 1597.45 and no permit shall be required.
2. **Large Family Day Care Home.** Operation of a large family day care home shall be subject to obtaining an Administrative Use Permit (Chapter 17.5.08). Obtaining such a permit shall be required in addition to any other requirements set forth by other governmental agencies that regulate day care providers.

**C. Large Family Day Care.** A large family day care home shall comply with the following standards:

1. **Noise.** Operation of large family day care homes shall comply with Municipal Code provisions and General Plan policies relating to noise control.
2. **Parking.** In addition to the minimum on-site parking requirements for the residential use, one parking space shall be provided for each employee who does not reside at the residence, who drives to work, and requires a parking space.
3. **Traffic Control.** It shall be incumbent upon the day care provider to ensure that drop off/pick up of children does not result in traffic congestion and/or unsafe conditions in the neighborhood.
4. **Concentration and Spacing.** A separation of 50 feet shall be required between exterior property boundaries of large family day care homes.
5. **Fire Safety.** All requirements set forth by the State and the State Fire Marshal shall be met prior to operation of a large family day care home.

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**17.4.04.110: Home Occupation**

- A. Purpose.** This Section establishes standards for home occupations. The purpose of the standards contained in this Section is to provide criteria and procedures for the consideration and approval of home occupations.
- B. Administrative Use Permit and Business License Required.** A home occupation requires the approval of an Administrative Use Permit consistent with Chapter 17.5.08 and a business license consistent with Title 5 (Business Licenses and Regulations).
- C. Uses Allowed.** Any use, except those listed in Subsection E, below, may be a home occupation if the Director determines that it complies with the provisions of this Section.
- D. Home Occupation Standards.** Home occupations shall comply with the following:
1. The home occupation shall be located entirely within a residence;
  2. There shall be no employees in connection with the home occupation, within the home at any time, including before or after the work day, other than a member of the resident household;
  3. There shall be no use of materials or mechanical equipment not recognized as part of normal household or hobby uses;
  4. There shall be no customers of the business or sales of products on the premises;
  5. The business shall not involve the use of commercial vehicles for delivery of materials to or from the premises other than a vehicle not to exceed the capacity of one ton, owned by the business owner, which shall be stored in an entirely enclosed garage;
  6. Storage of materials and/or supplies related to the business, outside the residence, is not permitted;
  7. No signs shall be displayed on the site in connection with the home occupation. There may be advertising on a vehicle that should not exceed three square feet in total. Magnetic signage is recommended;
  8. In no way shall the appearance of the dwelling be altered to identify the business and changed the residential character of the existing neighborhood; and
  9. There shall be no use of utilities or community facilities beyond the normal use of the property for residential purposes as defined in the zone.

**E. Uses not Allowed as a Home Occupation.** The following activities are not allowed as a home occupation:

1. Teaching of organized classes;
2. Banks and financial institutions, including but not limited to, nontraditional financial institutions;
3. Pet day care for more than four household pets;
4. Treatment or boarding of animals for profit;
5. Operation of food handling, processing, or packing that is not in compliance with the Santa Barbara County Environmental Health regulations and § 114365 of the California Health and Safety Code;
6. On-site vehicle-related uses, including but not limited to, cleaning, dismantling, embellishing, installing, manufacturing, repairing or servicing, selling, leasing or renting, towing, driving schools, dispatching vehicles, scrap yards, parts sales, or any storage of autos.
7. On-site retail sales, including but not limited to, firearms, weaponry, ammunition, liquor, or tobacco. Retail sales consistent with the provisions of Subsection F (Cottage Food Industry Operations) shall be allowed.
8. Funeral and interment services, including but not limited to, crematories, mortuaries, mausoleums, and undertaking;
9. Transient habitation, with the exception of bed and breakfast inns where allowed by Division 2 (~~Zones~~-Allowed Uses and Development Standards for All Zones);
10. Eating and drinking places, including but not limited to, bars, nightclubs, and restaurants;
11. Laundry and dry cleaning services;
12. Communication facilities, including but not limited to, transmission towers;
13. Business involving hazardous materials including, but not limited to, waste facilities, transfer, storage and treatment, unless approved by the Fire Chief;
14. Adult businesses; and
15. Any use not allowed in the applicable zone.

- F. Cottage Food Industry Operation.** Consistent with the operational requirements set forth in California Health and Safety Code § 114365 et seq., a Cottage Food Operation (CFO) shall comply with the following standards.
1. All applicable provisions of the Municipal Code are made a part of the conditions of approval in their entirety, as if fully contained therein.
  2. The CFO shall be registered with the Santa Barbara County Office of Environmental Health and conform with all regulations of AB 1616.
  3. Food preparation shall take place entirely within the permitted area of the residence which is the private kitchen area with storage located in the same structure in residentially zone property.
  4. Only foods defined as “non-potentially hazardous” are approved for preparation by CFOs. The California Department of Public Health will establish and maintain a list of approved cottage food categories on their website, which will be subject to change.
  5. There may be one full-time equivalent employee (not counting family members or household members).
  6. Class A CFOs are allowed to engage in direct sale, including up to two customers on-site at one time.
  7. Class B CFOs may engage in both direct sale and indirect sale of cottage food products.
  8. No Cottage Food Product preparation, packaging, or handling may occur concurrent with any other domestic activities, including, but not limited to, family meal preparation, guest entertaining or dishwashing.
  9. No infants, small children, or pets may be in the Registered or Permitted Area during the preparation, packaging, or handling of any Cottage Food Products.
  10. Equipment and utensils used to produce Cottage Food Products shall be clean and maintained in a good state of repair.
  11. All food contact surfaces, equipment, and utensils, used for the preparation, packaging, or handling of any Cottage Food Products shall be washed, and sanitized before each use.
  12. All food preparation and food and equipment storage areas shall be maintained free of rodents and insects.
  13. No preparation, packaging, storage, or handling of Cottage Food Products and related ingredients and/or equipment shall occur outside of the Registered or Permitted Area.

14. Smoking shall be prohibited in the Registered or Permitted Area during the preparation, packaging, storing, or handling of Cottage Food Products and related ingredients and equipment.
15. A person with a contagious illness shall refrain from work in the Registered or Permitted Area of the CFO.
16. A person involved in the preparation of packaging of Cottage Food Products shall keep his or her hands clean and exposed portions of his or her arms clean and shall wash his or her hands before any food preparation or packaging activity.
17. Water used during the preparation of Cottage Food Products shall meet potable drinking water standards.
18. A person who prepares or packages Cottage Food Products shall complete a food processor course instructed by the California Department of Public Health within three months of becoming registered or permitted.
19. A CFO shall properly package and label all Cottage Food Products in compliance with the Federal Food, Drug and Cosmetic Act (21 U.S.C. Section 343 et seq.) and the Department's additional labeling requirements.
20. A CFO shall also comply with 17.4.04.110.D.5, 6, 7, 8, and 9.

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**17.4.04.120: Live/Work**

- A. Purpose.** This Section provides standards for the construction and operation of live/work units and for the reuse of existing commercial and industrial buildings to accommodate live/work opportunities where allowed in the applicable zone.
- B. Applicability.** Live/work units are allowed in compliance with Division 2 (~~Zones~~ Allowed Uses and Development Standards for All Zones).
- C. Application Requirements.** In addition to the requirements in Chapter 17.5.04 (Application Processing Procedures), the Review Authority may require an application for a live/work unit to include a Phase 1 Environmental Assessment for the site, including an expanded site investigation to determine whether lead-based paint and asbestos hazards are present in an existing structure proposed for conversion to live/work. The purpose of this requirement is to assess whether there are any hazardous or toxic materials on the site that could pose a health risk to the residents. If the Phase 1 Environmental Assessment shows potential health risks, a Phase 2 Environmental Assessment shall be prepared and submitted to the Department to determine if remediation may be required.

**D. Limitations on Use.** The non-residential component of a live/work unit shall be a use allowed with the applicable zone (see Division 2). A live/work unit shall not be established or used in conjunction with any of the following activities:

1. Adult businesses;
2. Vehicle maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, etc.);
3. Storage of flammable liquids or hazardous materials beyond what are normally associated with a residential use;
4. Welding, machining, or any open flame work; and
5. Any other activity or use, as determined by the Director to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents, because of the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration or other impacts, or would be hazardous because of materials, processes, products, or wastes.

**E. Occupancy Requirements.** The “live” component of a live/work unit shall be the principal residence of at least one individual employed in the business conducted within the live/work unit.

**F. Operating Requirements.**

1. **Sale or rental of portions of the unit.** No portion of a live/work unit may be separately rented or sold as a commercial or industrial space for any person not living in the premises or as a residential space for any person not working in the same unit.
2. **Notice to occupants.** The owner or developer of any structure containing live/work units shall provide written notice to all live/work occupants and users that the surrounding area may be subject to levels of dust, fumes, noise, or other effects associated with commercial and industrial uses at higher levels than would be expected in more typical residential areas. State and Federal health regulations notwithstanding, noise and other standards shall be those applicable to commercial or industrial properties in the applicable zone.
3. **On-premises sales.** On-premises sales of goods are limited to those produced within the live/work unit; provided, the retail sales activity is incidental to the primary production work within the unit. Occasional open studio programs and gallery shows are allowed.
4. **Non-resident employees.** Up to two persons who do not reside in the live/work unit may work in the unit, unless this employment is otherwise prohibited or limited by the applicable permit. The employment of three or

more persons who do not reside in the live/work unit may be allowed based on an additional finding that the employment will not adversely affect parking and traffic considerations in the immediate vicinity of the unit. The employment of any persons who do not reside in the live/work unit shall comply with the applicable California Building Code requirements.

5. **Client and customer visits.** Client and customer visits to live/work units are allowed subject to any applicable conditions of the applicable permit to ensure compatibility with adjacent commercial or industrial uses, or adjacent residentially-zoned areas.

**G. Changes in Use.** After approval, a live/work unit shall not be converted to either an entirely residential or entirely commercial use unless approved by the Commission with the issuance of a Conditional Use Permit. No live/work unit shall be changed to an entirely residential use in any structure where residential uses are not allowed.

**H. Development Standards.**

1. **Commercial zones.** In commercial live/work occupancies, the “work” component shall be an allowed use in the zone and shall be located in the front or public portion of the building or unit in which the combined use is located.
2. **Floor area requirements.** The floor area of the work space shall be at least 30% of the total floor area of each live/work unit. All floor area other than that reserved for living space shall be reserved and regularly used for working space.
3. **Separation and access.** Each live/work unit shall be separated from other live/work units or other uses in the structure. Access to each live/work unit shall be provided from a public street, or common access areas, corridors, or halls. The access to each unit shall be clearly separate from other live/work units or other uses within the structure.
4. **Facilities for commercial or industrial activities.** A live/work unit shall be designed to accommodate commercial or industrial uses as evidenced by the provision of flooring, interior storage, ventilation, and other physical improvements of the type commonly found in exclusively commercial or industrial facilities used for the same work activity.

5. **Integration of living and working space.** Areas within a live/work unit that are designated as living space shall be an integral part of the live/work unit. The living space of a live/work unit shall be accessed only by means of an interior connection from the work space and shall have no exterior access except as required by the California Building Code.
6. **Mixed occupancy buildings.** If a project contains mixed occupancies of live/work units and other non-residential uses, the project shall be in compliance with the standards in Section 17.4.04.140 (Mixed-Use Development).

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#### 17.4.04.130: Mining/Resource Extraction

##### A. Purpose.

1. The City recognizes that the extraction of minerals is essential to the continued economic well-being of the City and to the needs of society and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety. The City also recognizes that mining/resource extraction takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation operations and the specifications therefore may vary accordingly.
2. The purpose of this Section is to ensure the continued availability of important mineral resources, while regulating mining/resource extraction operations as required by California's Surface Mining and Reclamation Act of 1975 (Public Resources Code § 2710 et seq.), as amended (also known as SMARA), "Public Resources Code (PRC) § 2207 (relating to annual reporting requirements), and State Mining and Geology Board regulations (State Regulations) for surface mining and reclamation practice (California Code of Regulations (OCR), Title 14, Division 2, Chapter 8, Subchapter 2, § 3102 et seq.), to ensure that:
  - a. Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.
  - b. The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.
  - c. Residual hazards to the public health and safety are eliminated.



**B. Applicability.**

1. **Incorporation by Reference.** The provisions of SMARA (PRC § 2710 et seq.), PRC § 2207, and State regulations CCR § 3500 et seq., as those provisions and regulations may be amended from time to time, are made a part of this Section by reference with the same force and effect as if the provisions were specifically fully set out here in this Section, excepting that when the provisions of this Section are more restrictive than correlative State provisions, this Section shall control.
2. **Scope.**
  - a. Except as provided in this Section, no person shall conduct mining/resource extraction operations unless a Conditional Use Permit, reclamation plan, and financial assurances for reclamation have first been approved by the City. Any applicable exemption from this requirement does not automatically exempt a project or activity from the application of other regulations, ordinances or policies of the City, including but not limited to, the application of CEQA, the requirement of other permits, the payment of development impact fees, or the imposition of other dedications and exactions as may be permitted under the law.
  - b. This Chapter shall not apply to the following activities, subject to the exceptions described in Subparagraph 2.a:
    - (i) Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster.
    - (ii) On-site excavation and on-site earthmoving activities which are an integral and necessary part of a construction project that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions:
      - (a) All required permits for the construction, landscaping, or related land improvements have been approved by a public agency in compliance with applicable provisions of State law and locally adopted plans and ordinances, including, but not limited to, CEQA.
      - (b) The City's approval of the construction project included consideration of the on-site excavation and on-site earthmoving activities pursuant to CEQA.
      - (c) The approved construction project is consistent with the General Plan or the development standards of the site.

- (d) Surplus materials shall not be exported from the site unless and until actual construction work has commenced and shall cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued.
- (iii) Operation of a plant site used for mineral processing, including associated on-site structures, equipment, machines, tools, or other materials, including the on-site stockpiling and on-site recovery of mined materials, subject to all of the following conditions:
  - (a) The plant site is located on lands designed for industrial uses in the General Plan.
  - (b) The plant site is located on lands zoned industrial, or is contained within a zoning category intended exclusively for industrial activities by the City.
  - (c) None of the minerals being processed are being extracted on-site.
  - (d) All reclamation work has been completed pursuant to the approved Reclamation Plan for any mineral extraction activities that occurred on-site after January 1, 1976.
- (iv) Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less.
- (v) Surface mining operations that are required by Federal law in order to protect a mining claim, if those operations are conducted solely for that purpose.
- (vi) Any other surface mining operations that the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances.
- (vii) The solar evaporation of sea water or bay water for the production of salt and related minerals.
- (viii) Emergency excavations or grading conducted by the Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies.

- (ix) Road construction and maintenance for timber or forest operations if the land is owned by the same person or entity, and if the excavation is conducted adjacent to timber or forest operation roads. This exemption is only available if slope stability and erosion are controlled in compliance with Board standards and, upon closure of the site, the person closing the site implements, where necessary, revegetation measures and postclosure uses in consultation with the Department of Forestry and Fire Protection. This exemption does not apply to on-site excavation or grading that occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two watercourse, or to excavations for materials that are, or have been, sold for commercial purposes.

### **C. Application Procedures and Review Process.**

1. **Filing.** Applications for a Conditional Use Permit for mining/resource extraction shall be filed and processed in compliance with Chapter 17.5.20 (Conditional and Minor Use Permits).
2. **Contents of Application.** In addition to the requirements of Chapter 17.5.20 (Conditional and Minor Use Permits), a mining/resources extraction or reclamation plan application shall include but not be limited to the following information and accompanying documents:
  - a. The forms for reclamation plans shall require, at a minimum, each of the elements required by SMARA (§ 2772-2773) and State regulations, and any other standards deemed necessary to facilities an expeditious and fair evaluation of the proposed reclamation plan, to be established at the discretion of the Director.
  - b. Applications shall include all required environmental review forms and information prescribed by the Director.
  - c. The applicant shall sign a statement accepting responsibility for reclaiming the mined lands in compliance with the City and State approved Reclamation Plan.
3. **Fees.**
  - a. The City shall establish fees as it deems necessary to cover the reasonable costs incurred in implementing this Section and the State regulations, including, but not limited to, processing of applications, annual reports, inspections, monitoring, enforcement, and compliance.
  - b. The fees shall be paid by the operator, as required by the City, at the time of filing of the Conditional Use Permit application, reclamation plan application, and at such other times as are determined by the City to be appropriate in order to ensure that all reasonable costs of implementing this Section are borne by the mining operator.

**4. Agency Notification.**

- a. Within 30 days of acceptance of an application for a Conditional Use Permit for mining/resource extraction operations and/or reclamation plan is complete, the Department shall notify the State Department of Conservation of the filing of the application(s), as well as the following if applicable:
  - (i) Whenever mining operations are proposed in the 100-year floodplain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any State highway bridge, the Department shall also the State Department of Transportation that the application has been received.
  - (ii) Whenever an application for oil drilling or fracking is proposed, the Department shall notify the State Division of Oil, Gas, and Geothermal Resources of the filling of the application.

**5. Review, Financial Assurance.**

- a. Prior to final approval of a reclamation plan, financial assurances in compliance with this Section, or any amendments to the reclamation plan or existing financial assurances, the Commission shall certify to the State Department of Conservation that the reclamation plan complies with the applicable requirements of State law and the Director must approve the financial assurances before the plan, assurance, or amendments are submitted to the State Department of Conservation for review.
- b. The Commission may conceptually approve the reclamation plan and the Director may conceptually approve the financial assurance before submittal to the State Department of Conservation.
- c. If a Conditional Use Permit is being processed concurrently with the reclamation plan, the Commission may simultaneously also conceptually approve the Conditional Use Permit. However, the Commission may defer action on the Conditional Use Permit until taking final action on the reclamation plan and until the Director takes final action on the financial assurances.
- d. If necessary to comply with permit processing deadlines, the Commission may conditionally approve the Conditional Use Permit with the condition that the Department shall not issue the Conditional Use Permit for the mining operations until cost estimates for financial assurances have been reviewed by the State Department of Conservation and final action has been taken on the reclamation plan and financial assurances.

- e. In compliance with PRC § 2774(d), the State Department of Conservation shall be given 30 days to review and comment on the reclamation plan and 45 days to review the comment on the financial assurance. The Commission shall evaluate written comments received, if any, from the State Department of Conservation during comment periods. Staff shall prepare a written response describing the disposition of the major issues raised by the State for the Commission's approval. In particular, when the Commission's position deviates from the recommendations and objections raised in the State's comments, the written responses shall address, in detail, why specific comments and suggestions were not accepted. Copies of any written comments received and responses prepared by the Commission shall be promptly forwarded to the applicant.
- f. The Commission shall approve, conditionally approve, or deny the Conditional Use Permit and/or reclamation plan based on the findings in Subsection 17.4.04.130.FE (Required Findings), and concurrently approve the financial assurances in compliance with PRC § 2770(d), unless a continuance is warranted.

#### **D. Vested Rights.**

1. No person who obtained a vested right to conduct mining/resource extraction operations prior to January 1, 1976, shall be required to secure a permit to mine, so long as the vested right continues and as long as no substantial changes have been made in the operations except in compliance with SMARA, State regulations, and this Section.
2. Where a person with vested rights has continued mining/resource extraction in the same area subsequent to January 1, 1976, he or she shall obtain City approval of a Reclamation Plan covering the mined lands disturbed by such subsequent mining/resource extraction.
3. In the cases where an overlap exists between pre- and post-Act mining, the Reclamation Plan shall call for reclamation proportional to that disturbance caused by the mining after the effective date of the Act (January 1, 1976).
4. All other requirements of State law and this Section shall apply to vested mining operations.

**E. Standards for Reclamation.****1. Performance Standards.**

- a. All reclamation plans shall comply with the standards of SMARA (§ 2772 and 2773) and State regulations (CCR § 3500 through 3505). Reclamation plans approved after January 15, 1993, reclamation plans for proposed new mining operations, and any substantial amendments to previously approved reclamation plans shall also comply with the requirements for reclamation performance standards (CCR § 3700 through 3713).
- b. All reclamation activities shall comply with Section 17.3.04.090 (Performance Standards). The City may impose additional performance standards as developed either in review of individual projects, as warranted.

**2. Timing.**

- a. Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance.
- b. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations.
- c. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the City. Each phase of reclamation shall be specifically described in the reclamation plan and shall include:
  - (i) The beginning and expected ending dates for each phase;
  - (ii) All reclamation activities required;
  - (iii) Criteria for measuring completion of specific reclamation activities; and
  - (iv) Estimated costs for completion of each phase of reclamation.

**3. Financial Assurances.**

- a. To ensure that reclamation will proceed in compliance with the approved reclamation plan, the City shall require as a condition of approval security which will be released upon satisfactory performance. The applicant may pose security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the City and the State Mining and Geology Board as specified in State regulation, and which the City reasonably determines are adequate to perform reclamation in compliance with the mining/resource extraction

operation's approved reclamation plan. Financial assurances shall be made payable to the City and the State Department of Conservation.

- b. Financial assurances will be required to ensure compliance with elements of the reclamation plan, including but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, and other measures, if necessary.
- c. Cost estimates for the financial assurance shall be submitted to the Department for approval prior to the operator securing financial assurances. The Director shall forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review. If the State Department of Conservation does not comment within 45 days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the City has reason to determine that additional costs may be incurred. The Director shall have the discretion to approve the financial assurance if it meets the requirement of this Section, SMARA, and State regulations.
- d. The amount of the financial assurance shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved reclamation plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by mining/resource extraction activities since January 1, 1976, and new lands to be disturbed by mining/resource extraction activities in the upcoming year. Cost estimates should be prepared by a California registered Professional Engineer and/or other similarly licensed and qualified professionals retained by the operator and approved by the Director. The estimated amount of the financial assurance shall be based on an analysis of physical activities necessary to implement the approved Reclamation Plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs. Financial assurances to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved reclamation plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee. A contingency factor of 10% shall be added to the cost of financial assurances.
- e. In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the mining/resource extraction operation could be abandoned by the operator and, consequently, the City or State Department of Conservation may need to contract with a third party commercial company for reclamation of the site.

- f. The financial assurances shall remain in effect for the duration of the mining/resource extraction operation and any additional period until reclamation is completed (including required maintenance).
- g. The amount of financial assurances required of a mining/resource extraction operation for any one year shall be adjusted annually to account for new lands disturbed by mining/resource extraction operations, inflation, and reclamation of lands accomplished in compliance with the approved reclamation plan. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the permittee may not claim credit for reclamation scheduled for completion during the coming year.
- h. Revisions to financial assurances shall be submitted to the Director each year prior to the anniversary date for approval of the financial assurances. The financial assurance shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the financial assurances are not required, the operator shall explain, in writing, why revisions are not required.

**F. Required Findings.** Mining/resource extraction operations shall comply with the standards in SMARA (§ 2772 and 2773) and CCR § 3500 through 3505 and 3700 through 3713, in addition to the following required findings.

1. **Conditional Use Permits.** Conditional Use Permits for mining/resource extraction operations shall be in compliance with Section 17.5.20.050 (Findings and Decision).
2. **Reclamation Plans.** For reclamation plans, the following findings must be made prior to approval:
  - a. The reclamation plan and potential use of reclaimed land pursuant to the plan are consistent with this Section and the General Plan and any applicable resource plan or element;
  - b. The reclamation plan has been reviewed pursuant to CEQA and the City's environmental review guidelines, and all significant adverse impacts from reclamation of the mining/resource extraction operations are mitigated to the maximum extent feasible;
  - c. The land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or that suitable off-site development will compensate for related disturbance to resource values;



- d. The reclamation plan will restore the mined lands to a usable condition which is readily adaptable for alternative land consistent with the General Plan and applicable resource plan; and
- e. A written response to the State Department of Conservation has been prepared, describing the disposition of major issues raised by the Department, and where the City's position deviates from the recommendations and objections raised by the State Department of Conservation, the response addresses, in detail, why specific comments and suggestions were not accepted.

**G. Reporting to State Department of Conservation.** The Department shall forward a copy of each approved Conditional Use Permit for mining operations and/or approved reclamation plan, and a copy of the approved financial assurances to the State Department of Conservation. By July 1<sup>st</sup> of each year, the Department shall submit to the State Department of Conservation for each active or idle mining operation a copy of the Conditional Use Permit or reclamation plan amendments, as applicable, or a statement that there have been no changes during the previous year.

**H. Statement of Responsibility.** The applicant's signed statement accepting responsibility for reclaiming the mined lands in compliance with the reclamation plan shall be kept by the Department in the mining operation's permanent record. Upon sale or transfer of the operation, the new operator shall submit a signed statement of responsibility to the Department for placement in the project file.

**I. Interim Management Plans.**

1. Within 90 days of a mining/resource extraction operation becoming idle, the operator shall submit to the Department a proposed Interim Management Plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA, including but not limited to all Conditional Use Permit conditions, and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be submitted on forms provided by the Department, and shall be processed as an amendment to the reclamation plan. IMPs shall not be considered a project for the purposes of environmental review.
2. Financial assurances for idle operations shall be maintained as though the operation were active, or as otherwise approved through the idle mine's IMP.
3. Upon receipt of a complete proposed IMP, the Department shall forward the IMP to the State Department of Conservation for review. The IMP shall be submitted to the State Department of Conservation at least 30 days prior to approval by the Commission.

4. Within 60 days after receipt of the proposed IMP, or a longer period mutually agreed upon by the Director and the operator, the Commission shall review and approve or deny the IMP in compliance with this Section. The operator shall have 30 days, or longer period mutually agreed upon by the operator and the Director, to submit a revised IMP. The Commission shall approve or deny the revised IMP within 60 days after receipt.
5. The IMP may remain in effect for a period not to exceed five years, at which time to the Commission may renew the IMP for another period not to exceed five years, or require the mining/resource extraction operator to commence reclamation in compliance with its approved reclamation plan.

**J. Annual Report Requirements.**

1. Mining/resource extraction operators shall forward an annual mining/resource extraction report to the State Department of Conservation and to the Department on a date established by the State Department of Conservation, upon forms furnished by the State Mining and Geology Board.
2. New mining operations shall file an initial mining/resource extraction report and any applicable filing fees with the State Department of Conservation within 30 days of permit approval, or before commencement of operations, whichever is sooner.
3. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation at the time of filing the annual mining/resource extraction report.

**K. Inspections.**

**1. Inspection Requirements.**

- a. The Department shall arrange for inspection of a mining/resource extraction operation within six months of receipt of the annual report required in compliance with Subsection I (Annual Report Requirements), to determine whether the mining/resource extraction operation is in compliance with the approved Conditional Use Permit and/or reclamation plan, approved financial assurances, and State regulations.
- b. A minimum of one inspection must be conducted every calendar year.
- c. Inspections may be made by:
  - (i) A State registered geologist, State registered civil engineer, state licensed landscape architect, or State registered forester, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous 12 months; or

- (ii) A qualified land use planner, qualified environmental protection specialist, or other qualified specialists, as selected by the Director.
- d. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board.

2. **Noticing.**

- a. The Department shall notify the State Department of Conservation within 30 days of completion of the inspection that the inspection has been conducted.
- b. The Department shall forward a copy of the inspection notice and any supporting documentation to the mining operator.

3. **Costs.** The operator shall be solely responsible for the reasonable cost of the inspection.

**L. Violations and Penalties.**

- 1. **Determination of Violation.** The Director may determine that a mining/resource extraction operation is not in compliance with this Section based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, the applicable Conditional Use Permit, any required permit, or the reclamation plan.
- 2. **Procedures for Violation.** Upon determination of a violation, the City shall follow the procedures set forth in Public Resources Code, § 2774.1 and § 2774.2 concerning violations and penalties, as well as those standards of Chapter 17.5.60 (Permit Modification and Revocations) for revocation of a Conditional Use Permit which is not preempted by SMARA.

- M. Appeal.** Any decision made in compliance with this Section may be appealed in compliance with Chapter 17.6.12 (Appeals).

**N. Mineral Resource Protection.**

1. Mine development is encouraged in compatible areas before encroachment of conflicting uses. Mineral resource areas that have been classified by the State Department of Conservation's Division of Mines and Geology or designated by the State Mining and Geology Board, as well as existing mining/resource extraction operations that remain in compliance with the standards of this Section, shall be protected from intrusion by incompatible land uses that may impede or preclude mineral extraction or processing, to the extent possible for consistency with the General Plan.
2. In compliance with PRC § 2762, the General Plan and resource maps will be updated to reflect mineral information (classification and/or designation reports) within 12 months of receipt from the State Mining and Geology Board of such information.
3. Land use decisions within the City will be guided by the information provided on the location of identified mineral resources of regional significance. Conservation and potential development of identified mineral resource areas will be considered and encouraged.
4. Recordation on property titles of the presence of important mineral resources within the identified mineral resource areas may be considered a condition of approval of any development project in the impacted area.
5. Prior to approving a use that would otherwise be incompatible with mineral resource protection, conditions of approval shall be applied to the encroaching development projects to minimize potential conflicts.
6. A discretionary permit of the Director's determination shall be required for any project proposed within 1,000 feet of active or abandoned oil and gas wells. The City shall consult the State Division of Oil, Gas, and Geothermal Resources prior to taking action on such a project.

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**17.4.04.140: Mixed-Use Development**

- A. Applicability.** The provisions of this Section apply to the conversion of existing buildings to include mixed uses and/or new construction of mixed-use developments, where allowed by the applicable zone, in addition to any applicable standard this Code requires in the zone where the use is proposed and all other applicable provisions of this Code.
- B. Permit Requirements.** Mixed-use development is allowed in any zone, as long as the uses are allowed in that zone as identified in the allowable use tables in Division 2 (~~Zones~~ Allowable Uses and Development Standards for All Zones).

- C. Development Standards.** Mixed-use developments shall be in compliance with the performance standards listed in Section 17.3.04.090 (Performance Standards), in addition to the following standards.
1. **Open Space for Dwelling Units.** Each dwelling unit in the proposed project shall be provided with private outdoor open space (e.g., decks, balconies, yards, or patios). Each private outdoor open space shall have a minimum dimension of six feet and an area of at least 60 square feet, except that the Review Authority may authorize different minimum dimensions due to unique site conditions or innovative design.
  2. **Design Standards.** The design of the proposed project shall provide for internal compatibility between residential and non-residential uses on a site. Site planning and building design shall provide for convenient pedestrian access from the public street into the non-residential portion of the project, through courtyards, plaza, or walkways, where appropriate. As the site allows, non-residential and residential uses shall have separate exterior entrances, elevators, and lobbies.
  3. **Refuse and Recycling Areas.** Areas for the collection and storage of refuse and recyclable material shall be located on-site in locations that are convenient for residential and non-residential uses.
    - a. Refuse and recycling areas shall be consolidated to minimize the number of collection sites. Separate refuse and recycling areas may be provided and clearly marked for residential and non-residential uses.
    - b. Refuse and recycling areas shall be located so as to reasonably equalize the distance from the building spaces they service.
    - c. Refuse and recycling areas for residential units shall be designed to allow walk-in access without having to open a main enclosure gate.
  4. **Loading Areas.** Commercial loading areas shall be located away from residential units and comply with the standards in Section 17.3.08.040 (Off-Street Parking Requirements).
- D. Prohibited Uses in Mixed-Use Developments.** The following uses are prohibited in mixed-use developments:
1. Chemical-based photographic studios;
  2. Dry-cleaning laundry facilities; and
  3. Any other commercial use, activity, or process determined by the Review Authority to include unavoidable fumes, noxious odor, dust, smoke, gas, noise, or vibrations that may be detrimental to any other uses and occupants on the same property or neighboring properties.

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**17.4.04.150: Multi-Family Residential - Condominium Conversion**

- A. Applicability.** The conversion of existing rental units into condominiums are subject to the requirements of this Section and LMC Title 16 (Subdivisions), specifically Section 16.36.050 (Conversion to Condominiums).
- B. Tenant Provisions.** In addition to the other standards of this Section and LMC Title 16 (Subdivisions), the applicant shall comply with all the current provisions of Government Code § 66427 et seq, including but not limited to those regulations related to noticing, tenants' rights, increase in rents, moving expenses, senior citizens, and low-moderate income tenants.
- 1. Tenant Notification.** All tenants who occupy the property after an application for a permit conversion has been filed with the City, shall be notified by the applicant prior to occupancy by such tenant.
  - 2. Staff Report.** A copy of the staff report on the application shall be provided to the applicant and each tenant of the subject property consistent with Government Code § 66452.3
- C. Building Code Compliance.** All conversions to condominiums shall be brought into compliance with current California Building Code standards unless otherwise specified by the Building Official.

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**17.4.04.160: Outdoor Dining**

- A. Purpose.** Outdoor dining on public streets or areas can enhance the pedestrian ambiance of the City's commercial and mixed-use areas. The purpose of this Section is to set forth the conditions and requirements under which an outdoor dining area may be allowed to operate.
- B. Applicability.** Restaurant activity may occur within a sidewalk or open space, or a porch or patio per the standards in this Section and as allowed by the allowed uses tables in Division 2 (~~Zones~~ Allowed Uses and Development Standards for All Zones).
- C. Limitations and Requirements.** Outdoor dining shall comply with the standards specified below.
- Outdoor dining is only permitted on the sidewalk when the sidewalk is wide enough to adequately accommodate both the usual pedestrian traffic in the area and the operation of the proposed outdoor dining area. There shall be a minimum four-foot clearance to allow adequate pedestrian movement.
  - Furniture such as tables, chairs, umbrellas and portable heaters are allowed to be placed within the public sidewalk if the furniture is:

- a. Moveable;
  - b. Located adjacent to the building;
  - c. Clear of required ADA access; and
  - d. Maintained in a manner that does not become detrimental to the function and appearance of the sidewalk or outdoor space or that presents potential safety hazards.
3. Only food and beverages prepared or stocked for sale at the adjoining indoor restaurant are allowed in the outdoor dining area.
  4. If alcohol is served, such activity shall be duly licensed by State authorities for consumption within the outdoor dining area. The area where alcohol is to be consumed shall be delineated by decorative stanchions, potted plants and/or any other such approved method.
  5. The preparation of food and fixed busing facilities are prohibited in outdoor dining areas. All exterior surfaces within the outdoor dining area shall be easily cleanable and shall be kept clean at all times by the restaurant operator.
  6. Trash and refuse storage shall not be permitted within the outdoor dining area or adjacent sidewalk areas. The restaurant operator shall be responsible for maintaining the outdoor dining area, including removal of all trash as it accumulates and maintaining the ground surface, furniture, and adjacent areas in clean and safe condition.
  7. Hours of operation shall be limited to or less than those of the indoor restaurant. If located on a public sidewalk, all furniture used in the operation of an outdoor dining area shall be removed from the sidewalk and stored indoors whenever the restaurant is closed.
  8. A City Encroachment Permit must be approved before outdoor dining may occur on the public sidewalk.
  9. Outdoor dining areas may not encroach upon any part of an adjacent property's sidewalk frontage.
  10. The City shall have the right to prohibit the operation of an outdoor dining area on a public sidewalk at any time if anticipated or actual problems arise in the use of the sidewalk area (e.g., festivals, parades, repairs to the public right-of-way, emergencies, etc.). To the extent possible, the permittee will be given prior written notice of any time period during which the City will prohibit operation of the outdoor dining area.
  11. Outdoor dining areas along a sidewalk shall not be enclosed with any feature taller than four feet except for landscaping which shall not obscure views into the sidewalk dining area.

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**17.4.04.170: Outdoor Display**

- A. Purpose.** Outdoor display of retail merchandise can enhance the pedestrian ambiance of the City's commercial areas and is necessary and appropriate for certain retail businesses. The purpose of this Subsection is to set forth the conditions and requirements under which a permanent outdoor display area may be allowed.
- B. Applicability.** Permanent outdoor display is allowed consistent with Division 2 (~~Zones~~ Allowed Uses and Development Standards for All Zones). Temporary outdoor display is addressed in Section 17.4.04.200 (Temporary Uses).
- C. General Standards.** All permanent outdoor display in the commercial and mixed-use zones shall be subject to the approval of an Administrative Use Permit, unless a higher level of permit (i.e., Minor Use Permit or Conditional Use Permit) is required by Division 2, and shall comply with the following standards:
1. Only merchandise normally available at the associated business may be displayed outdoors;
  2. The goods or merchandise displayed outdoors shall be immediately adjacent to the retail store, along the storefront to the maximum extent practical, and shall be on private property;
  3. The outdoor display of merchandise shall only occur during times when the associated establishment is open for business unless deemed impractical by the Director (e.g., vehicle sales, garden/nursery stock, etc.); and
  4. The goods or merchandise displayed outdoors shall not consist of any items, such as mirrors or hubcaps, which are capable of reflecting sufficient light to cause a traffic hazard.
- D. OTC Zone.** The following additional standards shall apply to outdoor display in the OTC Zone, and shall control in the case of a conflict between the standards in this Subsection and the standards listed in Subsection 17.4.04.170.C (General Standards), above.
1. **Automotive Sale and Rental Display.** Automotive sales and rentals (e.g., motorcycles and vehicles) shall only be displayed from within an enclosed building when in the OTC Zone.
  2. **Display on Public Sidewalk.** Retail businesses may be allowed outdoor displays on the public sidewalk immediately along the business frontage provided that a minimum width of four feet is maintained clear of any obstructions.



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**17.4.04.180: Public Services, Emergency Services**

- A. Purpose.** Public services, emergency services ensure public health, safety, and welfare during emergency situations. The purpose of this Section is to set forth the standards for critical public services facilities.
- B. Applicability.** Public services, emergency services are allowed in compliance with Division 2 (~~Zones~~ Allowed Uses and Development Standards **for All Zones**) and the applicable requirements of the County Hazardous Waste Management Plan (HWMP).
- C. Development Standards.**
1. All critical public services, emergency services shall not be located in hazardous areas in compliance with the General Plan hazard maps. These areas include floodway or floodway fringe, slope or liquefaction hazard areas, and high or moderate wildland fire areas.
  2. All publicly-owned facilities shall provide and maintain emergency electrical generating capability.
  3. No new facility shall be located in very high fire hazard zones.
  4. All new public services, emergency services are subject to the following required studies prior to issuance of any permit or approval:
    - a. Assessment of the site location in proximity to access routes and the hazardous areas indicated in this Subsection C; and
    - b. Techniques to address identified ground shaking characteristics and liquefaction potential.
- D. Application Requirements.** Applications shall be in compliance with the requirements in Chapter 17.5.04 (Application Processing Procedures).

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**17.4.04.190: Residential Care Homes**

- A. Purpose.** Affordable care and housing for the elderly, disabled, and other persons in need of supervision or essential assistance for daily living that is compatible with surrounding uses shall be ensured according to the following standards.
- B. Density.** The density shall comply with the density allowed in the applicable zone. A density bonus may be applied if the project meets the applicable density bonus provisions of Chapter 17.3.20 (Density Bonuses and Other Incentives for Affordable Housing).

- C. Development Standards.** Residential care homes shall be compliant with the following.
1. **Parking.**
    - a. Parking and outdoor facilities shall provide security (e.g., lighting, security personnel, video cameras, etc.) for residents, visitors, employees and the surrounding area.
    - b. A covered and secured area for bicycle parking shall be provided for use by staff and clients, commensurate with demonstrated need.
  2. **Lighting.** External lighting shall be provided for security purposes. The lighting shall be stationary and directed away from adjacent properties and the public right-of-way consistent with Section 17.3.04.090 (Performance Standards).
  3. **Recreational areas.** Common entertainment, recreational, and social activity areas shall be provided in a number, size, and scale consistent with the number of living units provided.
- D. Management Plan.** The applicant or operator shall submit a management plan for the residential care home for review and approval by the Review Authority prior to approval of a business license or Conditional Use Permit, if applicable. The plan shall demonstrate compliance with the standards of this Section and objective management standards that are compliant with Government Code § 65583(a)(4) and comparable with the standards listed in Section 17.4.04.090 (Emergency Shelter), as applicable and appropriate as determined by the Review Authority.
- E. Transportation Services and Facilities.** If appropriate, the project site shall be designed to adequately accommodate transit services to the satisfaction of the Director.

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#### 17.4.04.200: Temporary Uses

- A. Purpose and Applicability.** Temporary uses are not intended to be permanent uses but are transitional in nature, generally allowing for emergency situations, construction activity, or the establishment of short-term sales events. Temporary uses and/or activities may not comply with the particular standards of the zone in which the temporary use will be located, but may otherwise be acceptable because of their temporary nature, when reviewed and appropriately conditioned in compliance with this Chapter and Chapter 17.5.44 (Temporary Use Permits). Standards for specific temporary uses are described below. Some temporary uses require a Temporary Use Permit in compliance with Chapter 17.5.44 (Temporary Use Permits).

**B. General Requirements for All Temporary Uses.** The Review Authority may impose requirements for any of the following:

1. Compliance with all applicable Federal, State, or County, and local regulations and ordinances;
2. Compliance with any other permit requirements (i.e., Building and/or Electric Division);
3. Applicant availability during temporary use activity;
4. Agreement that the temporary use will cease on the date printed on the permit, and all related equipment, supplies, product and personnel removed from the site; and
5. Any other condition which will ensure the operation of the proposed temporary use or event in an orderly and efficient manner and in full compliance with the purpose of this Section, including:
  - a. Cumulative time limits;
  - b. Parking;
  - c. Operating hours;
  - d. Screening;
  - e. Storm water infiltration and pollution prevention;
  - f. Waste collection and disposal;
  - g. Pedestrian and vehicular access/circulation; and
  - h. Signs, in compliance with Section 17.3.16.070 (Temporary Signs).

**C. Requirements for Specific Temporary Uses.** The following temporary uses and events are subject to a Temporary Use Permit (see Chapter 17.5.44 Temporary Use Permits) and shall comply with the following standards.

1. **Commercial filming.** Commercial filming may be authorized on properties within residential, commercial, and industrial zones subject to compliance with the following:
  - a. The applicant shall provide the City with the name and contact information of a representative of the filming company who will be on site during filming and responsible for compliance with any conditions imposed by the Director.

- b. The applicant shall provide the City with a description of the filming activities, including methods of illumination, use of pyrotechnics, aircraft, firearms or replicas, open flame, animals, stunts, amplified sound, or other devices or methods that have the potential to be hazardous or disruptive.
- c. The proposing filming activity shall not substantially disrupt the use of a road at a time when it is usually subject to traffic congestion or interfere with the operation of emergency vehicles.
- a-d. The proposed filming location shall not substantially interfere with road maintenance work, or a previously authorized excavation permit, or other permits.
- b.e. Proposed filming locations and activity on City property shall not substantially interfere with other previously authorized activities or contracts.
- e.f. Proposed filming locations and activity on County property shall not substantially interfere with the conduct of City business adjoining that property or the scheduled maintenance of the City buildings or grounds.
- d.g. Proposed filming activity shall not significantly degrade the environment.
- e.h. The particular filming activity does not violate Federal, State, or local law, including licensing or permit requirements.
- f.i. The applicant ~~for a Film Permit~~ shall procure and maintain, for the duration of the film activity, insurance in the forms, types, and amounts prescribed by the Director and the Fire Marshal.
- j. Prior to the issuance of a Film Temporary Use Permit, the permit applicant shall agree in writing to comply with the Film Temporary Use Permit terms and conditions, as specified by the Director.
- k. In addition to conditions that may be imposed on a Temporary Use Permit, a Temporary Use Permit approving commercial filming may include terms and conditions such as:
- (i) Requirements for the presence of employees or agents of the City, at the applicant's expense, for certain filming activities.
  - (ii) Requirements for the posting of no parking signs, placement of traffic control devices, and employment of traffic and crowd control monitors.
  - (iii) Requirements concerning the posting of outer boundaries of the filming activity.

(iv) Requirements concerning the cleanup and restoration of City roads and other City property used during the filming activity.

(v) Restrictions of certain filming activities, methods, or devices (e.g., pyrotechnics; amplified sound; stunts; police, fire, or official uniforms worn by actors; etc.).

(#)(vi) Requirements concerning the posting of bonds or deposits to secure restoration or performance.

l. The Director shall require proof of notice to be filed with the permit application. Notice in such cases shall be given to all occupants and owners of real property, located within 300 feet of the site of the proposed filming activity, as determined by the most recent County assessor's tax roll. In the case of road closure or encroachment, notice shall also be given to occupants and owners of real property with no means of access except for the affected road. The Director may waive or modify this requirement if such notice is not necessary to protect the public health, safety, and general welfare.

m. The Director shall process the Temporary Use Permit within two business days of receipt of the application unless the proposed filming activity requires extensive notice or review by other City Departments dur to fire, traffic, safety, environmental quality, or other concerns.

g.n. The Director may waive Temporary Use Permit fees for non-profit institutions and enterprises conducting filming activities.

2. **Events.** Circuses, carnivals, and similar transient amusement enterprises in any commercial or industrial zone subject to no more than 30 days of site occupation and operation in any calendar year.
3. **Festivals.** Music festivals, outdoor art and craft shows and exhibits, and similar outdoor entertainment activities in any zone except the RA and R-1 zones, subject to a limitation on the number of days of operation as determined by the Director.
4. **Sidewalk vendors.**
  - a. **Applicability.** Sidewalk vending includes selling or distributing food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, or from one's person, upon a public sidewalk or other public pedestrian path or within a public park. A sidewalk vendor can be roaming or stationary. The following sidewalk vendors are not subject to the standards in this Subsection:

(#)(vii) A sidewalk vending pushcart owned or operated by any public agency;

~~(iii)~~(viii) \_\_\_\_\_ Persons delivering goods, wares, merchandise, fruits, vegetables, or foodstuffs upon order of, or by agreement with, a customer from a store or other fixed place of business or distribution;

~~(iv)~~(ix) \_\_\_\_\_ Vendors participating in farmers markets or other special events as allowed by the City;

~~(v)~~(x) \_\_\_\_\_ An event at a school facility or an assembly use facility, if the vendor is operating in partnership with the organization conducting the event and is located on the site of the event (i.e., not in the public right-of-way); and

~~(vi)~~(xi) \_\_\_\_\_ Vendors that only sell, distribute, display, solicit, or offer sale of items that are inherently communicative and have nominal utility apart from its communication (e.g., newspapers, leaflets, pamphlets, buttons, etc.).

- b. **Vendors permit required.** No sidewalk vendor shall operate without a sidewalk vending permit and a business tax certificate.
- c. **Applications.** The application for a sidewalk vending permit shall be signed by the applicant and shall include the following information:
- (i) The name and current mailing address of the applicant;
  - (ii) A description of the type of food, beverage, or merchandise to be sold, as well as hours of operation, a description of the cart, and any additional information that will explain the proposed use;
  - (iii) A description and photograph (including colors and any signs) of any stand to be used in the operation of the business;
  - (iv) A certification by the sidewalk vendor that to his or her knowledge and belief, the information contained on the application is true;
  - (v) The California Department of Tax and Fee Administration sales tax number, if any, of the sidewalk vendor;
  - (vi) If the sidewalk vendor is an agent of an individual, company, partnership, or corporation, the name and business address of the principal;
  - (vii) If operating in State right-of-way, the mobile vendor shall provide evidence of the State's authorization;

- (viii) Proof of insurance policy, issued by an insurance company licensed to do business in the State, protecting the permittee and the City from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the permit. Such insurance shall name as additional insured the City and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days advance written notice to the City.
  - (ix) Valid permit issued by the Santa Barbara County Health Department, if the sidewalk vendor intends to sell food or any other item requiring a County Health Department permit.
- d. **Issuance and fees.** Not later than 30 days after the filing of a completed application for a vendor's permit, the applicant shall be notified of the decision on the issuance or denial of the permit.
- (i) Fees shall be determined by Council resolution and shall be paid prior to issuance of a permit.
  - (ii) Permits to vend shall be reviewed and approved by the Director in conjunction with the City Clerk.
  - (iii) Locations for vending shall be approved by the Director.
    - (a) In addition to any locational restrictions found in Section 17.4.04.~~200190~~(C)(4)(f), vending locations may be further limited by the Director only if the limitation is directly related to objective health, safety or welfare concerns, including but not limited to: the ability of the site to safely accommodate the use; and pedestrian safety.
    - (b) Vending locations may change only upon written request by an applicant and approval by the Director.
- e. **Term and Renewal.** All permits are valid for one year unless revoked or suspended prior to expiration. An application to renew a permit shall be made not later than 60 days before the expiration of the current permit. Permit fees and renewal procedures shall be established in accordance with the Municipal Code.
- f. **Operational Standards.** It shall be prohibited for any sidewalk vendor to operate under any of the following conditions:
- (i) Vend between 2:30 a.m. and 6:00 a.m. unless in conjunction with a special event;
  - (ii) Leave any stand unattended;

- (iii) Store, park, or leave any stand overnight on any public street, sidewalk, or park;
- (iv) Sell food or beverages for immediate consumption unless there is a litter receptacle available for patrons' use;
- (v) Leave any location without first disposing all trash or refuse remaining from sales conducted. Trash and refuse generated by the vending cart operations shall not be disposed of in public trash receptacles;
- (vi) Discharge solids or liquids to the street or a storm drain;
- (vii) Allow any items relating to the operation of the vending business to be placed anywhere other than in, on, or under the stand;
- (viii) Set up, maintain, or permit the use of any additional table, crate, carton, rack, or any other device to increase the selling or display capacity of his/her stand where such terms have not been described by his or her application;
- (ix) Solicit or conduct business with persons in motor vehicles;
- (x) Sell anything other than that which he or she is permitted to vend;
- (xi) Sound or permit the sounding of any device that produces a loud and raucous noise or any noise in violation of the City's noise ordinance (LMC Chapter 8.08), or use or operate any loud speaker, public address system, radio, sound amplifier, or similar device to attract the attention of the public;
- (xii) Vend without the insurance coverage previously specified;
- (xiii) Operate within 50 feet of a fire hydrant or 25 feet of a transit stop;
- (xiv) Operate within 25 feet of the outer edge of a driveway or vehicular entrance to public or private property in residential zones;
- (xv) Vend from the exposed street or alley and/or traffic side of the vending cart;
- (xvi) Operate in a manner that does not maintain four feet of clear space on a public sidewalk;
- (xvii) Operate a stationary vending cart in exclusively residential zones;
- (xviii) Operate a sidewalk vending cart within 500 feet of a certified farmers market or swap meet during the operating hours of that certified farmers market or swap meet;



- (xix) Operate a sidewalk vending cart within 500 feet of any public sidewalk, street, right-of-way, or other public property approved for commercial filming or a temporary event or festival pursuant to Sections 17.4.04.~~200190~~(C)(1), (2), or (3), except that this prohibition shall not apply within 500 feet of the following events:
    - (a) Lompoc Children’s Christmas Season Parade, and
    - (b) Lompoc Flower Festival Parade;
  - (xx) Operate in violation of any other generally applicable law;
  - (xxi) Display off-site signs. No signs are allowed, except those approved in the application which identify the name of the product or the name of the vendor and the posting of prices on the cart. Signs with intermittent, flashing, moving, or blinking light, or varying intensity of light or color, are not permitted;
  - (xxii) Operate in any manner that is not in compliance with all requirements of all applicable regulatory agencies.
- g. **Additional Operational Standards in Public Parks.** In addition to the operational standards above in Subsection (f), the following shall also be prohibited for any sidewalk vendor operating in a public park:
- (i) Operate outside the hours of operation of the park;
  - (ii) Operate more than six feet from any walking or bicycling pathway in the park;
  - (iii) Operate within 50 feet of any other sidewalk vendor in the park;
  - (iv) Operate on, or within 25 feet of, any sports field or playground equipment area;
  - (v) Utilize any bench, table, barbeque pit, covered gathering area, or other publicly-owned structure or amenity in the park in any way as part of the sidewalk vending operation;
  - (vi) Operate within 25 feet of any bench, table, barbeque pit, covered gathering area, or other publicly-owned structure or amenity in the park;
  - (vii) Operate a stationary sidewalk vending cart at any time a concessionaire is operating in the park, which concessionaire has signed an agreement with the City for concessions that exclusively permits the sale of food or merchandise by the concessionaire.

- h. **Vending cart requirements.** No vending cart shall exceed four feet in width, eight feet in height, or eight feet in length.
- i. **Safety requirements.** All sidewalk vendors that prepare or sell food shall comply with the following requirements:
  - (i) All equipment installed in any part of the cart shall be secured in order to prevent movement during transit and to prevent detachment in the event of a collision or overturn.
  - (ii) All utensils shall be securely stored in order to prevent their being thrown from the cart or vehicle in the event of a sudden stop, collision or overturn. A safety knife holder shall be provided to avoid loose storage of knives.
  - (iii) Compressors, auxiliary engines, generators, batteries, battery chargers, gas-fueled water heaters, and similar equipment shall be installed so as to be hidden from view to the extent possible and be easily accessible.
  - (iv) All heating and cooking equipment shall be inspected annually by a qualified independent service for fuel leaks and condition of piping, brackets, and burners. Evidence of the completion and results of such inspections shall be provided to the City with every application to renew a mobile vending permit
- j. **Display of permit.** All permits shall be displayed in a visible and conspicuous location at all times during the operation of the vending business.
- k. **Violation of sidewalk vending requirements.** A violation of these sidewalk vending requirements, other than failure to possess a valid sidewalk vending permit, is punishable by the following:
  - (i) An administrative fine of one hundred dollars (\$100) for a first violation.
  - (ii) An administrative fine of two hundred dollars (\$200) for a second violation within one year of the first violation.
  - (iii) An administrative fine of five hundred dollars (\$500) for each additional violation within one year of the first violation.
  - (iv) Rescission of a sidewalk vending permit for the term of that permit upon the fourth violation or subsequent violations.
- l. **Vending without a permit.** Vending without a sidewalk vending permit issued by the City of Lompoc is punishable by the following:

- (i) An administrative fine of two hundred fifty dollars (\$250) for a first violation.
  - (ii) An administrative fine of five hundred dollars (\$500) for a second violation within one year of the first violation.
  - (iii) An administrative fine of one thousand dollars (\$1,000) for each additional violation within one year of the first violation.
  - (iv) Upon proof of a valid permit issued by the City of Lompoc, any administrative fines imposed under this subsection for vending without possessing a copy of the permit shall be reduced to the administrative fines set forth in 17.4.04.~~200190~~(4)(k).
- m. All fines imposed pursuant to subsections (k) or (l) above shall be subject to an ability-to-pay determination as described in California Government Code § 51039(f). Concurrently with issuing a citation for such fines to a person, the City shall provide the person with notice of his or her right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination.

#### 5. **Mobile vendors.**

- a. **Purpose.** This Subsection regulates mobile vending other than in public sidewalks or parks. Mobile vending can promote the public interest by contributing to an active and attractive pedestrian environment. However, reasonable regulation of mobile vending is necessary to protect the public health, safety, and welfare. The purpose of this Subsection is to set forth the conditions and requirements under which mobile vendors may be permitted to operate to protect the public health, safety, and welfare of the residents of and visitors to Lompoc.
- b. **Applicability.** Mobile vending activity may occur within a public or private open space not including a public sidewalk or park (e.g., parking lot, plaza, etc.), or from a vehicle legally parked on the street, in all commercial, mixed use, business park, and industrial zones in compliance with the standards in this Subsection. Mobile vending activity may also occur from a vehicle legally parked on the street in all residential zones, in compliance with the standards of this Subsection. The requirements in this Code shall control over the provisions in LMC Section 5.08.150. The following mobile vendors are not subject to the standards in this Subsection:
  - (i) A mobile vending vehicle or pushcart owned or operated by any public agency;

- (ii) Persons delivering goods, wares, merchandise, fruits, vegetables, or foodstuffs upon order of, or by agreement with, a customer from a store or other fixed place of business or distribution;
  - (iii) Vendors participating in farmers markets or other special events as allowed by the City;
  - (iv) An event at a school facility or an assembly use facility, if the vendor is operating in partnership with the organization conducting the event and is located on the site of the event (i.e., not in the public right-of-way); and
  - (v) Vendors that only sell, display, solicit, or offer sale of items that are inherently communicative and have nominal utility apart from its communication (e.g., newspapers, leaflets, pamphlets, buttons, etc.).
- c. **Vendors permit required.** No mobile vendor shall operate without a mobile vendor's permit and business tax certificate.
- d. **Applications.** The application for a mobile vendor's permit shall be signed by the applicant and shall include the following:
- (i) The name, home, and physical business address of the applicant, and the name and address of the owner, if other than the applicant, of the vending stand to be used in the operation of the vending business.
  - (ii) A description of the type of food, beverage, or merchandise to be sold, as well as hours of operation and any additional information that will explain proposed use.
  - (iii) A description and photograph (including signage and colors) of any stand to be used in the operation of the business; or
  - (iv) Written evidence that the applicant is an owner, lessee, or holder of a similar interest in the mobile vendor vehicle;
  - (v) The name and address of all legal and registered owner(s) of the mobile vendor vehicle, and each person with a financial interest in the business that operates the mobile vendor vehicle; and
  - (vi) The state vehicle license plate number and the vehicle identification number of the mobile vendor vehicle.
  - (vii) If operating on private property or on a City-owned parking lot, plaza, or other City-owned area (other than a public sidewalk or park), the mobile vendor shall provide evidence of the property owner's written authorization.

- (viii) If operating in State right-of-way, the mobile vendor shall provide evidence of the State's authorization.
  - (ix) For each person with a 10% or greater financial interest in the business that operates the mobile vendor vehicle, a list, signed under penalty of perjury, of each conviction of such person and whether such conviction was by verdict, plea of guilty, or plea of no contest. The list shall, for each conviction, set forth the date of arrest, the offense charged, and the offense of which the person was convicted. A person who acquires a 10% or greater financial interest in the business that operates the mobile vendor vehicle during the term of the permit issued pursuant to this Code shall immediately so notify the Director and comply with this Subsection.
  - (x) Proof of insurance policy, issued by an insurance company licensed to do business in the State, protecting the permittee and the City from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the permit. Such insurance shall name as additional insured the City and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days advance written notice to the City.
  - (xi) Valid permit issued by the Santa Barbara County Health Department, if the mobile vendor intends to sell food or any other item requiring a County Health Department permit.
  - (xii) Evidence of compliance with Health & Safety Code § 114315(a). Such evidence may include, but is not limited to, written permission from a private business owner for use of the business's toilet and hand washing facility, a printed or electronic map showing the location of a compliant public toilet and hand washing facility, or similar documented evidence of compliance.
- e. **Issuance and fees.** Not later than 30 days after the filing of a completed application for a vendor's permit, the applicant shall be notified of the decision on the issuance or denial of the permit.
- (i) Fees shall be determined by Council resolution and shall be paid prior to issuance of a permit.
  - (ii) Permits to vend shall be reviewed and approved by the Director in conjunction with the City Clerk.
  - (iii) Locations for vending, within the given commercial, mixed use, business park, industrial, and/or residential zone, shall be approved by the Director.

- (a) Vending locations shall be designated based on the ability of the site to safely accommodate the use.
  - (b) Vending locations may change only upon written request by an applicant and approval by the Director.
  - (c) All locations of vending stands shall be considered in relation to right-of-way configurations and pedestrian safety.
- f. **Term and renewal.** All permits are valid for one year unless revoked or suspended prior to expiration. An application to renew a permit shall be made not later than 60 days before the expiration of the current permit. Permit fees and renewal procedures shall be established in accordance with the Municipal Code.
- g. **Operational standards.** It shall be prohibited for any mobile vendor to operate under any of the following conditions:
- (i) Vend between 2:30 a.m. and 6:00 a.m. unless in conjunction with a special event;
  - (ii) Leave any stand or motor vehicle unattended;
  - (iii) Store, park, or leave any stand overnight on any public street or sidewalk, or park any motor vehicle other than in a lawful parking place;
  - (iv) Sell food or beverages for immediate consumption unless there is a litter receptacle available for patrons' use;
  - (v) Leave any location without first disposing all trash or refuse remaining from sales conducted. Trash and refuse generated by the vending cart operations shall not be disposed of in public trash receptacles;
  - (vi) Discharge solids or liquids to the street or a storm drain;
  - (vii) Allow any items relating to the operation of the vending business to be placed anywhere other than in, on, or under the stand or vehicle;
  - (viii) Set up, maintain, or permit the use of any additional table, crate, carton, rack, or any other device to increase the selling or display capacity of his/her stand where such terms have not been described by his or her application;
  - (ix) Solicit or conduct business with persons in motor vehicles;
  - (x) Sell anything other than that which he or she is permitted to vend;

- (xi) Sound or permit the sounding of any device that produces a loud and raucous noise, or any noise in violation of the City's noise ordinance (LMC Chapter 8.08). or use or operate any loud speaker, public address system, radio, sound amplifier, or similar device to attract the attention of the public;
  - (xii) Vend without the insurance coverage previously specified;
  - (xiii) Operate within 50 feet of a fire hydrant or 25 feet of a transit stop;
  - (xiv) Operate within 25 feet of the outer edge of a driveway or vehicular entrance to public or private property in residential zones;
  - (xv) Operate within 25 feet of the outer edge of a driveway or vehicular entrance to public or private property in commercial, mixed use, business park, or industrial zones;
  - (xvi) Vend from the exposed street or alley and/or traffic side of the vending cart or vehicle;
  - (xvii) Vend while parked illegally;
  - (xviii) Vend from any street parking space other than a space parallel to the curb;
  - (xix) Operate in a manner that does not maintain four feet of clear space on a public sidewalk;
  - (xx) Operate in any manner or location that blocks any citizen or service entry or exit from any business or residence;
  - (xxi) Operate from any motor vehicle not licensed by the Department of Motor Vehicles;
  - (xxii) Display off-site signs. No signs are allowed, except those approved in the application which identify the name of the product or the name of the vendor and the posting of prices on the cart. Signs with intermittent, flashing, moving, or blinking light, or varying intensity of light or color, are not permitted;
  - (xxiii) Operate in any manner that is not in compliance with all requirements of all applicable regulatory agencies.
- h. **Safety requirements.** All mobile vendors that prepare or sell food shall comply with the following requirements:
- (i) All equipment installed in any part of the mobile vending vehicle or cart shall be secured in order to prevent movement during transit and to prevent detachment in the event of a collision or overturn.

- (ii) All utensils shall be securely stored in order to prevent their being thrown from the cart or vehicle in the event of a sudden stop, collision or overturn. A safety knife holder shall be provided to avoid loose storage of knives.
  - (iii) Compressors, auxiliary engines, generators, batteries, battery chargers, gas-fueled water heaters, and similar equipment shall be installed so as to be hidden from view to the extent possible and be easily accessible.
  - (iv) All heating and cooking equipment shall be inspected annually by a qualified independent service for fuel leaks and condition of piping, brackets, and burners. Evidence of the completion and results of such inspections shall be provided to the City with every application to renew a mobile vending permit.
- i. **Display of permit.** All permits shall be displayed in a visible and conspicuous location at all times during the operation of the vending business.
  - j. **Denial, suspension, and revocation.** Any permit may be denied, suspended, or revoked in accordance with Chapter 17.5.60 (Permit Modification and Revocation) for any of the following causes:
    - (i) Fraud or misrepresentation contained in the application for the permit.
    - (ii) Fraud or misrepresentation made in the course of carrying on the business of vending.
    - (iii) Conduct of the permitted business in such manner as to create a public nuisance, or constitute a danger to the public health, safety, or welfare.
    - (iv) Conduct in violation of the provisions of this Section 17.4.04.~~200190~~(C)(5), or in violation of the mobile vendor permit.
6. **Parklet.** Parklets are intended to provide space for sidewalk/street furniture and aesthetic elements that allow the public to sit and enjoy space along the sidewalk and street. Parklets are allowed within the OTC Zone, subject to an Encroachment Permit approved by the Public Works Director.
7. **Temporary outdoor display and storage.** Temporary outdoor displays and storage are allowed in compliance with Section 17.4.04.~~170970~~ (Outdoor Display), in addition to the following standards:
- a. The total outdoor display area for any business shall not exceed 750 square feet; and
  - b. No outdoor display may exceed a display period of 72 consecutive hours.



8. **Seasonal sales lots.** Seasonal sales activities for holidays (e.g., Thanksgiving, Christmas, 4<sup>th</sup> of July, etc.), including temporary residence/security trailers, are only allowed on non-residential properties.
  9. **Storage Containers.**
    - a. Storage containers, including cargo containers or semitrailers, used for storage purposes, except that storage containers placed by the City within a City Park are exempt from obtaining a Temporary Use Permit if the storage container is screened with a required screening type (Table 17.3.12.040.B) that is a minimum of six feet in height or landscaping that will reach a minimum height of six feet at maturity.
    - b. A storage container located on an active construction site must be removed immediately following the issuance of a certificate of occupancy or final inspection.
  10. **Tract homes or lot sales offices.**
  11. **Temporary parking lots.** Parking for temporary uses shall be compliant with the applicable standards in Section 17.3.08.060 (Parking Design and Construction).
- D. Similar temporary uses.** Similar temporary uses, which are compatible with the zone and surrounding land uses, may require a Temporary Use Permit and be subject to the standards in this Section, as determined by the Director.

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#### 17.4.04.210: Wireless Telecommunications Facilities

- A. Purpose and Intent.** The purpose of this Section is to provide standards for the placement and design of wireless telecommunications facilities so as to preserve the unique visual character of the community, promote the aesthetic appearance of the community, and ensure public safety and welfare. The intent of this Section is to:
1. Encourage the location of wireless telecommunications facilities in non-residential areas, rather than residential or sensitive areas, and minimize the number of such facilities throughout the community while maintaining personal cellular and wireless coverage services without significant gaps in coverage throughout Lompoc;
  2. Encourage the use of existing poles and infrastructure for the mounting of wireless telecommunications facilities rather than construction of additional new poles and infrastructure;

3. Encourage applicants for wireless telecommunications facilities to locate and design such facilities in a manner that is least intrusive to the community while still allowing carriers to provide wireless telecommunications services without significant coverage gaps in Lompoc;
4. Encourage users of wireless telecommunications facilities to configure such facilities in a way that minimizes adverse visual impact through careful design, use of stealth facilities, siting, landscape screening, and other innovative camouflaging techniques;
5. Enhance the ability of the providers of wireless telecommunication services to provide services to the community quickly, effectively, and efficiently; and
6. Regulate telecommunications facilities in a manner that is compliant with Federal, State, and local laws.

**B. Applicability.**

1. This Section applies to all wireless telecommunications facilities located:
  - a. Outside of the public right-of-way;
  - b. Outside City-owned properties; or
  - c. Not mounted upon, or occupying, City-owned support structures.
2. Facilities located in the public right-of-way shall ~~be consistent~~ comply with the standards and requirements contained in ~~Chapter 12.38~~ Title 12 (Wireless Telecommunications Facilities in the Public Right-of-Way) (Streets, Sidewalks, and Public Places) and shall be subject to approval of Architectural Design and Site Development Review (Chapter 17.5.12) and any other permit identified in ~~Division 17.2 (Zones Allowed Uses and Development Standards)~~.
3. This Chapter does not apply to the following:
  - a. Amateur radio facilities;
  - b. Over the air reception devices ("OTARD") antennas;
  - c. Facilities owned and operated by the City for its use; or
  - d. Any entity legally entitled to an exemption pursuant to State or Federal law or governing franchise agreement.

**C. Permits Required.**

1. Wireless telecommunications facilities shall require Architectural Design and Site Development Review approval and any other permit identified in Division 17.2 (Zones Allowed Uses and Development Standards) prior to installation,

except that an eligible facility request that does not include a substantial change shall be approved subject to issuance of applicable ministerial permits, including Building and/or Encroachment Permits. Facilities approved under this Chapter are subject to all Federal, State, and local laws, rules, regulations, conditions, and other lawful requirements, including FCC rules and regulations, and approvals, licenses, and applicable conditions required by other City Departments. For any wireless telecommunications facilities that do not qualify as eligible facilities, requests may be referred by the Director to the Commission for review and decision, appealable to the Council.

2. Notwithstanding the definition of “substantial change” (Chapter 17.7.04), if an existing pole-mounted cabinet is proposed to be replaced with an underground cabinet at a facility where there are no pre-existing ground cabinets associated with the structure, such modification may be deemed a non-substantial change, in the discretion of the Director and based upon reasonable consideration of the cabinet’s proximity to residential view sheds, interference to public views and/or degradation of concealment elements. If undergrounding the cabinet is technologically infeasible the Director may allow for a ground mounted cabinet.

**D. Master Deployment Plans for Discretionary Approvals.** The City encourages applicants to submit a single application for multiple telecommunications facilities in the form of a Master Deployment Plan.

1. For any application subject to discretionary approval, if the applicant applies for more than one approval major wireless telecommunications facilities permit, the applicant may elect to submit the multiple applications as a Master Deployment Plan.
2. A Master Deployment Plan Permit shall be deemed an approval for all wireless telecommunications facilities within the plan, provided, however, that an individual Encroachment Permit is required for each wireless telecommunications facility.
3. Any modifications from the approved Master Deployment Plan, as applicable to any single wireless telecommunications facility encompassed by the approval, shall require further entitlements, either as a substantial change subject to discretionary approval or a ministerial eligible facilities request.
4. If the applicant submits more than three applications for a discretionary wireless telecommunications permit within a 60-day period, then upon submission of the third application and for each application following within that period, the applicant shall submit a letter from the wireless service carrier identified in the application confirming:
  - a. The carrier is aware of the applicant’s request for permits;

- b. The number of applications submitted by the applicant with the 60-day period; and
- c. The carrier is aware that a master deployment option is available for the project.

**E. Application Requirements.** An application for the approval of a wireless telecommunications facility shall include the following information, in addition to all other information required by the City. Each application for discretionary review shall be filed on a City application form, together with required fees and/or deposits, and all other information and materials required by the City's list of required application contents.

1. The name, address and telephone number of the applicant, owner and the operator of the proposed facility. Applications shall include a copy of a title report, lease, license, or other legal instrument(s) demonstrating legal access to the proposed site (including underlying real property) for the purpose of facility construction and maintenance. If the facility will be located on or in the property of someone other than the owner of the facility, the applicant shall provide a duly executed written authorization from the property owner(s) authorizing the placement of the facility on or in the property owner's property.
2. If the facility will be located on or in the property of someone other than the owner of the facility (such as a street light pole, street signal pole, utility pole, utility cabinet, vault, or cable conduit), the applicant shall provide a duly executed written authorization from the property owner(s) authorizing the placement of the facility on or in the property owner's property.
3. An application for a new facility shall include site plan(s) to scale, specifying and depicting the exact proposed location of the pole, pole diameter, antennas, accessory equipment, access or utility easements, landscaped areas, existing utilities, and adjacent land uses.
4. An application for a new facility shall include site plans with equipment data including exact transmitting frequencies, transmitter output power, effective radiated power, and duty cycle information.
5. Scaled elevation plans of proposed poles, antennas, accessory equipment, and related landscaping and stealthing devices.
  - a. An accurate visual impact analysis showing the maximum silhouette, viewshed analysis, color and finish palette, and proposed stealthing for the facility, including scaled photo simulations from at least three different angles.
  - b. A scaled conceptual landscape plan showing existing trees and vegetation and all proposed landscaping, concealment, stealthing and proposed

irrigation with a discussion of how the chosen material at maturity will screen the site.

6. A coverage-needs justification study which includes the rationale for selecting the proposed use; a detailed explanation of the coverage gap that the proposed use would serve, if applicable; and how the proposed use is the least intrusive means for the applicant to provide wireless service. The study shall include all existing structures and/or alternative sites evaluated for potential installation of the proposed facility and why the alternatives are not a viable option.
  7. When a new monopole is submitted for review, plans shall be provided which show a minimum of two additional sites on each monopole which would allow for future co-location of additional arrays.
  8. A noise study, prepared by a qualified acoustic engineer, documenting that the level of noise to be emitted by the proposed wireless telecommunications facility will comply with this Code.
  9. A traffic control plan when the proposed installation is on any street in a non-residential zone. The City shall have the discretion to require a traffic control plan when the applicant seeks to use large equipment (e.g. crane).
  10. A completed environmental assessment application, or in the alternative any and all documentation identifying the proposed request as exempt from environmental review (under the California Environmental Quality Act, Public Resources Code 21000–21189, the National Environmental Policy Act, 42 U.S.C. §4321 et seq., or related environmental laws). Notwithstanding any determination of environmental exemption issued by another governmental entity, the City reserves its right to exercise its rights as a responsible agency to review de novo the environmental impacts of any application.
  11. A traffic control plan when the proposed installation is on any street in a non-residential zone. The City shall have the discretion to require a traffic control plan when the applicant seeks to use large equipment (e.g., crane).
  12. Applicants for an eligible facility request shall only be required to provide documentation that is reasonably related to determining whether the request is consistent with Federal requirements for eligible facility requests.
- F. Communications Consultant.** In the event that the City needs assistance in understanding the technical aspects of a particular proposal, the services of a telecommunications consultant may be requested to determine the engineering or stealthing requirements of establishing or modifying a specific wireless telecommunications facility. This service will be provided at the applicant's expense.

**G. Permit Review.**

1. To promote efficient review and timely decisions, an application will be automatically deemed withdrawn when an applicant fails to tender a substantive response within 90 days after the application is deemed incomplete in a written notice to the applicant. The Director may, in the Director's sole discretion, approve a written extension for up to an additional 30 days upon written request for an extension received prior to the 90th day. The Director may approve further written extension only for good cause, which includes circumstances outside the applicant's reasonable control.
2. Single applications for Master Deployment Plans shall be given priority in the review process while complying with all legally mandated review time periods.
3. An application shall be deemed approved if the City fails to act within the requisite time period identified in this Subsection, including for new wireless telecommunications facility applications. However, no more than 30 days before the applicable timeframe for review expires, the applicant shall provide written notice to the City of the expiration. The notice shall contain the following statement: "Pursuant to California Government Code Section 65964.1, State law may deem the application approved in 30 days unless the City approves or denies the application, or the City and applicant reach a mutual tolling agreement."
4. Within five working days after a final decision on an application has been made, notice of the decision shall be mailed to the applicant at the address shown on the application and to all other person who have filed a written request for notice of the decision. The City shall provide the reasons for any denial either in the written decision or in some other written record available at the same time as the denial.

**H. Findings.** The approval of a discretionary permit for wireless telecommunications facilities shall require that the Review Authority first make all of the following findings, in addition to all other findings applicable to the review authority and conditions of approval required by this Chapter:

1. The wireless telecommunications facility provides a high quality design that is compatible with the site surroundings and the community;
2. The wireless telecommunication facility has been designed to minimize its visual and environmental impacts, including the utilization of stealth technology, where applicable;
3. The wireless telecommunications facility is in harmony with proposed developments on land in the general area;
4. The application conforms with the criteria set forth in any applicable City-adopted design guidelines and the compatibility standards; and

5. The applicant demonstrated that it proposed the least intrusive means to achieve its technical objectives.
- I. Modifications and Expansions.** A proposed expansions or modifications to wireless telecommunications facility that does not qualify as an existing facilities request or that would constitute a substantial change shall be denied and is subject to the requirements set forth in this Section for the specific type of wireless telecommunications facility proposed. A proposed expansion or modification to an eligible facility that does not include a substantial change may be approved.
- J. Site Selection.** Sites for telecommunications facilities shall be selected according to the following order of preference:
1. Within existing structures (e.g., church steeple, roof top stairwell or equipment enclosures, etc.).
  2. Co-location facilities (i.e., locating equipment from more than one provider on a single facility).
  3. In locations where existing topography, vegetation, or other structures provide the greatest amount of stealthing.
  4. On parcels which will not require significant visual mitigation as determined by the Director.
- K. Development Standards.** A wireless telecommunications facility, including projections, shall meet the development standards for the zone in which it is located, including setbacks and height, unless otherwise specified in this Section.
1. **Height.** The height of a facility with a moveable or adjustable component shall be measured when actuated to its most vertical position (i.e., measured to the top of its highest potential position).
  2. **Setbacks, attached facilities.** An attached facility antenna array may extend horizontally up to five feet beyond the edge of the attachment structure regardless of setback requirements, provided that the antenna array does not encroach over an adjoining parcel or public right-of-way.

- 3. **Separation from off-site uses/designated areas.** Separation requirements for wireless towers shall comply with the minimum standards established in Table 17.4.04.210.A (Requirements for Separation from Off-site Uses/Designated Areas). Wireless tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated area.

Table 17.4.04.210.A: Requirements for Separation from Off-site Uses/Designated Areas	
Off-site Use or Designated Area	Minimum Separation Distance from Base of Tower
Existing single-family, duplex, or multifamily residential units, or vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which has not yet expired <sup>1</sup>	200 feet or 3 times the height of the tower, whichever is greater <sup>3</sup>
Vacant subdividable residential land <sup>2</sup>	100 feet or the height of the tower, whichever is greater <sup>3</sup>
Non-residentially zoned lands or non-residential uses	None; only setbacks apply

<sup>1</sup> Includes modular homes, accessory dwelling units, and mobile homes used for living purposes.  
<sup>2</sup> Includes unsubdivided parcels within residential zones without an approved tentative map.  
<sup>3</sup> Facilities may be located on residential structures; minimum separation distances shall be provided to off-site uses and designated areas.

- 4. **Separation between towers.** The minimum separation between towers shall be at least 100 feet, unless engineering calculations are submitted which show that the separation can safely be reduced. At no time shall the minimum separation between towers be less than 10 feet or the minimum dimension necessary for the maintenance of the facility.

- L. **Federal, State, and Local Laws.** All wireless telecommunications facilities, including those not requiring a planning permit, shall comply with all applicable requirements of Federal, State, and local laws.
- M. **Avoidance of Airport Interference.** Facilities shall not be sited where they will interfere with the operation of the Lompoc Airport.
- N. **Radio Frequency Radiation (RFR).** Facilities shall not result in human exposure to RFR exceeding the standards for permissible human exposure to RFR as adopted by the Federal Communications Commission (FCC).
- O. **Noise.** Facilities shall comply with applicable City noise standards.
- P. **Lighting.** Facilities may be lighted consistent with Subsection 17.3.04.090.G (Lighting), and such lighting shall be the minimum necessary for safety purposes and shall not be used except as needed (e.g., when maintenance or safety personnel are present at night).



- Q. Anti-Graffiti.** All ground-mounted equipment shall be covered with a clear anti-graffiti type material of a type approved by the Director or shall be adequately secured to prevent graffiti.
- R. Roads and Access.** Facilities shall be served by the minimum number and size of roads and parking areas necessary to comply with the following.
1. Whenever feasible, existing roads and parking areas shall be used to access and service new facilities.
  2. Access roads and parking areas shall be shared with other facilities and/or permitted uses, whenever possible.
  3. When necessary, new facilities constructed in undeveloped areas shall provide access roads with the minimum width and surfacing necessary to meet fire safety access requirements.
  4. Parking areas shall be limited to the minimum size necessary to accommodate parking and turnarounds for facility maintenance vehicles.
- S. Screening and Landscaping.** Facilities shall comply with standards for landscaping and screening (Chapter 17.3.12) and tree protection (Section 17.3.04.100) in addition to the following:
1. All equipment, antennas, poles, or towers shall be sited to be screened by existing development, topography, or vegetation. Facilities shall be located within structures, underground, or in areas where substantial screening by existing structures or vegetation can be achieved.
  2. Additional new vegetation or other screening may be required by the Review Authority to comply with required permit finding or this Section.
  3. The smallest and least visible antennas possible shall be used to accomplish the owner/operator's coverage objectives.
- T. Visual Compatibility.** Facilities and equipment shall be sited, designed, and screened to blend with the surrounding natural or built environment in order to reduce visual impacts to the maximum extent feasible. Visual compatibility shall be accomplished through the following measures.
1. Wireless telecommunications facilities shall have a non-reflective finish and shall be painted or otherwise treated to match or blend with the primary background. This includes, but is not limited to, the following:
    - a. Building-mounted facilities shall blend into or appear to be an integral part of the structure, or to otherwise minimize their appearance.
    - b. Wall-mounted antennas shall be integrated architecturally with the style and character of the structure or otherwise made as unobtrusive as

possible and should be located entirely within an existing or newly created architectural feature so as to be completely screened from view.

- c. Roof-mounted antennas and associated equipment shall be located as far from the edge of the roof as possible, to minimize visibility from street level, and should be located adjacent to existing rooftop antennas or equipment, incorporated into rooftop antenna or equipment enclosures, or otherwise screened from view. Where appropriate, construction of a rooftop parapet wall to hide the facility may be required.
  - d. Whenever possible, base stations, equipment cabinets, backup generators, and other equipment associated with building-mounted antennas should be installed within the existing building envelope or underground. If this is not feasible, the equipment shall be painted, screened, fenced, landscaped or otherwise treated architecturally to minimize its appearance from off-site locations and to visually blend with the surrounding natural and built environments. Equipment buildings should be architecturally designed and constructed of exterior building materials that are consistent with the surrounding development and/or land use setting.
  - e. In certain undeveloped or hillside locations that generally will be viewed from a distance, it is appropriate to design facilities to resemble a natural feature (e.g., tree or rock outcrop). Other innovative design solutions are appropriate where the screening potential of a site is low (e.g., disguise facility as landscape element, public art, etc.). Landscaping in these areas shall be native and consistent with the surrounding vegetation.
2. Facilities shall not be located on historic structure or Landmark unless it can be shown that their location or removal will not damage the historic or architecturally significant elements of the structure in anyway.
  3. No advertising, display, or graphic is allowed on any wireless telecommunications facility. A manufacturer's identification label and/or any government required identification or safety labels or signs may be affixed to a facility or site in a discrete manner as feasible.
- U. Undergrounding Required.** All power lines and electrical and antenna wiring shall be placed underground whenever technically feasible, the burden of proving shall be the responsibility of the applicant.
- V. Contact and Site Information.** The owner or operator of any wireless telecommunications facility shall submit and maintain current at all times basic contact and site information for both the facility and the underlying real property. The Director shall be notified by the owner or operator within 30 days of any change, including change of the name or legal status of the facility/site owner or operator.

- W. Maintenance.** Wireless telecommunications facilities, including all accessory equipment and fencing shall be maintained at all times, including but not limited to painting and cleaning.
- X. Duration of Approval; Renewal.** Approval terminates upon the expiration of 10 years from the approval. A permittee shall submit any application to renew a permit approved under this Chapter to the City between 365 days and 180 days prior to the expiration of the current permit or approval. The application shall include all information, materials, fees, and deposits required for a new application under this Chapter. The City shall review an application for renewal in accordance with then-current standards for new facilities (excepting for eligible facilities requests). The City may, but is not obligated to, temporarily extend the permit term to allow sufficient time to review a timely submitted renewal application.
- Y. State and Federal Law Preemptions.** The Council recognizes that Federal law prohibits a permit denial when it would effectively prohibit the provision of personal wireless services and the applicant proposes the least intrusive means to provide such services. The Council finds that, due to wide variation among wireless telecommunications facilities, technical service objectives (coverage needs), and changed circumstances over time, a limited exemption for proposals in which strict compliance with this Section would effectively prohibit personal wireless services serves the public interest. In the event it is determined by the city attorney that State or Federal law prohibits discretionary permitting requirements for certain wireless telecommunications facilities, such requirement shall be deemed severable and all remaining regulations shall remain in full force and effect. Therefore, in the event that any applicant asserts that strict compliance with any provision in this Section, as applied to a specific proposed personal wireless services facility, would effectively prohibit the provision of personal wireless services, the applicable Review Authority may grant a limited, one-time exemption from strict compliance subject to the provisions in this Section.

# Division 17.5: Land Use and Development Permit Procedures

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## 17.5.04: Application Processing Procedures

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### 17.5.04.010: Purpose

This Chapter establishes procedures for the preparation, filing, and processing of applications for land use permits and other entitlements required by this Code.

### 17.5.04.020: Authority for Land Use and Zoning Decisions

Table 17.5.04.020.A (Review Authority) identifies the Review Authority responsible for reviewing and making decisions on each type of application required by this Code.

Type of Action	Code Chapter/Section	Director <sup>2</sup>	Commission	Council
<b>Amendments</b>				
Zoning Code Amendment	17.6.04	Recommend	Recommend	Decision
Zoning Map Amendment	17.6.04	Recommend	Recommend <sup>3</sup>	Decision
General Plan Amendment	17.6.04	Recommend	Recommend	Decision
<b>Planning Permits and Approvals</b>				
Administrative Use Permit	17.5.08	Decision	Appeal	Appeal
Architectural Design and Site Development Review, Minor	17.5.12	Decision	Appeal	Appeal
Architectural Design and Site Development Review, Major	17.5.12	Recommend	Decision	Appeal
Certificate of Appropriateness	17.5.16	Decision/ Recommend <sup>4</sup>	Appeal/Decision <sup>4</sup>	Appeal
Conditional Use Permit	17.5.20	Recommend	Decision	Appeal
Development Agreement	17.5.24	Recommend	Recommend	Decision
Minor Modification	17.5.28	Decision	Appeal	Appeal
Minor Use Permit	17.5.20	Decision	Appeal	Appeal
Planned Development, Preliminary Development Plan	17.5.32	Recommend	Decision	Appeal
Reasonable Accommodation	17.5.36	Decision	Appeal	Appeal

Table 17.5.04.020.A: Review Authority <sup>1</sup>				
Type of Action	Code Chapter/Section	Director <sup>2</sup>	Commission	Council
Special Use Permit	17.5.52	Decision	-	Appeal <sup>5</sup>
Sign Permit	17.5.40	Decision <sup>6</sup>	Appeal	Appeal
Sign Program	17.5.40	Decision	Appeal	Appeal
Temporary Use Permit	17.5.44	Decision	Appeal	Appeal
Variance	17.5.48	Recommend	Decision	Appeal
<b>Other Actions</b>				
Designation of Landmark	17.6.16	Recommend	Decision	Appeal

- = Permit not appealable

<sup>1</sup> When multiple permits are required for the same project, the applications shall be reviewed, and approved or denied by the highest Review Authority, see Section 17.5.04.030(E)(2).

<sup>2</sup> When the Director finds that a decision is beyond his or her purview of authority, when unique or special circumstances exist, or for any other reason in the Director’s discretion, the application may be forwarded to the Commission for its determination. Also, depending on the required environmental review (Section 17.5.04.070), higher level Review Authority may be required. As defined in Chapter 17.7.04 (Definitions of Terms), Director includes the Director’s designee.

<sup>3</sup> If Commission recommendations a denial, the application will not proceed to Council unless an appeal is filed (see Chapter 17.6.12 (Appeals)).

<sup>4</sup> Certificates of Appropriateness are separated into Director and Commission review (see Section 17.5.16.040 (Review, Notice, and Hearing)).

<sup>5</sup> See Chapter 17.5.52 for when a Special Use Permit decision may be appealed.

<sup>6</sup> Commercial or industrial signs facing residentially-zoned property require Commission approval.

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### 17.5.04.030: Application Preparation and Filing

**A. Pre-Application Submittal (Optional).** A prospective applicant is encouraged to submit an optional pre-application. A pre-application includes the submittal of preliminary project description, such as preliminary plans and designs, which will be reviewed by the Department, and in some cases, the Commission or other review bodies.

1. The Department will inform the applicant of applicable City requirements, provide a preliminary list of issues that will likely be of concern during formal application review, identify technical studies that may be required, and may suggest possible alternatives or modifications to the project based on input from various Departments and development standards, policies, or guidelines.
2. Neither the pre-application review nor the provision of information and/or pertinent policies shall be construed as either a recommendation for approval or denial of the application or project by any City staff.
3. Failure by City staff to identify all required studies or all applicable requirements shall not constitute a waiver of those studies or requirements.

4. A pre-application is not an application for purposes of permit streamlining deadlines and any comments or preliminary evaluation shall not bind future City actions.

**B. Application Contents.** Each application for a permit, amendment, or other matter pertaining to this Code shall comply with the following requirements:

1. Applications shall be filed on the form(s) provided by the Department, together with all required fees and/or deposits in compliance with Section 17.5.04.040 (Application Fees) and all other information and materials specified by the application requirements list provided by the Department for the specific type of application and/or as specified by the Director;
2. Applications shall be filed with the Department; and
3. It is the applicant's responsibility to provide evidence in support of the findings required for any permit or approval in compliance with this Code.

**C. Eligibility for Filing.** Applications shall be made (1) by the owner of the subject property, or (2) by a lessee or any other person with the written consent of the property owner or an authorized agent. An authorized agent shall provide written authorization signed by the property owner.

**D. Timing of Filing.** Any land use permit required by this Code shall be filed with the City, processed and approved before the approval of any building, grading, or other construction permit or other authorization required by the LMC or this Code for the proposed use or structure.

**E. Multiple Permit Applications**

1. **Concurrent filing.** An applicant for a project that requires the filing of more than one application (e.g., Conditional Use Permit and Architectural Design and Site Development Review, etc.), shall file all related applications concurrently, together with all application fees required by Section 17.5.04.040 (Application Fees), below, unless the concurrent filing requirements are waived by the Director.
2. **Concurrent processing.** Multiple applications for the same project shall be processed concurrently, and shall be reviewed, and approved or denied by the highest Review Authority designated by Table 17.5.04.020.A for any of the applications (i.e., a project that requires a Conditional Use Permit and an Architectural Design and Site Development Review shall have both applications decided by the Commission, instead of the Director acting upon the Architectural Design and Site Development Review as otherwise required by Table 17.5.04.020.A (Review Authority)).

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**17.5.04.040: Application Fees**

- A. Fee Schedule.** The Council shall, by resolution, establish a schedule of fees for permits, amendments, and other matters pertaining to this Code, provided the fees do not exceed the estimated actual cost of processing such applications. The schedule of fees may be changed or modified only by resolution of the Council.
- B. Timing of Payment.**
1. No application shall be deemed complete, and processing shall not commence on any application until all required fees or deposits have been paid.
  2. Failure to timely pay required fees or deposits shall be a basis for postponement of any permit or other requested entitlement, notwithstanding any other provisions of this Code.
- C. Refunds and Withdrawals.** Recognizing that filing fees cover the costs of public hearings, posting, transcripts, and staff time involved in processing applications, refunds due to a denial are not allowed, except in the case of an appeal hearing by the Council in compliance with Chapter 17.6.12 (Appeals). In the case of a withdrawal, the Director may authorize a partial refund based upon the Director's determination of pro-rated costs to-date and the status of the application at the time of withdrawal.
- D. Cost Accounted Projects.** All direct costs of processing, reviewing, reporting, hearing, and acting upon applications shall be borne by the applicant. Costs shall be reimbursed to the City whether the application is approved, approved in modified form, or denied by the Review Authority. For cost accounted projects, an initial deposit shall be required by the City based upon an estimate of the City costs associated with processing, including pre-application meetings. The City shall then charge its expenses against the deposit. If funds deposited are insufficient to cover the City's costs, work on the application shall cease until adequate funds are deposited or City expenditures are fully reimbursed. Adequate notice shall be given to the applicant when insufficient funds are remaining to process the application.

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**17.5.04.050: Indemnification**

- A. Application Agreement.**
1. At the time of submitting an application for a discretionary or legislative land use approval, the applicant shall agree as part of the application, to defend (with legal counsel of City's selection), indemnify, and hold harmless the City and its agents, attorneys, employees, and officers, from any action, claim, challenge, or proceeding brought against the City or its agents, employees, and officers which arises from or is related to the approval issued by the City.

2. The required indemnification shall include damages awarded against the City, if any, costs of suit, attorney's fees, and other costs and expenses incurred in connection with the action.
- B. City Notification of Applicant.** In the event that an action, claim, or proceeding referred to in Subsection 17.5.04.050.A, is brought, the City shall promptly notify the applicant of the existence of the action, claim, or proceeding, if the City chooses to defend the action.
- C. City Participation in Defense.** Nothing in this Section shall require the City to participate or prohibit the City from participation in the defense of any action, claim, or proceeding.

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#### 17.5.04.060: Initial Review of Application

- A. Completeness Review.** The Director shall review all applications for completeness and accuracy before they are accepted as being complete for processing.
1. **Notification of applicant.** The applicant shall be informed in writing within 30 calendar days of application submittal or resubmittal, as required by the Government Code, that either the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in writing, shall be provided before it can be accepted for processing.
  2. **Appeal of determination.** Where the Director has determined that an application is incomplete, and the applicant believes that the application is complete or that the information required by the Director is not required, the applicant may appeal determination in compliance with Chapter 17.6.12 (Appeals).
  3. **Environmental information.** The Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with Section 17.5.04.070 (Environmental Review).
  4. **Expiration of application.** If the applicant does not provide sufficient information to complete an application within 120 days after notification that the application submittal or resubmittal is incomplete, the application shall be deemed withdrawn, unless an extension is granted by the Director. A letter from the City shall be sent to the applicant documenting that the application has been withdrawn. A new application, including fees, plans, exhibits, and other materials that will be required to commence processing of any project on the same property, may then be filed in compliance with this Division.

- B. Referral of Application.** At the discretion of the Director, or where otherwise required by this Code, State or Federal law, any application filed in compliance with this Code may be referred to any City department or public agency that may be affected by or have an interest in the proposed land use activity.

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#### 17.5.04.070: Environmental Review

- A. Applicability.** The City has the responsibility to comply with the California Environmental Quality Act (CEQA), in compliance with the State CEQA Guidelines and the most recently adopted *City of Lompoc Environmental Review Guidelines (Environmental Review Guidelines)*. If conflict occurs between the *Environmental Review Guidelines* and CEQA or the State CEQA Guidelines, CEQA or the State CEQA Guidelines shall control.
- B. CEQA Review.** After acceptance of a complete application, the project shall be reviewed in compliance with CEQA and the *Environmental Review Guidelines* to determine whether:
1. The proposed project is exempt from the requirements of CEQA;
  2. The proposed project is not a project as defined by CEQA;
  3. A Negative Declaration may be issued;
  4. A Mitigated Negative Declaration may be issued;
  5. An Environmental Impact Report (EIR) shall be required; or
  6. An addendum and/or supplemental information and materials are required in compliance with CEQA.
- C. Compliance with CEQA.** The determinations and, where required, the preparation of appropriate environmental documents, shall be in compliance with CEQA, State CEQA Guidelines, and *Environmental Review Guidelines*.
- D. Procedures.** The procedures established by the most recently adopted *Environmental Review Guidelines*, as may be amended, shall govern the preparation and review of environmental documentation.
- E. Compliance with NEPA.** Where applicable, projects shall also comply with the requirements of the National Environmental Policy Act (NEPA).
- F. Special Studies Required.** Special study(ies) may be conducted by the City, and consultant selection may be done at the City's sole discretion. Payment for special studies shall be provided by the applicant.

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**17.5.04.080: Application Processing**

- A. Project Review Procedures.** Each application shall be analyzed by the Director to ensure that the proposed uses/activities and development are consistent with the proposed intent and requirements of this Code, any applicable design guidelines, CEQA, the General Plan, and any applicable specific plan. Additionally, any application which may involve substantial grading shall require the submittal of preliminary grading plans for review and recommendation by the City Engineer. The threshold for substantial grading may be established by the City but may include the movement or redistribution of earth over a large portion of the site and/or the movement of more than 50 cubic yards of material.
- B. Project Review Timeline.** The City shall adhere to the required processing timelines outlined in CEQA and the Government Code as applicable.
- C. Notice and Hearings.** If a project is subject to a public hearing a permit application will be scheduled for the public hearing only after the Director has determined the application complete, in compliance with Section 17.5.04.060.A (Completeness Review), and after the required environmental review has been prepared, in compliance with Section 17.5.04.070 (Environmental Review). Noticing and public hearings shall be conducted in compliance with Chapter 17.6.08 (Public Hearings and Noticing).

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**17.5.04.090: Conditions of Approval**

- A.** In approving an application or permit, the Review Authority may impose specific development conditions as are found reasonable and necessary to ensure that the approval will be in compliance with the required findings.
- B.** Due to the potential for significant cultural resources throughout Lompoc, each conditionally approved project shall have the following conditions applied:
  - 1. If cultural artifacts are unearthed during excavation, work shall stop, and a qualified archeologist shall evaluate the find. If deemed necessary by the evaluation, the archaeologist shall prepare the plan for the preservation or curation of the artifacts from the site. The implementation of the plan is overseen by the archeologist. If evidence of prehistoric artifacts is discovered, the Chumash Tribe shall be consulted. Construction work may be allowed to continue on other parts of the construction site while mitigation takes place. The archeologist shall file a resource record detailing the materials found and their disposition, as required by the State Historic Preservation Office.



2. If paleontological artifacts are unexpectedly unearthed during excavation, an experienced paleontologist shall conduct an evaluation of the artifacts and the site. An appropriate plan for the preservation of the artifacts shall be prepared by the paleontologist and implemented, while being overseen by that paleontologist. Construction work may be allowed to continue on other parts of the construction site while mitigation takes place.
3. If human remains are accidentally discovered or recognized during construction, all site excavation or other disturbance shall cease and the County Coroner shall be notified. Excavation shall not resume until the Coroner has determined that the remains are not subject to investigation in compliance with the Government Code and until any required recommendations on Native American remains have been made in compliance with applicable law. Construction work may be allowed to continue on other parts of the construction site while the requirements identified in this condition are being met.

## 17.5.08: Administrative Use Permit

17.5.08.010: Purpose

17.5.08.020: Applicability

17.5.08.030: Application Requirements

17.5.08.040: Notice and Hearing

17.5.08.050: Findings and Decision

17.5.08.060: Post Decision Procedures

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### 17.5.08.010: Purpose

This Chapter establishes procedures for the review of Administrative Use Permits when required by this Code. In general, this Code may require an Administrative Use Permit for land use activities that may be desirable in the applicable zone and compatible with adjacent land uses, but whose effect on a site and its surroundings cannot be determined before being proposed for a particular location.

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### 17.5.08.020: Applicability

The Administrative Use Permit procedure shall be utilized only when it is specified in this Code that an Administrative Use Permit is required.

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### 17.5.08.030: Application Requirements

An application for an Administrative Use Permit shall be prepared, filed, and processed in compliance with Chapter 17.5.04 (Application Processing Procedures) and this Chapter.

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### 17.5.08.040: Notice and Hearing

No noticing or public hearing are required for the decision on an Administrative Use Permit consistent with Chapter 17.6.08 (Public Hearings and Noticing).

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### 17.5.08.050: Findings and Decision

The Review Authority shall approve, with or without conditions, an Administrative Use Permit application only after the following findings are made:

- A.** The proposed use is consistent with all applicable goals and policies of the General Plan;
- B.** The proposed use is consistent with any applicable specific plan;

- C. The proposed use is consistent with all applicable sections of this Code; and
- D. The proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health and safety nor be materially injurious to properties or improvements in the vicinity.

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**17.5.08.060: Post Decision Procedures**

Unless otherwise specified in this Chapter, the procedures and requirements in Chapter 17.5.56 (Permit Implementation, Time Limits, Extensions), Chapter 17.6.12 (Appeals), and Chapter 17.5.60 (Permit Modification and Revocation), shall apply following a decision on an Administrative Use Permit.

## 17.5.12: Architectural Design and Site Development Review

17.5.12.010: Purpose

17.5.12.020: Applicability

17.5.12.030: Application Requirements

17.5.12.040: Review, Hearing, and Notice

17.5.12.050: Findings and Decision

17.5.12.060: Post Decision Procedures

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### 17.5.12.010: Purpose

This Chapter establishes procedures for the review and approval or denial of Architectural Design and Site Development Review with the intent to promote orderly development and an aesthetically and environmentally pleasing and economically viable community as well as compliance with the General Plan, any applicable specific plan, the standards specified in this Code, and architectural review guidelines.

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### 17.5.12.020: Applicability

Architectural Design and Site Development Review shall be required for all new buildings or structures and additions and alterations to existing structures with the following exceptions:

- A. Single-family homes in R-1 zones that are not part of a subdivision map;
- B. Accessory dwelling units;
- C. Additions of floor area within the existing building envelope;
- D. Additions and alterations to existing buildings and structures that will not increase the gross floor area of the building by more than 2,500 square feet and will not involve exterior alterations along any street-facing façade on Ocean Avenue, H Street north of Cypress Avenue, or Central Avenue; and
- E. Alterations and improvements required to meet Federal or State requirements to accommodate persons with disabilities.

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### 17.5.12.030: Application Requirements

An application for an Architectural Design and Site Development Review shall be prepared, filed, and processed in compliance with Chapter 17.5.04 (Application Processing Procedures) and this Chapter.

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**17.5.12.040: Review, Hearing, and Notice**

- A.** The Review Authority for an Architectural Design and Site Development Review shall be as follows:
1. **Minor Architectural Design and Site Development Review.** All projects that do not meet the criteria for Commission review as specified below and are not exempt ([See Section 17.5.12.020 \(Applicability\)](#)) shall be subject to review and approval or denial by the Director.
  2. **Major Architectural Design and Site Development Review.** The Commission shall be the Review Authority for the following:
    - a. New construction of 2,500 square feet or more or new additions of 2,500 square feet or more;
    - b. New construction with frontage on Ocean Avenue, H Street north of Cypress Avenue, or Central Avenue (excluding additions); and
    - c. Any major façade improvements with frontage on Ocean Avenue, H Street north of Cypress Avenue, or Central Avenue.
- B. Noticing and Public Hearing.**
1. No noticing or public hearings are required for Minor Architectural Design and Site Development Review, consistent with Chapter 17.6.08 (Public Hearings and Noticing).
  2. Noticing and a public hearing are required for the decision on a Major Architectural Design and Site Development Review, consistent with Chapter 17.6.08 (Public Hearings and Noticing).

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**17.5.12.050: Findings and Decision**

The Review Authority shall approve, with or without conditions, an Architectural Design and Site Development Review application only after the following findings are made:

- A.** The proposed development is consistent with the General Plan and any applicable specific plan;
- B.** The proposed development is consistent with all the applicable standards in this Code;
- C.** The proposed development will not be detrimental to the public health, safety, or general welfare;
- D.** The proposed development substantially complies with any applicable City design guidelines, including but not limited to architectural guidelines;

- E. The proposed development has an appropriate relationship to land use and development of adjacent properties, including topographic and other physical characteristics of the land; and
- F. The proposed development has a compatible architectural style with the character of the surrounding area, both to avoid repetition of identical design where not desired, and to ensure compatibility in design where desired.

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**17.5.12.060: Post Decision Procedures**

Unless otherwise specified in this Chapter, the procedures and requirements in Chapter 17.5.56 (Permit Implementation, Time Limits, Extensions), Chapter 17.6.12 (Appeals), and Chapter 17.5.60 (Permit Modification and Revocation), shall apply following a decision on an Architectural Design and Site Development Review.

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## 17.5.16: Certificate of Appropriateness

17.5.16.010: Purpose

17.5.16.020: Applicability

17.5.16.030: Application Requirements

17.5.16.040: Review, Notice, and Hearing

17.5.16.050: Findings and Decision

17.5.16.060: Post Decision Procedures

17.5.16.070: Unsafe or Dangerous Conditions

17.5.16.080: Violations

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### 17.5.16.010: Purpose

- A.** To provide various levels of historic protection and review, to preserve existing elements of Landmark and historic resources, and to recognize heritage resources. The City's intent is to be lenient in its judgement of plans for structures which have little or no historic value, or of plans for new construction, unless such plans would impair the historic or architectural value of surrounding structures.
- B.** Provide for a Certificate of Appropriateness, intended to protect structures, improvements, natural features, and objects of historic significance including, but not limited to, areas of architectural, cultural, historic, economic, political, and social importance from the adverse effects of any alteration, demolition, or removal.

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### 17.5.16.020: Applicability

- A. When Required.** A Certificate of Appropriateness is required for the following activity:
  1. The exterior alteration, demolition, removal or relocation of any individual Landmark or historic resource, or potential historic resource, by the City, any agent of the City, or a private party. A historic resource includes the following:
    - a. Designated Landmarks;
    - b. A property or structure listed in Table 4 (Historic Structures and Places in Study Area) of the 1988 Cultural Resources Study; or
    - c. A property or structure over 50 years of age or potentially eligible for registration on a local, State or national register.



**B. Exceptions.** The following activities do not require approval of a Certificate of Appropriateness:

1. Alteration, demolition, removal, or relocation of a heritage resource.
2. Painting, routine maintenance, or minor repair, as determined by the Director to be consistent with existing colors and materials and not to have an adverse effect on the integrity of historic resource, including:
  - a. **Windows and Doors.**
    - (1) Re-glazing windows;
    - (2) Repairs to existing windows and doors;
    - (3) Replacement of existing incompatible window or doors with more historically appropriate windows or doors; or
    - (4) In kind replacement of windows and doors on side and rear facades not readily visible from public right of way.
  - b. **Flat Work and Landscaping.**
    - (1) Repairing or repaving of flat concrete work in the side and rear yards that is not considered a character defining feature of the historic resource;
    - (2) In kind repaving of existing front yard paving, concrete work, and walkways;
    - (3) Landscaping unless the designation specifically identifies the landscape layout, features, or element as having particular historical, architectural or cultural significance;
    - (4) Construction, repair, demolition, or alterations to side and rear yard fences;
    - (5) Construction, repair, demolition, or alterations to other structures on the property not determined to qualify as historic or Landmark structures; or
    - (6) Minor changes to front and street side fences.
  - c. Roofing work, if there is a minimal change in roof structure and exterior appearance, and colors and materials used are consistent with those previously used, and the integrity of the resource is preserved.

- d. Foundation work if there is a minimal change in exterior appearance, the integrity of the resource is preserved, and any increase in building height is less than six inches.
  - e. Chimney work, if consistent colors and materials are used and there is minimal change in appearance, and the integrity of the resource is preserved.
  - f. Repair of exterior siding, if consistent in material, size, and orientation to existing or proven historic siding.
3. Alterations to the interior of a structure that do not have the possibility of adversely affecting the integrity of the historic resource.

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#### 17.5.16.030: Application Requirements

An application for a Certificate of Appropriateness shall be prepared, filed, and processed in compliance with Chapter 17.5.04 (Application Processing Procedures) and this Chapter.

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#### 17.5.16.040: Review, Notice, and Hearing

##### A. Review Authority:

1. **Director review.** Site modifications that are small in magnitude (e.g., minor fencing, hardscape, landscape, lighting, minor accessory structures, signs, and streetscape improvements) and minor structure modifications that do not involve new construction, additions to existing structures, or demolition of existing structures shall be subject to review and approval or denial by the Director.
2. **Commission review.** All other modifications that do not meet the criteria for Director review as specified above shall be subject to review and approval or denial by the Commission.

##### B. Notice.

Noticing for a Certificate of Appropriateness shall be provided in compliance with Chapter 17.6.08 (Public Hearings and Noticing); however, the notice for a Certificate of Appropriateness subject to Director review shall state the following:

1. The Director will decide whether to approve or deny the Certificate of Appropriateness on a date specified in the notice; and
2. A public hearing will be held only if requested in writing by any interested person before the specified date for the decision.

**C. Public Hearing.**

1. **Commission review.** The Commission shall conduct a public hearing on an application for a Certificate of Appropriateness. Public hearings shall be conducted in compliance with Chapter 17.6.08 (Public Hearings and Noticing).
2. **Director review.** If a public hearing is requested, the Director shall schedule the hearing which shall be noticed and conducted in compliance with Chapter 17.6.08 (Public Hearings and Noticing). If no public hearing is requested, the Director shall render a decision on the date specified in the public notice referred to in Subsection 17.5.16.040.B, above.

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**17.5.16.050: Findings and Decision**

The Review Authority shall approve, with or without conditions, a Certificate of Appropriateness only after the following findings are made:

- A.** Either, (1) the proposed work will neither adversely affect the significant architectural features of a historic resource nor adversely affect the character of the aesthetic, architectural, or historic interest or value of a historic resource and its site, or (2) a statement of overriding considerations has been adopted finding that the benefits of the proposed work outweigh the impact on historic resources;
- B.** The proposed project is consistent with the General Plan and any applicable specific plan;
- C.** The proposed project is consistent with the Code; and
- D.** If the proposed project is for a designated Landmark, the proposed project is consistent with the approved maintenance program for the designated Landmark.

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**17.5.16.060: Post Decision Procedures**

Unless otherwise specified in this Chapter, the procedures and requirements in Chapter 17.5.56 (Permit Implementation, Time Limits, Extensions), Chapter 17.6.12 (Appeals), and Chapter 17.5.60 (Permit Modification and Revocation), shall apply following a decision on a Certificate of Appropriateness application.

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**17.5.16.070: Unsafe or Dangerous Conditions**

None of the provisions of the Chapter shall be construed to prevent any alteration or demolition necessary to correct the unsafe or dangerous conditions of any structure, feature, or part thereof, when such condition has been declared unsafe or dangerous by the Building Official or the Fire Chief and where the proposed measures have been declared necessary by such official to correct such conditions. Work shall be performed in compliance with the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, or current adopted version. However, only such work as is necessary to correct the unsafe or dangerous condition may be performed without compliance with this Section.

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**17.5.16.080: Violations**

Any firm, corporation, or person, whether as principal, agent, employee, or otherwise violating or causing the violation of any of the requirements of this Chapter will be guilty of a misdemeanor, and conviction shall be punishable by a fine of not more than \$1,000 or by incarceration in the County jail for not more than six months, or by both the fine and incarceration. Any violation of these provisions constitutes a separate offence for each and every day during which the violation is committed or continued. In addition, any violation shall constitute a public nuisance and may be abated or enjoined from further operation, consistent with Chapter 17.65.28 (Property Nuisances). In addition to any other penalty provided by this Code, the demolition of any historic resource, as defined in Section 17.5.16.020, without a Certificate of Appropriateness shall result in a five-year stay in the issuance of a permit for any new construction at the site of the previous historic resource.

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## 17.5.20: Conditional and Minor Use Permits

17.5.20.010: Purpose

17.5.20.020: Applicability

17.5.20.030: Application Requirements

17.5.20.040: Notice and Hearing

17.5.20.050: Findings and Decision

17.5.20.060: Post Decision Procedures

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### 17.5.20.010: Purpose

This Chapter establishes procedures for the review and approval or denial of Conditional and Minor Use Permits, which are required by Division 17.2 ([Zones Allowed Uses and Development Standards](#)) or any other Chapter or Section of this Code. The purpose of Conditional and Minor Use Permits is to provide a process for reviewing uses and activities within an applicable zone that require more discretionary review and the possible imposition of conditions to mitigate the effects of the proposed use.

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### 17.5.20.020: Applicability

A Conditional Use Permit (CUP) or Minor Use Permit (MUP) is required to allow those land uses specified in Division 2 ([Zones Allowed Uses and Development Standards](#) [for All Zones](#)) subject to the approval of a CUP or MUP.

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### 17.5.20.030: Application Requirements

An application for a Conditional or Minor Use Permit shall be prepared, filed, and processed in compliance with Chapter 17.5.04 (Application Processing Procedures) and this Chapter.

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### 17.5.20.040: Notice and Hearing

**A. Notice.** Noticing for a Conditional or a Minor Use Permit shall be provided in compliance with Chapter 17.6.08 (Public Hearings and Noticing); however, the notice for a Minor Use Permit shall state the following:

1. The Director will decide whether to approve or deny the Minor Use Permit application on a date specified in the notice; and
2. A public hearing will be held only if requested in writing by any interested person before the specified date for the decision.

**B. Public Hearing.**

1. **Conditional Use Permit.** The Commission shall conduct a public hearing on an application for a Conditional Use Permit. Public hearings shall be conducted in compliance with Chapter 17.6.08 (Public Hearings and Noticing).
2. **Minor Use Permit.** If a public hearing is requested, the Director shall schedule the hearing which shall be noticed and conducted in compliance with Chapter 17.6.08 (Public Hearings and Noticing). If no public hearing is requested, the Director shall render a decision on the date specified in the public notice referred to in Subsection 17.5.20.040.A, above.

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**17.5.20.050: Findings and Decision**

The Review Authority shall approve, with or without conditions, a Conditional or Minor Use Permit application only after the following findings are made:

- A.** The proposed use is consistent with the goals and policies of the General Plan and any applicable specific plan;
- B.** The proposed use is appropriate for the subject zone, compatible with uses allowed in the subject zone and complies with all other applicable provisions of this Code and the Municipal Code;
- C.** The proposed use will not be materially detrimental to the health, safety, and welfare of the public or to property and residents in the vicinity;
- D.** The design, location, size, and operating characteristics of the proposed use will be compatible with the existing and future land uses, buildings, or structures in the vicinity;
- E.** If new development is proposed, the proposed development will have an architectural style that is compatible with the character of the surrounding area, both to avoid repetition of identical design where not desired, and to ensure compatibility in design where desired;
- F.** If new development is proposed, the color, material, and composition of the exterior elevations of the proposed development will be compatible with neighboring visible structures; and
- G.** The subject site is:
  1. Physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities; and
  2. Served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate.

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**17.5.20.060: Post Decision Procedures**

Unless otherwise specified in this Chapter, the procedures and requirements in Chapter 17.5.56 (Permit Implementation, Time Limits, Extensions), Chapter 17.6.12 (Appeals), and Chapter 17.5.60 (Permit Modification and Revocation), shall apply following a decision on a Conditional Use Permit or Minor Use Permit.



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## 17.5.24: Development Agreement

17.5.24.010: Purpose

17.5.24.020: Applicability

17.5.24.030: Application Requirements

17.5.24.040: Notice and Hearings

17.5.24.050: Findings and Decision

17.5.24.060: Post Decision Procedures

17.5.24.070: Annual Review

17.5.24.080: Amendment, Modification or Termination of an Approved Development Agreement

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### 17.5.24.010: Purpose

This Chapter establishes procedures for the review and approval or denial of Development Agreements, in compliance with Government Code § 65864 et seq., as may be amended.

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### 17.5.24.020: Applicability

Only a qualified applicant may file an application to enter into a Development Agreement.

- A.** A qualified applicant has legal or equitable interest in the real property, as determined in the sole discretion of the City, which is the subject of the Development Agreement. A qualified applicant shall also include an authorized agent of the property owner.
- B.** The City may require an applicant to submit proof of interest in the real property and of the authority of the agent to act for the applicant.

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### 17.5.24.030: Application Requirements

**A. Filing.** A Development Agreement application shall be prepared, filed, and processed in compliance with Chapter 17.5.04 (Application Processing Procedures), and this Chapter.

**B. Required Information.**

1. All lawfully required documents, information, and materials shall accompany the application. The Director may require an applicant to submit additional information and supporting data as is necessary to evaluate and process the application.

2. An application for a Development Agreement shall be accompanied by maps, plans, reports, development and performance standards, schematic drawings, or such other documents deemed necessary by the Director to sufficiently detail or illustrate intended or permitted uses and their location on the property, the density or intensity of use, and the maximum size and height of structures as appropriate to evaluate the application request. This information may be included in a specific plan, Preliminary Development Plan, or other similar type of application.
- C. Form of Agreement.** Each application shall be accompanied by the form of Development Agreement proposed by the applicant. All documents required, whether the agreement or any attachments and exhibits, shall be suitable for recordation as determined by the City.
- D. Fees.** The applicant shall pay the fees and charges established by the Council for the filing and processing of a Development Agreement consistent with Section 17.5.04.040 (Application Fees). Additionally, appropriate fees may be established and collected for period reviews conducted in compliance with State law and Section 17.5.24.~~070060.F~~ (Procedures for Annual Review).

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#### 17.5.24.040: Notice and Hearings

Public hearings shall be noticed and held in compliance with Chapter 17.6.08 (Public Hearings and Noticing).

- A. Commission Hearing.** The Director, upon finding the application for a Development Agreement complete, shall set the application, together with recommendations, for a public hearing before the Commission in compliance with Chapter 17.6.08 (Public Hearing and Noticing). Following conclusion of a public hearing, the Commission shall make a written recommendation to the Council that it approve, approve in modified form, or deny the application consistent with the findings in Section 17.5.24.050 (Findings and Decision).
- B. Council Hearing.**
1. Upon receipt of the Commission's recommendation, the City Clerk shall set the application and written recommendation of the Commission for a public hearing before Council. Following conclusion of a public hearing, the Council shall approve, approve in modified form, or deny the application.
  2. Council may refer matters not previously considered by the Commission during its hearing back to the Commission for report and recommendation. The Commission shall hold a public hearing on matters referred back to it by the Council.

- C. Irregular in Proceedings.** No action, inaction, or recommendation regarding the proposed Development Agreement shall be held void or invalid or be set aside by a court by reason of any error, irregularity, informality, neglect, or omission (“error”) as to any matter pertaining to application, finding, hearing, notice, petition, recommendation, record, or any matters of procedure unless after an examination of the entire case, including the evidence, the court is of the option that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. There is no presumption that error is prejudicial or that injury was done if error is shown.
- D. Approval through Ordinance.** If the Council approves, with or without conditions, a Development Agreement, the approval shall be implemented through the adoption of an ordinance containing the findings required by Section 17.5.24.050 (Findings and Decision).

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#### 17.5.24.050: Findings and Decision

The Council may approve a Development Agreement, with or without conditions, only after the following findings are made:

- A.** The Development Agreement is consistent with the goals, policies, general land uses and programs specified in the General Plan;
- B.** The Development Agreement is consistent with any applicable specific plan;
- C.** The Development Agreement and accompanying development maps, plans, and other information are compatible with the uses authorized in, and the performance and development standards prescribed for, the zone in which the subject parcel or site is located;
- D.** The Development Agreement is in conformity with and will promote public convenience, general welfare, and good land use and development practices;
- E.** The Development Agreement shall be shown to be of greater benefit to the community than development absent the Development Agreement;
- F.** The term or duration of the Development Agreement has a commensurate relationship to the benefit(s) provided;
- G.** The Development Agreement contains the mandatory provisions specified in Government Code § 65865.2 and any other terms required by Council; and
- H.** The Development Agreement complies with all other applicable requirements of Government Code § 65864 et seq.

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**17.5.24.060: Post Decision Procedures**

- A. Referendum.** The ordinance approving a Development Agreement is subject to referendum in compliance with Government Code § 65867.5.
- B. Effective Date.** The City shall not execute any Development Agreement until, on, or after the date upon which the ordinance approving the agreement, enacted in compliance with this Chapter, becomes effective, and until it has been executed by the applicant.
- C. Mutual Consent Required.** A Development Agreement may be executed only upon the mutual consent of each party to the agreement.
- D. Recordation.** A Development Agreement shall be recorded with the County Recorder no later than 10 days after it is executed, in compliance with Government Code § 65868.5.

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**17.5.24.070: Annual Review**

- A. Requirement for Annual Review.** Every Development Agreement approved and executed in compliance with this Chapter shall be subject to periodic review every 12 months or less by the City during the full term of the agreement. The burden of proof shall be on the applicant, contracting party, or successor in interest to demonstrate compliance in good faith to the terms and conditions of the agreement to the full satisfaction of, and in a manner prescribed by the City.
- B. Initiation of Review.** The applicant, contracting party, or successor in interest shall initiate annual review by submitting a written statement to the Director describing their good faith substantial compliance with the terms and conditions of the agreement for the prior calendar year.
- C. Fees.** Appropriate fees to cover the City's cost to conduct the annual reviews shall be collected from the applicant, contracting party, or successor in interest prior to completion of each annual review. These fees may be established in the Development Agreement or by the Council consistent with Chapter 17.5.04 (Application Processing Procedures).
- D. Determination upon Review.** The Director shall review materials furnished by the applicant, contracting party, or successor in interest to determine upon the basis of substantial evidence whether or not the property owner has, for the period under review, complied in good faith with the terms and conditions of the Development Agreement.

**E. Procedures upon Determination**

1. If the Director finds and determines on the basis of substantial evidence that the property owner has complied in good faith with the terms and conditions of the Development Agreement during the period under review, the review for that period is concluded. The Director shall deliver a report of the determination to the Council.
2. If the Director finds and determines on the basis of substantial evidence that the property owner has not complied in good faith with the terms and conditions of the Development Agreement during the period under review, the City may modify or terminate the Development Agreement in compliance with Government Code § 65865.1.

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**17.5.24.080: Amendment, Modification, or Termination of an Approved Development Agreement**

- A.** A Development Agreement may be amended or canceled, in whole or in part, by mutual consent of the parties to the agreement or their successors in interest in compliance with Government Code § 65868. The City shall have notice of such action recorded with the County Record's Office.
- B.** If, upon a finding under Subparagraph 15.5.24.070.E.2, the City determines to proceed with modification or termination of a Development Agreement, the City shall give notice to the property owners of its intention to do so. The procedure for modifying or terminating a Development Agreement is the same as the procedure for entering into a Development Agreement as specified in this Chapter. If the City modifies or terminates a Development Agreement in compliance with this Chapter, the City shall have notice of such action recorded with the County Recorder's Office.

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## 17.5.28: Minor Modification

17.5.28.010: Purpose

17.5.28.020: Applicability

17.5.28.030: Application Requirements

17.5.28.040: Review, Notice, and Hearing

17.5.28.050: Findings and Decision

17.5.28.060: Post Decision Procedures

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### 17.5.28.010: Purpose

The purpose of this Chapter is to enable the Director to approve minor deviations from Code standards when such requests constitute a reasonable use of property but are not otherwise permissible under the strict application of this Code. An authorization to approve a Minor Modification does not extend to making any changes in the uses permitted in any zone.

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### 17.5.28.020: Applicability

- A.** This Chapter is applicable to all development standards of this Code, except the Sign Standards. Minor Modifications from the Signs Standards are provided in Section 17.3.16.030 (Sign Minor Modification and Design Performance Standards).
- B.** The Director may approve a Minor Modification only after first determining that the requested modification meets the findings specified in Section 17.5.28.050 (Findings and Decision).
- C.** The maximum modification of any measurable standard prescribed in this Code shall be no more than 20% with approval of a Minor Modification.

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### 17.5.28.030: Application Requirements

An application for a Minor Modification shall be prepared, filed, and processed in compliance with Chapter 17.5.04 (Application Processing Procedures) and this Chapter.

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### 17.5.28.040: Review, Notice, and Hearing

- A.** Each Minor Modification application shall be reviewed on an individual case-by-case basis and the approval of a prior Minor Modification is not admissible evidence for the approval of a new Minor Modification.
- B.** No noticing or public hearing are required for the decision on a Minor Modification consistent with Chapter 17.6.08 (Public Hearings and Noticing).



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**17.5.28.050: Findings and Decision**

The Review Authority shall approve, with or without conditions, a Minor Modification application, only after the following findings are made:

- A.** There are special circumstances applicable to the property (e.g., size, shape, topography, location, surroundings, etc.) such that the strict application of the zoning ordinance could deprive the property of privileges enjoyed by other property in the vicinity and under identical zoning classification;
- B.** The special circumstances applicable to the property are not self-imposed by any person presently having an interest in the property;
- C.** The requested Minor Modification will not allow the establishment of a use that is not otherwise allowed in the zone;
- D.** Granting the Minor Modification will not be materially detrimental to the public health, safety, or welfare and will not impair an adequate supply of light and air to adjacent property;
- E.** The development is consistent with the General Plan and any applicable specific plan; and
- F.** The development will comply with all other standards or requirements set forth in this Code.

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**17.5.28.060: Post Decision Procedures**

Unless otherwise specified in this Chapter, the procedures and requirements in Chapter 17.5.56 (Permit Implementation, Time Limits, Extensions), Chapter 17.6.12 (Appeals), and Chapter 17.5.60 (Permit Modification and Revocation) shall apply following the decision on a Minor Modification.

## 17.5.32: Planned Development, Preliminary Development Plan

17.5.32.010: Purpose

17.5.32.020: Applicability

17.5.32.030: Application Requirements

17.5.32.040: Notice and Hearing

17.5.32.050: Findings and Decision

17.5.32.060: Post Decision Procedures

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### 17.5.32.010: Purpose

This Chapter establishes the procedures for the review and approval or denial of planned developments through Preliminary Development Plans, as defined in Chapter 17.7.04 (Definitions of Terms).

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### 17.5.32.020: Applicability

A Preliminary Development Plan may be filed for sites located within the Planned Commercial Development Zone or filed concurrently with an application for a Zoning Map Amendment that maps the Planned Development Overlay Zone (see Chapter 17.6.04 (~~Zoning Code, Zoning Map, and General Plan Amendments~~Amendments to ~~Zoning Code, Zoning Map, and General Plan~~)).

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### 17.5.32.030: Application Requirements

An application for a Preliminary Development Plan shall be prepared, filed, and processed in compliance with Chapter 17.5.04 (Application Processing Procedures) and this Chapter.

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### 17.5.32.040: Notice and Hearing

- A. Notice.** Noticing for a Preliminary Development Plan shall be provided in compliance with Chapter 17.6.08 (Public Hearings and Noticing).
- B. Public Hearings.** The Commission shall conduct a public hearing on an application for a Preliminary Development Plan. Public hearings shall be conducted in compliance with Chapter 17.6.08 (Public Hearings and Noticing).

---

**17.5.32.050: Findings and Decision**

The Review Authority shall approve, with or without conditions, a Preliminary Development Plan only after the following findings are made:

- A.** The Preliminary Development Plan is consistent with the General Plan;
- B.** Development standards contained in the Preliminary Development Plan are consistent with the Code, or are consistent with the purpose and intent of the Code and any deviation or exception from the Code standards and requirements is warranted by the design and/or amenities incorporated;
- C.** Residential density shall not exceed that identified in the Land Use Element of the General Plan;
- D.** The phasing plan provides a functional and efficient relationship through the development of the Preliminary Development Plan;
- E.** The proposed development will not be materially detrimental to the health, safety, and welfare of the public or to property and residents in the vicinity;
- F.** The proposed design, location, size, and operating characteristics will be compatible with the existing and future land uses, buildings, or structures in the vicinity;
- G.** The proposed development will have an architectural style that is compatible with the character of the surrounding area, both to avoid repetition of identical design where not desired, and to ensure compatibility in design where desired; and
- H.** The color, material, and composition of the exterior elevations of the proposed development will be compatible with neighboring visible structures.

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**17.5.32.060: Post Decision Procedures**

Unless otherwise specified in this Chapter, the procedures and requirements in Chapter 17.5.56 (Permit Implementation, Time Limits, and Extensions), Chapter 17.6.12 (Appeals), and Chapter 17.5.60 (Permit Modifications and Revocations), shall apply following a decision on a Preliminary Development Plan.

## 17.5.36: Reasonable Accommodation

17.5.36.010: Purpose

17.5.36.020: Applicability

17.5.36.030: Application Requirements

17.5.36.040: Notice and Hearing

17.5.36.050: Findings and Decision

17.5.36.060: Rescission of Approval of Reasonable Accommodation

17.5.36.070: Post Decision Procedures

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### 17.5.36.010: Purpose

This Chapter establishes the procedures to request Reasonable Accommodation for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (ADA) (also known as the Acts) in the application of zoning laws and other land use regulations, policies, and procedures.

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### 17.5.36.020: Applicability

#### A. Eligibility Applicants.

1. A request for Reasonable Accommodation may be made by any person with a disability, their representative or any entity, when the application of zoning law (i.e., development standard) or other land use regulation, policy, or practice acts as a barrier to fair housing opportunities.
2. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment.
3. This Section is intended to apply to those persons who are defined as disabled under the Acts.

**B. Eligible Request.** A request for Reasonable Accommodation may include a modification or exception to the practices, rules, and standards for the development, siting, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

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**17.5.36.030: Application Requirements**

An application for a Reasonable Accommodation shall be prepared, filed, and processed in compliance with Chapter 17.5.04 (Application Processing Procedures) and this Chapter.

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**17.5.36.040: Notice and Hearing**

No noticing or public hearing are required for a Reasonable Accommodation request.

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**17.5.36.050: Findings and Decision**

The written decision by the Review Authority to approve or deny a request for Reasonable Accommodation that will be consistent with the Acts shall be based on consideration of all of the following factors:

- A.** Whether the housing, which is subject of the request, will be used by an individual defined as disabled under the Acts;
- B.** Whether the request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
- C.** Whether the requested Reasonable Accommodation would impose an undue financial or administrative burden on the City;
- D.** Whether the requested Reasonable Accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning;
- E.** Whether there are alternatives to the requested waiver or exception that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants or to the general public;
- F.** Physical attributes of the property and structures; and
- G.** Other Reasonable Accommodations that may provide an equivalent level of benefit.

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**17.5.36.060: Rescission of Approval of Reasonable Accommodation****A. Rescission of Reasonable Accommodation.**

1. An approval or conditional approval of an application made in compliance with this Chapter may be conditional to provide for its rescission or automatic expiration under appropriate circumstances (e.g., the individual defined as disabled under the Acts vacates the subject site, etc.) unless allowed to remain in compliance with Subsection 17.5.36.060.B.
2. If rescinded or subject to automatic expiration, the improvement made in compliance with the originally approved Reasonable Accommodation shall be removed from the subject property in compliance with Subsection 17.5.36.060.B.

**B. Discontinuance of Reasonable Accommodation.**

1. If the person(s) initially occupying a residence vacates, the Reasonable Accommodation shall remain in effect only if the Review Authority first determines that:
  - a. The modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with this Code; or
  - b. The accommodation is to be used by another qualifying individual with a disability.
2. The Review Authority may request the applicant or the successor(s)-in-interest to the property to provide documentation that subsequent occupants are qualifying persons with disabilities.
3. Failure to provide the documentation within 30 days of the date of a request by the Review Authority shall constitute grounds for discontinuance by the City of a previously approved Reasonable Accommodation.
4. Discontinuance shall require that the improvement made in compliance with the originally approved Reasonable Accommodation shall be removed from the subject parcel or site.

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**17.5.36.070: Post Decision Procedures**

Unless otherwise specified in this Chapter, the procedures and requirements in Chapter 17.5.56 (Permit Implementation, Time Limits, and Extensions), Chapter 17.6.12 (Appeals), and Chapter 17.5.60 (Permit Modifications and Revocations), shall apply following a decision on a Reasonable Accommodation request.

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## 17.5.40: Sign Permit and Sign Program

17.5.40.010: Purpose

17.5.40.020: Applicability

17.5.40.030: Application Requirements

17.5.40.040: Notice and Hearing

17.5.40.050: Findings and Decision

17.5.40.060: Implementation, Time Limits, and Extension

17.5.40.070: Post Decision Procedures

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### 17.5.40.010: Purpose

This Chapter establishes procedures for the review and approval or denial of a Sign Permit and Sign Program.

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### 17.5.40.020: Applicability

**A. Sign Permit.** A permit is required to erect, move, alter, replace, suspend, display, or attach a sign, whether permanent or temporary, including any structural or electrical changes, unless otherwise specified in this Chapter. Each sign and change of copy requires a separate Sign Permit except that changes to or between non-commercial messages do not require a Sign Permit consistent with Section 17.3.16.020 (Applicability). A Change of copy means changing of the face or letters of a sign. The following sign activities are allowed without a Sign Permit however; any required building permit shall be obtained prior to the modification of a sign:

1. The normal maintenance of a sign, including cleaning, repainting, or repairing, except when prohibited from a nonconforming sign. See Section 17.3.16.050 (General Requirements for All Signs);
2. Changes to the face or copy of a sign with changeable copy; and
3. Signs that have completed a courtesy review by the Department and are installed in compliance with an approved Sign Program.

**B. Sign Program.**

1. A Sign Program is required for any parcel, or multi-parcel center, with four or more businesses or tenant spaces, regardless of whether the tenant spaces are occupied. Once a Sign Program is approved, Sign Permits for individual business signs must comply with the Sign Program. A Sign Program may be requested by an applicant for a parcel, or multi-parcel center, with fewer than four businesses or tenant spaces, or for a residential parcel(s), but is not required.



2. As part of a Sign Program approval, exceptions may be granted to the standards of this Chapter if the findings established in Section 17.5.40.050 (Findings and Decision) are made.
3. A Sign Program for a multi-parcel center may allow off-premise signage provided the signs advertise only the businesses within that center and the signs are located on parcels that are part of the multi-parcel center.

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#### 17.5.40.030: Application Requirements

- A. Application Requirements.** An application for a Sign Permit or Sign Program shall be filed in compliance with Chapter 17.5.04 (Application Processing Procedures).
- B. Other Permits Required.** In addition to the requirements of this Chapter, all signs should be in conformance with applicable requirements of the California Building Code. Where required, the applicant shall also obtain a building permit and/or electrical permit from the City.

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#### 17.5.40.040: Notice and Hearing

No noticing or public hearing are required for the decision on a Sign Permit or Sign Program consistent with Chapter 17.65.08 (Public Hearings and Noticing).

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#### 17.5.40.050: Findings and Decision

After a Sign Permit or Sign Program application is deemed complete, the Review Authority shall approve, conditionally approve, or deny the application.

- A.** The Review Authority will approve a Sign Permit or Sign Program application, with or without conditions, only after the following findings are made:
  1. The sign or Sign Program complies with the standards of Chapter 17.3.16 (Sign Standards), and any applicable specific plan or Preliminary Development Plan requirements, with the exception of Subsection B.1;
  2. The sign or Sign Program is in substantial compliance with any applicable design guidelines;
  3. The sign or signs to be constructed consistent with the Sign Program will not impair pedestrian and vehicular safety; and
  4. The design or proposed construction of the sign or signs constructed consistent with the Sign Program will not threaten the public health, safety, or welfare.

- B.** The Review Authority will approve a Sign Program application, with or without conditions, only after the following additional findings are made:
  - 1. If the Sign Program does not comply with the standards of Chapter 17.3.16 (Sign Standards), the following findings shall be made:
    - a. The Sign Program complies with the purpose and intent of Chapter 17.3.16 (Sign Standards);
    - b. There are special circumstances applicable to the property including size, shape, topography, location, surroundings, building placement, or architectural style that warrant modified standards to afford the property privileges enjoyed by other properties in the vicinity and in the same zone;
    - c. The modified standards do not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zone;
    - d. The Sign Program does not allow any sign that is prohibited (Section 17.3.16.040 (Prohibited Signs and General Restrictions for All Signs)); and
  - 2. The Sign Program standards will result in signs that are visually related or complementary to each other and to the buildings and/or developments they identify through the integration of predominant architectural materials, elements, or details of such buildings or developments.

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**17.5.40.060: Implementation, Time Limits, and Extensions**

- A.** Sign permit implementation, time limits, and extensions shall be in compliance with Chapter 17.5.56 (Permit Implementation, Time Limits, and Extensions).
- B.** A Sign Permit expires when the activity, product, business, service, or other use which is being advertised or identified has ceased for a period of not less than 90 days or has moved from the location where the sign was allowed.
- C.** A Sign Permit expires when a sign is removed from the approved location for more than 90 days or a new permit is approved for a replacement sign.
- D.** A Sign Program has no expiration date.

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**17.5.40.070: Post Decision Procedures**

Unless otherwise specified in this Chapter, the procedures and requirements in Chapter 17.5.56 (Permit Implementation, Time Limits, Extensions), Chapter 17.6.08 (Appeals), and Chapter 17.5.60 (Permit Modification and Revocation), shall apply following a decision on a Sign Permit or Sign Program.

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## 17.5.44: Temporary Use Permits

- 17.5.44.010: Purpose
- 17.5.44.020: Applicability
- 17.5.44.030: Exempt Temporary Uses
- 17.5.44.040: Application Requirements
- 17.5.44.050: Notice and Hearing
- 17.5.44.060: Findings and Decision
- 17.5.44.070: Time Limits
- 17.5.44.080: Post Decision Procedures

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### 17.5.44.010: Purpose

This Chapter establishes procedures for the review and approval or denial of Temporary Use Permits, which are required by this Code for temporary uses and/or activities that are short-term and compatible with adjacent and surrounding uses when conducted in compliance with this Code. Standards for specific temporary uses are identified in Section 17.4.04.~~200190~~ (Temporary Uses).

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### 17.5.44.020: Applicability

A Temporary Use Permit is required to allow temporary uses and/or activities in compliance with Section 17.4.04.~~200190~~ (Temporary Uses) unless exempted by Section 17.5.44.030 (Exempt Temporary Uses).

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### 17.5.44.030: Exempt Temporary Uses

The following temporary uses do not require a Temporary Use Permit and are not subject to the requirements of this Chapter.

- A. Approved Assembly Sites.** A temporary event conducted in an approved place of public or community assembly, such as a theater, convention center, meeting hall, sports facility, or public school events on school property.
- B. Emergency Facilities.** Emergency public health and safety needs/land use activities.
- C. Emergency Event Shelters.** Temporary shelters to house people that are displaced by an earthquake, explosion, fire, or other calamity are allowed in any zone for a maximum of 30 days in any 90-day period, provided that the facilities are approved by the Building Department prior to use.
- D. Garage Sales.** Garage sales are regulated under LMC Chapter 5.52.

- E. Private Parties.** Private non-commercial events/parties held at a residence, meeting facility, church, or similar space.
- F. Holiday Displays.** Temporary, non-commercial decorations or displays that are incidental to and commonly associated with national, local, or religious celebrations, provided that such decorations and displays are only displayed during the appropriate time of year, are maintained in an attractive condition, and do not constitute a fire hazard.
- G. Similar Temporary Uses.** Similar temporary uses, which, in the opinion of the Director, do not require a Temporary Use Permit and are compatible with the zone and surrounding land uses.

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#### 17.5.44.040: Application Requirements

An application for a Temporary Use Permit shall be prepared, filed, and processed in compliance with Chapter 17.5.04 (Application Processing Procedures) and this Chapter.

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#### 17.5.44.050: Notice and Hearing

No noticing or public hearing are required for the decision on a Temporary Use Permit consistent with Chapter 17.6.08 (Public Hearings and Noticing).

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#### 17.5.44.060: Findings and Decision

The Review Authority shall approve, with or without conditions, a Temporary Use Permit application only after the following findings are made:

- A.** The proposed temporary use is consistent with any applicable use standards of Section 17.4.04. ~~200190~~ (Temporary Uses);
- B.** The location, operation, and time period of the temporary use will not be detrimental to the public interest, health, safety, or general welfare;
- C.** The operation of the temporary use will not be detrimental to adjoining properties through the creation of excessive dust, light, noise, odor, or other objectionable characteristics;
- D.** The proposed lot is physically suitable in terms of size, shape, and location to accommodate the temporary use and the provision of necessary public and emergency vehicle access and public services and utilities;
- E.** The proposed lot is adequately and safely served by streets having sufficient capacity and improvements to accommodate the quantity of traffic that the temporary use will or could reasonably be expected to generate;

- F. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site or at an acceptable off-site location; and
- G. The location of the temporary use is within private property as authorized by the property owner and will not occur within City right-of-way unless approved by the Public Works Director.

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**17.5.44.070: Time Limits**

- A. Unless otherwise provided for in Section 17.4.04.~~200190~~ (Temporary Uses), or the Review Authority determines that another time limit is necessary to comply with the findings in Section 17.5.44.060 (Findings and Decision), a Temporary Use Permit shall be valid for up to 180 days in any given calendar year.
- B. The Review Authority may limit the number of Temporary Use Permits approved for each lot or property in a calendar year to avoid temporary uses becoming effectively permanent consistent with this Chapter and Section 17.4.04.~~200190~~ (Temporary Uses).

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**17.5.44.080: Post Decision Procedures**

Unless otherwise specified in this Chapter, the procedures and requirements in Chapter 17.5.56 (Permit Implementation, Time Limits, Extensions), Chapter 17.6.12 (Appeals), and Chapter 17.5.60 (Permit Modification and Revocation), shall apply following a decision on a Temporary Use Permit.

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## 17.5.48: Variance

17.5.48.010: Purpose

17.5.48.020: Applicability

17.5.48.030: Application Requirements

17.5.48.040: Review, Notice, and Hearing

17.5.48.050: Findings and Decision

17.5.48.060: Post Decision Procedures

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### 17.5.48.010: Purpose

In compliance with Government Code § 65900 et seq., this Chapter allows for variances from the development standards of this Code only when, because of special circumstances applicable to the property including size, shape, topography, location, or surroundings, the strict application of this Code deprives such property of privileges enjoyed by other property in the vicinity and under the identical zone.

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### 17.5.48.020: Applicability

The Commission may grant a Variance from the requirements of this Code in compliance with this Chapter and State Law. The power to approve Variances does not extend to use regulations in compliance with Government Code § 65906.

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### 17.5.48.030: Application Requirements

An application for a Variance shall be prepared, filed, and processed in compliance with Chapter 17.5.04 (Application Processing Procedures) and this Chapter.

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### 17.5.48.040: Review, Notice, and Hearing

- A. Precedents.** Each Variance application shall be reviewed on an individual case-by-case basis and the approval of a prior Variance is not admissible evidence for the approval of a new Variance.
- B. Notice.** Noticing for a Variance shall be provided in compliance with Chapter 17.6.08 (Public Hearings and Noticing).
- C. Public Hearing.** The Commission shall conduct a public hearing on an application for a Variance. Public hearings shall be conducted in compliance with Chapter 17.6.08 (Public Hearings and Noticing).



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**17.5.48.050: Findings and Decision**

The Review Authority shall approve, with or without conditions, a Variance application only after the following findings are made:

- A.** There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, such that the strict application of this Code deprives the property of privileges enjoyed by other property in the vicinity and under the identical zone;
- B.** The special circumstances applicable to the property identified in Subsection 17.5.48.050.A, was not created by any act of the property owner (i.e., a Variance shall not be granted for a self-imposed hardship);
- C.** Granting the Variance would not authorize a use or activity which is not otherwise expressly authorized by the zone governing the property for which the application is made;
- D.** Granting the Variance will not be materially detrimental to the public health, safety, or welfare and will not impair an adequate supply of light and air to adjacent property;
- E.** The Variance is consistent with the General Plan and any applicable specific plan or the potentially adverse effects of the Variance in relation to the General Plan are exceeded by the individual hardship which would be relieved by granting the Variance; and
- F.** The Variance is the minimum departure from the requirements of this Code necessary to grant relief to the applicant, consistent with Subsection 17.5.48.050.A and C.

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**17.5.48.060: Post Decision Procedures**

Unless otherwise specified in this Chapter, the procedures and requirements in Chapter 17.5.56 (Permit Implementation, Time Limits, and Extensions), Chapter 17.6.12 (Appeals), and Chapter 17.5.60 (Permit Modification and Revocations), shall apply following a decision on a Variance.

## 17.5.52: Special Use Permit

17.5.52.010: Purpose

17.5.52.020: Applicability

17.5.52.030: Application Requirements

17.5.52.040: Notice and Hearing

17.5.52.050: Findings and Decision

17.5.52.060: Post Decision Procedures

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### 17.5.52.010: Purpose

This Chapter establishes procedures for the review of Special Use Permits when required by this Code. In general, this Code may require a Special Use Permit to provide an expedited path for certain food services that provide food to people visiting wine related operations, such as wineries and wine tasting rooms.

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### 17.5.52.020: Applicability

The Special Use Permit procedure shall be utilized only when it is specified in this Code that a Special Use Permit is required.

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### 17.5.52.030: Application Requirements

- A.** An application for a Special Use Permit shall be prepared, filed, and processed in compliance with Chapter 17.5.04 (Application Processing Procedures); however, when there is a conflict between Chapter 17.5.04 and this Chapter, this Chapter shall control.
- B.** The food service area shall be depicted on plans (including a floor plan depicting all seating areas) submitted with the application for City review.
- C.** Within 14 business days after the Planning Manager has received a complete Special Use Permit application, the Utility Director, Public Works Director, Fire Marshal and Building Official, or each of their designees, shall complete their review, and the Planning Manager shall either issue the Special Use Permit or provide the applicant with a written denial documenting the reasons justifying the denial.

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### 17.5.52.040: Notice and Hearing

No noticing or public hearings are required for the decision on an Special Use Permit consistent with Chapter 17.6.08 (Public Hearings and Noticing).

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**17.5.52.050: Findings and Decision**

- A.** The Review Authority shall approve a Special Use Permit application only after the following findings are made:
1. The proposed use is consistent with all applicable sections of this Code;
  2. The proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health and safety nor be materially injurious to properties or improvements in the vicinity;
  3. A permit from the Santa Barbara County Health Department (SBCHD) has been obtained (unless deemed exempt by the SBCHD);
  4. The conditions of any Alcohol Beverage Control license located in the same building allow for the proposed food service;
  5. The individual being issued the Special Use Permit does not have another Special Use Permit, and the Special Use Permit applies to only one premise; and
  6. The applicant has signed a statement agreeing to comply with all the conditions of the Special Use Permit and the applicable sections of this Code and acknowledging the temporary nature of the Special Use Permit and that the Special Use Permit may be revoked or become null and void.
- B.** A Special Use Permit shall include, but are not limited to, the following conditions:
1. All activities related to the food service shall not directly or indirectly result in impacts to the City's wastewater system, and the City may require upgrades to the sizing or number of grease interceptors and the submittal of a Base Line Monitoring report from the property where the food services are provided;
  2. All applicable provisions of the City's fire code and building codes (including right of entry, exiting, occupancy, and occupant loads) shall be adhered to;
  3. All applicable provisions of the City's Storm Water Quality management provisions shall be adhered to;
  4. The food service operation shall participate in a food scraps recycling program if required by the City's Solid Waste Division to meet California mandates to reduce organic waste sent to a landfill;
  5. All City required business taxes for each type of business conducted on the property where the food service operation is located shall be kept current;
  6. The food service operating hours shall be limited to the hours the wine industry use where the food service is located is open to the public; and

7. The Special Use Permit shall not be transferable to another individual.

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**17.5.52.060: Post Decision Procedures**

- A.** Unless otherwise specified in this Chapter, the procedures and requirements in Chapter 17.5.56 (Permit Implementation, Time Limits, Extensions), Chapter 17.6.12 (Appeals), and Chapter 17.5.60 (Permit Modification and Revocation), shall apply following a decision on a Special Use Permit (i.e., this Chapter shall control in the event of a conflict).
- B.** Upon reasonable notice to the permittee, the Utility Director, Fire Chief, Fire Marshal, Building Official, Planning Manager, Senior Code Enforcement Officer, or any of their designees may inspect the premises at any time for which the Special Use Permit was issued to ensure all conditions of the Special Use Permit are being met. If the person conducting the inspection determines that one or more of the conditions are not being met, then the Planning Manager may revoke the Special Use Permit as follows:
  1. Upon providing the permittee written notice of any failure(s) to comply with all the conditions and the permittee does not completely correct the failure(s) within three business days after receipt of that notice; or
  2. The Planning Manager provided notice of failure(s) to comply with any condition of the Special Use Permit within the immediately preceding 12 months.

Upon receipt of notice of the revocation, the permittee shall immediately cease operations of the food service. The decision to revoke a Special Use Permit under this Subsection may be appealed to Council, but only for the Council to determine whether the conditions of the Special Use Permit and the applicable sections of this Code were complied with. While the appeal is pending, no food service operation shall be conducted on the subject property or by the permittee.

- C.** If the Council adopts any amendments to this Code that apply to food service, then every Special Use Permit issued pursuant to this Code shall become immediately null and void, unless the permittee complies with those amendments within three business days after receipt of written notice from the Planning Manager that describes the amendments. The determination by the Planning Manager that a Special Use Permit is null and void under this Subsection is final and not appealable.

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## 17.5.56: Permit Implementation, Time Limits, Extensions

- 17.5.56.010: Purpose
- 17.5.56.020: Effective Dates of Permits
- 17.5.56.030: Permits to Run with the Land
- 17.5.56.040: Conformance to Approved Plans
- 17.5.56.050: Performance Guarantees
- 17.5.56.060: Expiration
- 17.5.56.070: Time Extensions
- 17.5.56.080: Changes to an Approved Permit
- 17.5.56.090: Resubmittal

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### 17.5.56.010: Purpose

This Chapter provides requirements for the implementation of the permits or approvals required by this Code, including time limits and procedures for approving extensions of time.

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### 17.5.56.020: Effective Dates of Permits

#### A. Permits and Approvals.

1. An Administrative Use Permit, Architectural Design and Site Development Review, Certificate of Appropriateness, Conditional Use Permit, Minor Use Permit, Minor Modification, Preliminary Development Plan, Reasonable Accommodation, Sign Permit, Sign Program, or Variance shall become effective after 5:00 p.m. on the 10<sup>th</sup> day following the actual date the decision is rendered, when no appeal to the decision has been filed in compliance with Chapter 17.6.12 (Appeals).
2. A Temporary Use Permit shall become effective immediately following the actual date the decision is rendered.
3. A final decision by the Council shall become effective on the date the decision is rendered.

#### B. Amendments, Specific Plans, and Development Agreements.

1. Council actions to adopt an ordinance to approve or amend a Development Agreement, specific plan, this Code, or the Zoning Map shall become effective on the 30<sup>th</sup> day following the date the ordinance is actually adopted by Council.

2. Council actions to adopt a resolution to approve or amend the General Plan or a specific plan shall become effective on the actual date the decision is rendered by the Council.

**C. No Subsequent Permits Shall be Issued until Effective Date.** Permits, certificates, or other approvals to implement a project shall not be issued until the effective date.

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**17.5.56.030: Permits to Run with the Land**

Planning permits and approvals granted in compliance with Chapter 17.5.04 (Application Processing Procedures) shall run with the land through any change of ownership of the subject site, from the effective date of the permit, unless otherwise stated in the conditions of approval or in any case where a permit expires and becomes void in compliance with this Chapter. All applicable conditions of approval shall continue to apply after a change in property ownership, unless otherwise stated in the conditions of approval.

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**17.5.56.040: Conformance to Approved Plans**

- A. Compliance.** All work performed under a grading permit or building permit for which project drawings and plans have received approval by the Director, Commission, or Council shall be in compliance with the approved drawing and plans, and any conditions of approval imposed by the applicable Review Authority in compliance with Section 17.5.04.090 (Conditions of Approval).
- B. Changes.** Changes to an approved project shall be submitted and processed in compliance with Section 17.5.56.080 (Changes to an Approved Permit).

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**17.5.56.050: Performance Guarantees**

**A. Deposit of Security.**

1. Upon a finding that the City's health, safety, and welfare warrant it, the Review Authority may require as a condition of approval the execution of a covenant to deposit security and the deposit of security in a reasonable amount to ensure the faithful performance of one or more conditions of approval of the permit or approval in the event that the obligor fails to perform.
2. The applicant/owner may offer to provide adequate security for the faithful performance of a condition(s) of approval imposed as part of the approval process if the Director determines that the condition(s) may be implemented at a later specified date (e.g., inability to install required landscaping due to weather conditions).

3. The security shall, as required by law or otherwise at the option of the City, be in a form which includes, but is not limited to, cash, a certified or cashier's check, letter of credit, or a performance bond executed by the applicant and a corporate surety authorized to do business in California and approved by the City.
4. The security shall remain in effect until all of the secured conditions have been performed to the satisfaction of the Director.
5. Security required in compliance with this Section shall be payable to the City.

**B. Release of Security.** Upon satisfactory performance of all secured conditions to the satisfaction of the Director, the security deposit shall be released.

**C. Failure to Comply.**

1. Upon failure to perform any secured condition, the City may perform the condition or cause it to be done and may collect from the obligor all costs incurred, including administrative, engineering, legal, and inspection costs.
2. Any unused portion of the security shall be refunded to the obligor after deduction of the cost of work.

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**17.5.56.060: Expiration**

**A. Lapse of Permit.** Unless otherwise specified in the permit or approval, all permits and approvals for projects not subject to the Subdivision Map Act shall comply with the following expiration provisions to ensure continued compliance with this Code:

1. **Variations and Reasonable Accommodations.** Variations and Reasonable Accommodation approvals shall be implemented within 180 days following the effective date, or it shall expire and be deemed void unless a time extension is approved consistent with Section 17.5.56.070 (Time Extensions).
2. **All other permits.** All other permits and approvals shall be implemented within one year following the effective date, or it shall expire and be deemed void unless a time extension is approved consistent with Section 17.5.56.070 (Time Extensions).

**B. Time Limits.** Any time limit set by the applicable Review Authority that differs from those contained in 17.5.56.060070.A.1 and 2 shall be based upon the size and nature of the proposed project.



**C. Implementation.**

1. A permit or approval shall not be deemed implemented until the applicant has obtained a grading permit and/or building permit and commenced construction, or where no grading or building permit is required, has actually commenced the allowed use on the subject site in compliance with the approval and any applicable conditions.
2. Construction shall be diligently pursued towards completion. If after construction commencement, work is discontinued for a minimum period of two years, the permit or approval shall expire and be deemed void.
3. If a project is phased, each subsequent phase shall have the same time limit identified for the previous phase. The time limit for a subsequent phase shall begin when the previous phase commences construction, unless otherwise specified in the permit of approval, or the permit or approval shall expire and be deemed void.

**D. Concurrent Applications.** For concurrent applications, the longest time limit associated with any one permit or approval shall apply to all of the other concurrent permits. All permits associated with the approval of a tentative map shall have the same expiration date as the tentative map.

**E. Expiration by Nonuse.** Any permit shall expire and be deemed void when the use allowed by the permit is discontinued for a continuous period of 12 months. However, if a certificate of occupancy is issued for the structure associated with the use and all other conditions of approval are satisfactorily completed, the permit remains in effect even if the structure is vacant for more than 12 months, provided that no use may be reestablished in the structure and/or on the site unless the use is determined by the Director to be substantially the same as the original permit approval, and there have been no substantial changes in the conditions of circumstances of the site or project.

**F. Effect of Expiration.** When the permit or approval has expired and/or been deemed void:

1. No further action is required by the City;
2. No further reliance may be placed on the previously approved permit or approval;
3. The applicant shall have no rights previously granted under the permit or approval;
4. The applicant shall file a new application(s) along with all required fees and obtain all required approvals before construction can commence or a use implemented; and

5. Any security provided by the applicant under the previously approved permit or approval may be utilized by the City to provide suitable protection from or abate any harm that may result from the terminated project.

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**17.5.56.070: Time Extensions**

- A. Written Request.** The applicant's written request for an extension of time shall be on filed with the Department before expiration of the permit or approval, together with the required filing fee.
- B. Suspension of Expiration.** The filing of a written time extension request shall suspend the actual expiration of the permit or approval until the extension request has been acted upon by the Review Authority. No construction permits (e.g., grading or building permits) for the project shall be issued during the period of suspension.
- C. Review Authority.** The original Review Authority shall make the decision regarding a time extension request. However, time extensions for Major Architectural Design and Site Development Review, in compliance with Subsection 17.5.12.040.A.2, may be approved by the Director if the project does not include a new structure or expansion of an existing structure.
- D. Noticing and Public Hearing.**
  1. No noticing or public hearing is required for a time extension request when the Review Authority is the Director; however, the Director may conduct a public hearing in compliance with Chapter 17.6.08 (Public Hearings and Noticing) if deemed appropriate by the Director because unique or special circumstances exist.
  2. The Commission or Council shall conduct noticing and a public hearing on a time extension request if noticing and a public hearing was required for the original approval.
- E. Required Findings.** An extension of the permit or approval may be granted only if the Review Authority first makes the following findings:
  1. There have been no changes in circumstances, law, General Plan, or Code that would preclude the Review Authority from making the findings upon which the original approval was based; or
  2. The original conditions of approval have been modified or new conditions of approval have been imposed as deemed reasonable and necessary to ensure that the permit or approval will remain in compliance with the findings required by this Code; and

3. The applicant has made a good faith effort to implement the permit or approval and comply with any applicable conditions of approval in a timely manner.
- F. Length of Extension.** The Review Authority may grant a time extension for a period or periods not exceeding a total of six years beyond the expiration date of the original permit or approval if the findings contained in Subsection 17.5.56.070.E are made.

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**17.5.56.080: Changes to an Approved Permit**

- A. Application.** An applicant shall request a proposed change to an approved permit, including conditions of approval, in writing and shall also provide appropriate supporting information and materials explaining the reason(s) for the request. The required filing fee shall also be provided. A change may be requested either before or after construction or establishment and operation of an approved land use.
- B. Notice and Hearing.** If the permit or approval originally required a noticed public hearing, the Review Authority shall conduct a noticed public hearing in compliance with Chapter 17.6.08 (Public Hearings and Noticing) unless the change requested is a minor change, described in Subsection 17.5.56.080.C.
- C. Minor Changes by Director.** The Director may authorize minor changes to an approved permit or other approval only if the changes:
1. Are consistent with all applicable provisions of this Code and the spirit and intent of the original approval;
  2. Do not involve a feature of the project that was a basis for findings in the project's CEQA document or for conditions of approval for the project, or a specific consideration by the Review Authority in granting the permit or approval; and
  3. Do not involve any measurable expansion of intensification of the use or structure.
- D. Major Changes.** Major changes are any changes not described as Minor Changes by Director in Subsection 17.5.56.080.C. Major changes shall be review and approved or denied by the Review Authority that approved the original permit or approval.

**17.5.56.090: Resubmittal**

For a period of 12 months following the denial or conditional approval of a planning permit or approval or Amendment, no application for the same or substantially similar planning permit or approval or Amendment for the same parcel shall be filed, except as otherwise specified at the time of denial. The Director shall determine whether the new application is the same or substantially similar as a previously denied or conditionally approved application.

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## 17.5.60: Permit Modification and Revocation

17.5.60.010: Purpose

17.5.60.020: Modifications

17.5.60.030: Revocations

17.5.60.040: Hearing and Notice

17.5.60.050: Required Findings

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### 17.5.60.010: Purpose

This Chapter provides procedures for securing punitive modification or revocation of previously approved permits or approvals.

---

### 17.5.60.020: Modifications

- A.** The City's action to modify a permit or approval, instead of revocation, may include conditioning any operational aspect of the project, including buffers, duration of the permit or entitlement, hours of operation, noise, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, or any other aspect/condition determined to be reasonable and necessary to ensure that the permit or approval is operated in a manner consistent with the original findings for approval.
- B.** The City shall provide a notice of intention to modify to the owner(s) of the property and any current occupants of the property not less than 30 days before the public hearing at which the Review Authority is scheduled to consider the modification.

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### 17.5.60.030: Revocations

- A.** The City's action to revoke a permit or approval, instead of modifying it, shall have the effect of terminating the permit or approval and denying the privileges granted by the original permit or approval.
- B.** The City shall provide a notice of intention to revoke to the owner(s) of the property and any current occupants of the property not less than 30 days before the public hearing at which the Review Authority is scheduled to consider the revocation.

---

**17.5.60.040: Hearing and Notice**

- A. Hearings Required.** The Review Authority that approved the original permit or approval shall hold a public hearing to modify or revoke a permit or approval granted in compliance with the provisions of this Code. The hearing shall be conducted in compliance with Chapter 17.6.08 (Public Hearings and Noticing) unless otherwise specified in this Chapter.
- B. Notice.** Permit modification and revocation shall be subject to review and approval or denial at a noticed public hearing in compliance with Chapter 17.6.08 (Public Hearings and Noticing).
- C. Appeal.** A decision on a permit modification or revocation shall be subject to Chapter 17.6.12 (Appeals).

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**17.5.60.050: Required Findings**

Any permit or approval, issued in compliance with this Code, may be modified or revoked by the Review Authority that originally granted the permit or approval by the same procedure under which the permit was issued for any of the following causes:

- A.** Compliance with any term or condition of the permit or approval has not been achieved;
- B.** The property or portion thereof subject to the permit or approval is used or maintained in violation of any statute, ordinance, law, or regulation;
- C.** The use for which the permit or approval was granted has been determined to be detrimental to the public health, safety or welfare and is a nuisance; or
- D.** Changes in technology or in the type or amount of development in the vicinity of the use, or other good cause, warrants modification of the conditions of operation or imposition of additional conditions of operation to assure that the use remains compatible with existing and potential uses or other property within the general area in which the use is located.

# Division 17.6: Administration

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## 17.6.04: Zoning Code, Zoning Map, and General Plan Amendments

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### 17.6.04.010: Purpose

- A. This Chapter establishes procedures for the amendment of this Code, the Zoning Map, and the General Plan in compliance with Government Code § 65853 et seq.
- B. Land proposed for annexation shall be addressed in Chapter 18.04 (Annexations).

---

### 17.6.04.020: Initiation of an Amendment

- A. **Initiation.** An Amendment may be initiated as follows:
  1. **Council.** An Amendment may be initiated by the Council;
  2. **Commission.** An Amendment may be initiated by the Commission; or
  3. **Property owner.** An application from the property owner or authorized agent of the property for which the amendment is sought. If the property is under more than one ownership, all owners or the authorized agents shall join in filing the application.
- B. **Urgency Measure.** The Council may also adopt, as an urgency measure, an interim ordinance in compliance with Government Code § 65858, and the standards of this Chapter shall not apply in that case.

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### 17.6.04.030: Processing Procedure

- A. **Application Filing.** An Amendment request shall be filed in compliance with Chapter 17.5.04 (Application Processing Procedures).
- B. **Public Workshops.** The Director may require public workshops or other forms of public involvement to obtain community feedback prior to completing staff review and scheduling a public hearing on an Amendment request.

- C. Public Hearings Required.** The Commission and Council shall each hold one or more public hearings regarding the Amendment in compliance with Chapter 17.6.08 (Public Hearings and Noticing).
- D. Additional Procedures for Rezoning to Planned Development Overlay Zone.** A Preliminary Development Plan shall be filed with an Amendment application for rezoning to the Planned Development Overlay Zone. The Preliminary Development Plan shall be filed and processed currently with the Amendment in compliance with Chapter 17.5.32 (Planned Development, Preliminary Development Plan).

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**17.6.04.040: Hearing and Recommendation – Planning Commission**

**A. Commission Resolution.**

1. Following the closing of the hearing held in compliance with Chapter 17.6.08 (Public Hearings and Noticing), the Commission shall adopt a resolution, carried by a majority of the Commission’s total membership, setting forth its findings and recommendations on the proposed Amendment based on the findings contained in Section 17.6.04.060 (Required Findings).
2. The resolution shall be transmitted to the Council consistent with Subsection 17.6.08.020.E, unless otherwise provided by law.

- B. Modifications.** In making the recommendation to the Council, the Commission may recommend modifications which are consistent with the notice of public hearing. Recommendations for other modifications, such as rezoning a greater area or to apply a different zone must be based upon new hearings in compliance with Chapter 17.6.08 (Public Hearings and Noticing).

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**17.6.04.050: Hearing and Decision – City Council**

**A. Council Hearing.**

1. Upon receipt of the recommendation of the Commission, the Council shall conduct a public hearing regarding the Amendment in compliance with Chapter 17.6.08 (Public Hearings and Noticing). The date set for hearing shall be as early as possible after receipt of the Commission resolution described in Section 17.6.04.040 and shall be not more than 60 days after the filing of the Commission’s resolution with the City Clerk.
2. The Council is not required to take further action regarding Zoning Map Amendment if the Commission recommends against rezoning, unless an appeal in compliance with Chapter 17.6.12 (Appeals).

**B. Council Decision and Reference Back to Commission for Report.**

1. The Council may approve, modify, or deny the Amendment based on the findings contained in Section 17.6.04.060 (Required Findings).
2. If Council proposed to adopt substantial modification to the Amendment not previously considered by the Commission during its hearing, the proposed modification shall first be referred back to the Commission for its report and recommendation in compliance with Government Code § 65356 and 65857.

---

**17.6.04.060: Required Findings**

An Amendment may be approved only after all of the following findings are made, as applicable to the type of Amendment.

**A. Mandatory Findings for All Amendments.**

1. The proposed amendment is internally consistent with all other provisions of the General Plan;
2. The proposed amendment is internally consistent with any applicable specific plan;
3. The proposed amendment serves the public necessity, convenience and general welfare; and
4. The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).

**B. Additional Finding for Zoning Code Amendments.** The proposed amendment is internally consistent with other applicable provisions of the Code.

**C. Additional Findings for Zoning Map Amendments.**

1. The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, etc.);
2. If located within or adjacent to residential areas, the requested zone change is compatible with the character of the residential neighborhood; and
3. If the proposed amendment is to apply the Planned Development (PD) Overlay Zone, a Preliminary Development Plan will be approved concurrently with the PD Overlay.

**17.6.04.070: Effective Dates**

- A.** A Zoning Code or Zoning Map Amendment (adopted by ordinance) shall become effective on the 30<sup>th</sup> day following the date the ordinance is actually adopted by the Council.
- B.** Council action to adopt or amend a General Plan (adopted by resolution) shall become effective on the actual date the decision is rendered by the Council.

## 17.6.08: Public Hearings and Noticing

17.6.08.010: Noticing

17.6.08.020: Public Hearings

17.6.08.030: Decision

### 17.6.08.010: Noticing

- A. Purpose.** This Section specifies permit noticing procedures not otherwise specified in this Code.
- B. Applicability.** These procedures apply to permits required by the Code, as identified in Table 17.6.08.010.A (Noticing). Additional noticing requirements may be specified in Division 5 (Land Use and Development Permit Procedures), and specific requirements for public hearing notices are identified in Subsection 17.6.08.020.C (Notice of Hearing).
- C. Relationship to Notices of Public Hearings.** A notice required by this Section may also serve as a notice of public hearing if the notice complies with the requirements of Subsection 17.6.08.020.C (Notice of Hearing).

Table 17.6.08.010.A: Noticing		
Permit/Type of Action	Code Chapter/ Section	Notice Required? <sup>1,2</sup>
<b>Amendments</b>		
Zoning Code Amendment	17.6.04	Yes
Zoning Map Amendment	17.6.04	Yes
General Plan Amendment	17.6.04	Yes
<b>Planning Permits and Approvals</b>		
Administrative Use Permit	17.5.08	No
Architectural Design and Site Development Review, Minor	17.5.12	No
Architectural Design and Site Development Review, Major	17.5.12	Yes
Certificate of Appropriateness	17.5.16	Yes <sup>3</sup>
Conditional Use Permit	17.5.20	Yes
Development Agreement	17.5.24	Yes
Minor Modification	17.5.28	No
Minor Use Permit	17.5.20	Yes <sup>4</sup>
Planned Development, Preliminary Development Plan	17.5.32	Yes
Reasonable Accommodation	17.5.36	No
Special Use Permit	17.5.52	No
Sign Permit	17.5.40	No
Sign Program	17.5.40	No
Temporary Use Permit	17.5.44	No
Variance	17.5.48	Yes

Table 17.6.08.010.A: Noticing		
Permit/Type of Action	Code Chapter/Section	Notice Required? <sup>1,2</sup>
<b>Other Actions</b>		
Appeal to Commission	See 17.6.12.030	
Appeal to Council	See 17.6.12.030	
Designation of Landmark	17.6.16.040	Yes

<sup>1</sup> Noticing may be required for a permit or action that does not otherwise require noticing if the Director finds that a decision is beyond his or her purview of authority and when unique or special circumstances exist, or when the required environmental review (Section 17.5.04.070) necessitates a higher Review Authority.

<sup>2</sup> Any application for a permit for the landfill shall require public notice be given to all property owners within 1,000 feet of the landfill boundary.

<sup>3</sup> See Subsection 17.5.16.040.B for additional noticing requirements.

<sup>4</sup> See Subsection 17.5.20.040.A for additional noticing requirements.

**D. Additional Notice.** In addition to the types of notice required by Government Code § 65090 et seq., the Director may provide any additional notice with content or using a distribution method (e.g., posting on the City’s website) as the Director determines is necessary or desirable.

**E. Failure to Receive Notice.** Failure of any party to receive a notice shall not invalidate the proceedings.

**17.6.08.020: Public Hearings**

**A. Public Hearing Required.** When a public hearing is required by this Code, public notice shall be given, and the hearing shall be conducted as provided by this Section.

**B. Scheduling of Hearing.** After an application is deemed complete, any environmental document required by CEQA is complete, and a Department staff report has been prepared, a matter requiring a public hearing shall be scheduled on an agenda (Commission or Council, as applicable) reserved for public hearings, but no sooner than any minimum time period established by State law.

**C. Notice of Hearing.**

1. A public hearing notice shall include, at minimum, the following information:
  - a. The date, time, and place of the hearing and the name of the Review Authority;
  - b. A general explanation of the matter to be considered, and a general description, in text or by diagram, of the location of the real property that is the subject of the hearing;

- c. If a proposed Negative Declaration or Environmental Impact Report (EIR) has been prepared for the project in compliance with CEQA, the hearing notice shall include a statement that the hearing body will also consider approval of the proposed Negative Declaration or certification of the EIR; and
  - d. The following statement: "If you challenge this proposed project/action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Lompoc at, or prior to, the public hearing."
2. In addition to the requirements of this Subsection, noticing for a public hearing shall also comply with Government Code § 65090 et seq. and § 66451.3. In the event of any conflict between the requirements of this Section and State law, the more extensive noticing requirements shall apply.
  3. Noticing shall comply with any additional requirements pursuant to CEQA.
  4. Failure of property owners to receive notice of a hearing shall in no way affect the validity of action taken, in compliance with Government Code § 65093.

**D. Hearing Procedure.**

1. **Time and place of hearing.** A hearing shall be held at the date, time, and place for which notice was given.
2. **Continued hearing.** Any hearing may be continued from time to time without further notice; provided, the chair of the hearing body announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.
3. **Deferral of final decision.** The Review Authority may announce a tentative decision and defer their action on a final decision until appropriate findings or conditions have been prepared.

- E. Recommendation by Commission.** At the conclusion of any public hearing on a project that requires Council approval, the Commission shall forward a recommendation, including all required findings, to the Council for final action, unless otherwise provided by law.

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**17.6.08.030: Decision**

- A.** The Review Authority may announce and record its decision on the matter being considered at the conclusion of a scheduled hearing or defer action and continue the matter to later meeting agenda in compliance with Subsection 17.6.08.020.D.



- B.** In the event that the Commission is unable to reach a majority decision, as evidenced by a tie vote, the applicant shall have the option of continuing the public hearing until such time as a majority vote can be obtained or consider the application denied.
- C.** For applications requiring Council approval, the Council shall announce and record its decision at the conclusion of the public hearing. The decision of the Council on any matter shall be final and conclusive.
- D.** The decision shall contain applicable findings of the Commission or Council, any conditions of approval, reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public health, safety, and welfare of the City, and the procedure for appeal. Within seven days after the date of the decision, a final resolution or ordinance and any conditions of approval, and an affidavit or certificate of mailing, shall be mailed to the applicant and any persons filing a written request for notice of the decision.
- E.** Decisions shall be effective as specified in Section 17.5.56.020 (Effective Dates of Permits).

## 17.6.12: Appeals

17.6.12.010: Purpose

17.6.12.020: Appeals Subjects and Jurisdiction

17.6.12.030: Appeal Procedures

17.6.12.040: Permit Issuance Restriction

17.6.12.050: Judicial Review

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### 17.6.12.010: Purpose

This Chapter establishes procedures for appeals of determinations and decisions rendered by the Department staff, the Director, and the Commission.

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### 17.6.12.020: Appeals Subjects and Jurisdiction

- A. Code Administration and Interpretation.** The following determinations and actions of the Department staff, Director, or the Commission may be appealed:
1. **Interpretations.** Any determination on the meaning or applicability of the regulations contained in this Code that are believed to be in error, and cannot be resolved with the Director;
  2. **Enforcement actions.** Any enforcement action filed in compliance with Chapter 17.6.24 (Enforcement).
- B. Appeals to Commission.** Any decision or determination of the Director or Department staff may be appealed to the Commission.
- C. Appeals to Council.** The decision of the Commission may be appealed to Council by the applicant or any interested person adversely affected by the decision. Recommendations of the Commission which are required to be forwarded to the Council for its consideration as part of the normal review process are not appealable.

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### 17.6.12.030: Appeal Procedures

**A. Filing of Appeal.**

1. The applicant or any other person aggrieved may appeal a decision by filing a written notice of appeal with the appropriate Department prior to the time the decision becomes final in compliance with Section 17.5.56.020 (Effective Dates of Permits), or if the decision is not addressed in Section 17.5.56.020 then within 10 days after the decision.

2. The appellant shall state specifically in the appeal how the decision is inconsistent with the requirements or purposed of this Code or is otherwise in error.
  3. An appeal shall be filed in compliance with Chapter 17.5.04 (Application Processing and Procedures), including payment of the applicable fee.
- B. Scheduling Review of Appeal.** Following receipt of the filed appeal, the matter shall be placed on the next available Review Authority agenda. The Planning Division shall prepare a staff report transmitting the appeal.
- C. Notice of Appeal.** If the matter originally required a noticing, the City shall give notice in the same manner followed for the original decision in compliance with Chapter 17.6.08 (Public Hearings and Noticing), provided that notice shall also be provided to the appellant. The notice shall state a brief summary of the decision appealed and a brief summary of the nature of the appeal.
- D. Action on Appeal.** In reviewing an appeal, the Review Authority may consider any issue under this Code related to the decision which is the subject of the appeal, in addition to the specific issues raised in the appeal. The Review Authority considering an appeal may reverse, affirm wholly or partly, modify, or attach other or additional conditions to the decision appealed from.
- E. Council Action is Final.** A decision of the Council on any appeal shall be final on adoption of an order or resolution containing its determination.

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#### 17.6.12.040: Permit Issuance Restriction

Once an appeal is filed, the associated permits and project are not effective, and any action on the associated project is suspended until the appeal is processed and a final decision is rendered by the applicable Review Authority.

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#### 17.6.12.050: Judicial Review

No person shall seek judicial review of a City decision on a planning permit or other matter in compliance with this Code until all appeals to the Commission and Council have first been exhausted in compliance with this Chapter.

## 17.6.16: Designation of Landmarks

- 17.6.16.010: Purpose and Intent
- 17.6.16.020: Landmark Designation Criteria
- 17.6.16.030: Landmark Modification
- 17.6.16.040: Process for Landmark Designation
- 17.6.16.050: Findings
- 17.6.16.060: Post-Approval Procedures
- 17.6.16.070: Resubmission - Reconsideration
- 17.6.16.080: Effect of Designation

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### 17.6.16.010: Purpose and Intent

The intent of this Chapter is to provide for the preservation of the City's unique character, history, and identity as reflected in its historic and iconic resources. A resource includes, but is not limited to, structures, sites, portions of structures, groups of structures, landscape elements, objects, works of art, signs, or integrated combinations thereof.

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### 17.6.16.020: Landmark Designation Criteria

Resources which may be unusual, significant, or meaningful to the City's history or streetscape may be worthy of special recognition and may be designated as a Landmark in compliance with the provisions of this Chapter if they meet all of the following criteria:

- A.** The resource has been in continuous existence at its present location for at least 50 years; or
- B.** The resource is associated with historic figures, events, or locations within the City;
- C.** The resource is of exemplary technology, craftsmanship, or design for the period in which it was constructed; uses historic materials or means of construction; or is unique in that it demonstrates extraordinary aesthetic quality, creativity, or innovation;
- D.** The resource is structurally safe or is capable of being made so without substantially altering its historic character or significance; and
- E.** If the resource has been altered, it shall be restorable to its historic function and appearance.

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**17.6.16.030: Landmark Modification**

Any modifications to a Landmark shall comply with the maintenance program approved by the Commission. Modifications should not result in changes to character defining elements and shall match or be compatible with existing material(s), size, and color.

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**17.6.16.040: Process for Landmark Designation**

- A. Initiation of Designation.** The Council, Commission, or an owner of affected real property may initiate designation. If the property is under more than one ownership, all owners or their authorized agents shall consent to filling the application. Property owner consent is required for designation of a Landmark.
- B. Filing of Designation Request.** An application for designation of a Landmark shall be filed with the Planning Division on the form(s) provided by the Planning Division, together with all required fees or deposits and all information and materials specified by the application submittal list, including but not limited to the following:
1. A description of the characteristics of the resource which justifies its designation;
  2. A description of the particular features of the resource that are proposed to be preserved;
  3. The location of the resource;
  4. The condition of the resource; including current photographs; and
  5. A proposed maintenance program that addresses general maintenance, repair, restoration, and other potential future modifications.
- C. Director's Review.** Upon receipt of a complete application, the Director's recommendation shall be transmitted to the Commission in the form of a staff report. A copy of the staff report shall be made available to the public and any applicant prior to the Commission's public hearing. The staff report shall include a recommendation on whether the proposed Landmark designation should be granted, granted with conditions, or denied based on conformance with the required findings.
- D. Notice and Hearings.** The Commission shall conduct one or more noticed public hearings regarding a requested Landmark designation consistent with Chapter 17.6.08 (Public Hearings and Noticing).

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**17.6.16.050: Findings**

The Commission shall approve, with or without conditions, a Landmark designation only after the following findings are made:

- A.** The proposed Landmark designation is consistent with the General Plan;
- B.** The proposed Landmark designation is consistent with any applicable specific plan; and
- C.** The proposed Landmark designation is consistent with the criteria established in this Chapter.

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**17.6.16.060: Post-Approval Procedures**

- A.** When a resource has been designated a Landmark, the City shall have a notice thereof recorded in the office of the County recorder.
- B.** All resources designated as Landmark shall be listed in the City's Landmark Registry.
- C.** Chapter 17.6.12 (Appeals) shall apply to actions on Landmark designation requests.

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**17.6.16.070: Resubmission - Reconsideration**

If a request for Landmark designation has been denied by the Commission, a subsequent application that is the same or substantially the same may not be submitted or reconsidered for at least one year from the effective date of final action on the original request unless substantial additional data becomes available, in which case the Director may accept a resubmitted application after six months.

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**17.6.16.080: Effect of Designation**

When a resource is designated as a Landmark and all conditions of approvals have been deemed completed or satisfied by the Director, the resource shall not be subject to the provisions of the Lompoc Municipal Code where the Code is in conflict with the preservation of the resource and the approved maintenance program. All permits issued for a Landmark shall be consistent with the maintenance program approved by Commission and any conditions of approval.

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## 17.6.20: Nonconforming Uses, Structures, and Parcels

17.6.20.010: Purpose

17.6.20.020: Proof of Legal Nonconformity

17.6.20.030: Continuation and Maintenance

17.6.20.040: Nonconforming Uses

17.6.20.050: Nonconforming Structures

17.6.20.060: Nonconforming Parcels

17.6.20.070: Nonconforming Landscaping

17.6.20.080: Nonconforming Parking

17.6.20.090: Exemptions

17.6.20.100: Loss of Nonconforming Status

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### 17.6.20.010: Purpose

- A.** This Chapter provides regulations for nonconforming uses, structures, and parcels, as well as landscaping, parking, and public utilities, that were lawful at the time of their construction or establishment, but which would be prohibited, regulated, or restricted differently under the terms of the current Code.
- B.** This Chapter does not regulate nonconforming signs, which are subject to the requirements in Section 17.3.16.100 (Nonconforming Signs).
- C.** It is the intent of this Chapter to encourage reasonable improvements for appearance, maintenance, and safety while limiting the extent to which nonconforming uses and structures may continue to be used, altered, expanded, moved, or replaced. Generally, this Chapter is intended to be administered in a manner that encourages the eventual elimination of nonconformities.
- D.** This Chapter is also intended to ensure that nonconformities shall not be reestablished after abandonment or discontinuance or restored after involuntary destruction, except in compliance with this Chapter.
- E.** Any use or structure established or constructed in violation of the applicable zoning regulations in effect at the time of establishment or construction and which does not conform to the Code, is not a nonconforming use or structure, and is in violation of this Code.



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**17.6.20.020: Proof of Legal Nonconformity**

- A. Property Owner's Responsibility.** A property owner shall provide sufficient evidence to the satisfaction of the Director that the subject property is a legal nonconformity as specified in the Chapter. If the City has no building permit on file for a structure or addition, and if the property owner can provide evidence that the structure or addition was built prior to 1945 or the Director determines the structure was built prior to 1945, then the Director will determine, to the best of his or her ability and based on all available evidence, whether the structure was legal at the time of its construction and is therefore a legal nonconforming structure. In making that determination, the Director shall review the Zoning Code in effect at the time of construction, if any, and shall consider input from the Building Official's review of the Building Code in effect at the time of construction, if any.
- B. Appeal of Determination.** Any person, firm, or corporation aggrieved by a decision of the Director's determination of nonconformity in interpreting, applying, or enforcing this Chapter, may file an appeal in compliance with Chapter 17.6.12 (Appeals).

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**17.6.20.030: Continuation and Maintenance**

- A.** Any nonconforming use or structure may be continued, used, and maintained in compliance with this Chapter.
- B.** Any nonconforming parcel may be used, developed, and maintained in compliance with this Chapter.
- C.** A nonconforming use, structure, and/or parcel may be transferred or sold, provided that no such use or structure shall be enlarged or altered except as otherwise provided in this Chapter.

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**17.6.20.040: Nonconforming Uses**

A nonconforming use may be continued, expanded, or replaced subject to the following standards.

- A.** The use shall not be enlarged or expanded in size or capacity, or extended to occupy a greater area of land or building floor area than it legally occupied before it became nonconforming; however, the Director may approve an expansion of up to 25% of the gross floor area if the expansion brings the nonconforming use into more conformity with this Code.
- B.** The use shall not be intensified so that the hours of operation are extended, the occupancy capacity is increased, the volume of traffic or noise generated by the use is increased, or a greater amount of parking is required.

- C. The use may be replaced with a conforming use, another similar nonconforming use, or a less intensive use in compliance with this Section; however, the use may not be replaced with a nonconforming residential use.
- D. Nonconforming uses within a multi-tenant commercial or industrial center or complex may be established or replaced by another similar nonconforming use when the Director finds:
  - 1. That the new nonconforming use is a similar classification to or less intensive than the use previously allowed in the center or complex;
  - 2. That the nonconforming use will not adversely affect or be materially detrimental to adjoining properties; and
  - 3. That the use of the entire center or complex has not been vacant or discontinued for a period of one year or more.
- E. If a nonconforming use is converted to a conforming use, no nonconforming use may be resumed.
- F. An existing use that is authorized by a previously approved permit or approval (e.g., Conditional or Minor Use Permit, Administrative Use Permit, etc.), but is not allowed by this Code in its current location, may continue to exist in compliance with the original permit approval and shall be deemed nonconforming.
- G. A use lawfully existing without a permit that would require a permit under the current Code (e.g., a Conditional Use Permit was not required when the use was established, and the current Code now requires a Conditional Use Permit for that use), shall be allowed to operate to the extent that it previously operated (e.g., maintains the same site area boundaries, hours of operation, etc.) and shall be deemed nonconforming.

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#### 17.6.20.050: Nonconforming Structures

A nonconforming structure may be expanded, enlarged, repaired, and maintained subject to the following standards.

- A. Expansion and Enlargement.** Nonconforming structures may be enlarged or extended to occupy a greater area of land or building floor area provided that any expansion or enlargement complies with all applicable requirements of this Code, and does not increase the degree of nonconformity.
- B. Repair, Maintenance, and Additional Improvements.**
  - 1. A nonconforming single-family dwelling or duplex may be maintained, repaired, and improved provided that any work complies with all applicable requirements of this Code and does not increase the degree of nonconformity.

2. Nonconforming multi-family structures of triplexes or larger and non-residential structures may be maintained, repaired, and improved as follows:
  - a. Repairs, maintenance, and additional improvements are allowed up to 50% of the current market value of the structure provided that any work complies with all applicable requirements of this Code and does not increase the degree of nonconformity;
  - b. The cost of the work done during any one year shall not exceed 50% of the current market value of the structure unless authorized through an Architectural Design and Site Development Review. In any such authorization, the Review Authority must find, in addition to otherwise required findings, that the work will be a benefit to the City and the surrounding area (e.g., public health, safety, or environmental benefits); and
  - c. No structural alterations are allowed, except as described in Section 17.6.20.050.C (Seismic Retrofitting, Building and Fire Code Compliance).

**C. Seismic Retrofitting, Building and Fire Code Compliance.** Repairs, alterations, or reconstruction to improve seismic safety or necessary to comply with Building Code and Fire Code requirements shall be allowed, provided that the work is exclusively to comply with applicable earthquake safety standards, and the Building Code and Fire Code as determined by the Building Official.

**D. Exceptions for the OTC Zone and H Street Overlay Zone.** This Subsection establishes provisions to allow for reinvestment in legal nonconforming structures and associated uses in certain zones to achieve public safety, environmental, economic, or fiscal benefits notwithstanding the longer term goals of the City. Legal nonconforming structures in the OTC Zone or the H Street Overlay Zone may be expanded, enlarged, and improved in a manner that is not entirely consistent with this Chapter if a Conditional Use Permit is approved and the following findings are made by the Review Authority, the alteration:

1. Generates at least one of the following benefits to the community: demonstrable economic, fiscal, public health, safety, or environmental benefit;
2. Does not result in any new unmitigated significant environmental impact, unless a statement of overriding considerations has been adopted;
3. Does not result in a significant increase in the overall intensity of use beyond the existing use(s);
4. Does not significantly extend or expand the existing developed square footage (i.e., result in an addition of more than 10% of the gross floor area of a structure);

5. Any expansion or extension of life of any nonconforming use results solely from the improved operational efficiency and is incidental to the primary purpose of improving public health and safety or providing an economic, fiscal, or environmental benefit; and
6. Will not unreasonably impede implementation of the General Plan over the longer term because one or more of the following apply:
  - a. There are significant vacant or underutilized properties in the area available or likely to become available in the near term for development consistent with the General Plan;
  - b. The infrastructure necessary to support the long-term development of the area is incomplete; or
  - c. The improvements will not significantly impair the ability of market forces to drive the transition to new uses and development opportunities consistent with the General Plan's long-term vision for the area.

**E. Restoration of a Damaged Nonconforming Structure.** Damaged nonconforming structures may be restored in compliance with Subsection 17.6.20.100.B (Termination by Destruction).

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#### 17.6.20.060: Nonconforming Parcels

**A. Existing Substandard Parcels.**

1. No structure shall be erected or enlarged on any substandard parcel if the parcel was acquired from the owner(s) of record of contiguous property or the contiguous owner's transferee.
2. No structure shall be erected or enlarged on the owner's parcel if the parcel is left substandard due to transfer of a portion of the parcel by the current owner.

**B. Legal Building Site.** A nonconforming parcel that does not comply with the applicable area, width, or depth requirements of this Code may be developed if at least one of the following criteria are met, as documented to the satisfaction of the Director with evidence furnished by the applicant:

1. The parcel was created by a recorded subdivision;
2. The parcel is under one ownership and of record, and was legally created by a recorded deed before the effective date of the zoning amendment that made the parcel nonconforming;
3. The parcel was approved through a Variance;

4. The parcel resulted from a lot line adjustment recorded before the effective date of the zoning amendment that made the parcel nonconforming; or
5. The parcel was created in compliance with the provisions of the Code at the time of the parcel's creation but was made nonconforming when a portion was acquired by a governmental entity so that the parcel size was decreased not more than 20% and the setback facing a public right-of-way was decreased not more than 50%.

**C. Subdivision or Lot Line Adjustment.** No subdivision or lot line adjustment shall be approved that would increase the nonconformity of an existing parcel.

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#### 17.6.20.070: Nonconforming Landscaping

No existing use of land or existing structure, where landscaping or screening for said use or structure was conforming at the time of establishment or modification, shall be deemed to be nonconforming solely because of the lack of landscaping and screening prescribed in Chapter 17.3.12 (Landscaping and Screening Standards), but rather shall retain conforming status for as long as the use or structure remains unmodified. Implications for modifications are addressed through Subsections A and B, below.

- A. Expansion of Structure.** For additions or enlargements of existing structures or buildings that would increase the amount or type of landscaping or screening required, the additional landscaping or screening shall be required only for such addition or enlargement, and not for the preexisting structure or building.
- B. Change in Use.** For any change of use or manner of operation that would increase the amount or type of landscaping or screening required, such additional landscaping and/or screening shall be provided.

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#### 17.6.20.080: Nonconforming Parking

**A. Parking.** No existing use of land or existing structure, where parking for said use or structure was conforming at the time of establishment or modification, shall be deemed to be nonconforming solely because of the lack of parking facilities prescribed in Chapter 17.3.08 (Parking Standards), but rather shall retain conforming status for as long as the use or structure remains unmodified. Implications for modifications are addressed through 1 and 2, below.

1. **Expansion of structure.** For additions or enlargements of existing structures or buildings that would increase the number of parking spaces required, the additional parking shall be required only for the addition or enlargement or new dwelling units, and not for the preexisting structure or building or preexisting dwelling units. However, the Review Authority may grant a waiver of the parking requirement for the addition, enlargement, or new dwelling units if it is determined that sufficient parking is not available on or near the

site, and the project is consistent with the General Plan, otherwise consistent with the Code, and the waiver would not create a negative impact for neighboring properties.

2. **Change in use.** For any change of use or manner of operation that would increase the number of parking spaces required, no additional parking shall be required unless the Review Authority determines that the change in use would require 15% or more parking spaces than currently exist. The number of parking spaces required for the change of use shall be the difference between the number required by Chapter 17.3.08 (Parking Standards) and 115% of the number of spaces that currently exist.

- B. Driveways.** Nonconforming residential and commercial driveways may continue to be maintained and repaired until such a time that the driveway is reconstructed, fully or partially realigned, modified dimensionally, connected to a new structure, or a change is made to any structure on the parcel that would require that the structure be brought into compliance with current Code standards.

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#### 17.6.20.090: Exemptions

- A. Historic Structures and Landmarks.** A nonconforming historic structure or designated Landmark may be restored to its original condition or to a more conforming condition with the approval of a Certificate of Appropriateness in compliance with Chapter 17.5.16 (Certificate of Appropriateness). A nonconforming historic structure or Landmark may be altered or enlarged, without conforming to the applicable development standards, provided:

1. The historic structure or Landmark is designated by the City as a historic site or structure as listed in the General Plan;
2. The historic structure or Landmark is designated as a California State Historic Landmark or National Register Site; or
3. The historic structure or Landmark is designated as a Landmark consistent with Chapter 17.6.16 (Designation of Landmarks); and
4. The alteration and/or expansion of the nonconformity:
  - a. Is a continuation of the existing historic structure's nonconforming encroachment(s), and does not increase the amount of the structure that encroaches into any setback;
  - b. Is limited to the existing height allowed in the zone;
  - c. Is desirable in order to provide architectural consistency with the remainder of the structure;

- d. Has no adverse visual or privacy impacts on neighbors or the general public; and
- 5. A Certificate of Appropriateness is issued for the work, in compliance with Chapter 17.5.16 (Certificate of Appropriateness).

**B. Nonconforming Residential Structures.**

- 1. Nonconforming residential structures that have been involuntarily damaged or destroyed by earthquake, explosion, fire, or other calamity, may be reconstructed or replaced with a new structure(s) using the same development standards applied to the damaged or destroyed structure(s) (e.g., building footprint, building height, density standards, number of dwelling units, setbacks, and square footage) provided:
  - a. The applicant provides sufficient documentation supporting the claim that the damage or destruction occurred involuntarily;
  - b. There is no expansion of the gross floor area or number of dwelling units;
  - c. The replacement structure complies with the Building Code, and will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the immediate vicinity of the replacement structure(s); and
  - d. A Building Permit is issued no later than one year after the date of destruction, and construction is diligently pursued to completion.
- 2. If the preceding requirements are not met, the replacement structure(s) shall comply with all of the regulations of the applicable zone in effect on the date of application for a Building Permit as described in Subsection 17.6.20.100.B.1.c (Residential uses).

**C. Nonconforming Upon Annexation.** Nonconforming uses, structures, and/or physical improvements which lawfully exist on the date the property is annexed to the City, and which do not conform to this Code and any other relevant City document, may continue to exist and, upon annexation, shall be deemed nonconforming and subject to the provisions of this Chapter.

**D. Old Town Commercial Registries.** Lots listed in the City's registries for previously existing drive-throughs or automobile sales, rental, or repair uses are not subject to Section 17.6.20.040 (Nonconforming Uses).

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**17.6.20.100: Loss of Nonconforming Status****A. Termination by Discontinuance.**

1. If a nonconforming use of land, a nonconforming use of a conforming structure, a conforming use of a nonconforming structure, or use of nonconforming physical improvements is discontinued for a continuous period of one year or more, all rights to legal nonconforming status shall be terminated.
2. The Director shall base a determination of discontinuance on evidence including the removal of equipment, furniture, machinery, structure, or other components of the nonconformity, disconnected or discontinued utilities, or no business receipts or records to document continued operation. The one year period shall not apply if:
  - a. The Director determines that legitimate and continual efforts to reuse the subject site have been made during the one year period; or
  - b. The Director grants an Administrative Use Permit to allow an extension of the one year period if the Director finds that circumstances of a significant or unusual nature prevent or have prevented the timely reestablishment of the use or structure. The applicant shall file an application for the Administrative Use Permit for the extension request in compliance with Chapter 17.5.04 (Application Processing Procedures) and Chapter 17.5.08 (Administrative Use Permit) and prior to the expiration of the one year period.
3. Without further action by the City, any further use of the land, structure, or physical improvements shall comply with all the standards of the applicable zone, all other applicable provisions of this Code, and any other applicable adopted City document, permit, or approval.

**B. Termination by Destruction.**

1. Nonconforming status will terminate if a nonconforming structure, conforming structure occupied by a nonconforming use, or nonconforming physical improvements are involuntarily damaged or destroyed by earthquake, explosion, fire, or other calamity, except as follows:
  - a. **Less than 50%.** If the cost of repairing or replacing the damaged portion of the nonconforming structure or physical improvements is 50% of the replacement value or less, the structure or physical improvements may be restored to the same size, and the use continued as before, provided that permits have been obtained and the restoration work is started within 180 days of the date of the damage.



- b. **Greater than 50%.** If the cost of repairing or replacing the damaged portion of the nonconforming structure or physical improvements is greater than 50% of the replacement value immediately prior to the involuntary damage, neither the structure nor the physical improvement shall be reconstructed, repaired, or restored, except in conformity with the requirements of this Code.
  - c. **Residential uses.** Nonconforming residential uses in any zone may be reinstated when the structure in which they were located has been destroyed, provided that a Building Permit is issued no later than two years after the date of destruction, construction is diligently pursued to completion, and the new structure meets the development standards for the zone in which it is located, unless exempt from current Code standards consistent with this Subsection. The City may only prohibit the reconstruction of a multi-family structure if the findings required by Government Code § 65852.25 are made.
2. Nonconforming status will terminate if a nonconforming structure, conforming structure occupied by a nonconforming use, or nonconforming physical improvements are voluntarily damaged or destroyed or required by law to be razed.

## 17.6.24: Enforcement

17.6.24.010: Purpose

17.6.24.020: Permits and Approvals

17.6.24.030: Responsibility

17.6.24.040: Inspection

17.6.24.050: Remedies

17.6.24.060: Recovery of Costs

17.6.24.070: Reinspection Fees

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### 17.6.24.010: Purpose

This Chapter establishes provisions for enforcement of this Code and any conditions of a permit or approval, to promote the City's planning efforts, and for the protection of the public health, safety, and welfare of the City. This Chapter puts all persons on notice of the proceedings and penalties involved if any provision of this Code is violated. Penalties are established in LMC 1.24.010 (General Penalty – Continuing Violation).

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### 17.6.24.020: Permits and Approvals

All City departments, officials, and public employees of the City who are assigned the authority or duty to issue certificates, permits, or licenses shall comply with the provisions of this Code and shall not issue a license or permit for purposes, structures, or uses which would conflict with the provisions of this Code.

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### 17.6.24.030: Responsibility

- A. Responsibility of Director.** The Director shall exercise the authority provided in the California Penal Code, and issue Notices of Violation, Stop Work Orders, and citations for any violations of this Title pertaining to the use of any land, and the addition, alteration, construction, conversion, erection, installation, moving, reconstruction, or use of any structure. Any designee of the Director shall have the same authority as the Director.
- B. Police Chief and City Attorney Responsibility.** The Police Chief and City Attorney shall render any and all necessary assistance to the Director for the enforcement of this Code.

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**17.6.24.040: Inspection**

- A. Access.** City officials responsible for enforcement or administration of this Code or their duly authorized representatives may, upon the presentation of proper credentials to the occupant or owner, and with the occupant's or owner's consent or an inspection warrant, enter any premises or property at any reasonable time for the purpose of investigating and inspecting the premises or property in order to determine compliance with this Code.
- B. Failure to Allow Inspection.** If admission or entry is refused, the City employee or official may apply to the District Attorney or City Attorney to obtain an inspection warrant.

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**17.6.24.050: Remedies**

- A.** The City may choose to undertake any one or all of the following legal actions to correct and/or abate any nuisance(s) or violation(s) of this Code.
  - 1. **Injunction.** The City Attorney may seek injunctive relief in Superior Court to abate any violation of this Code. Injunctive relief may be sought at any time, including prior to the issuance or compliance with the Notice to Comply if, in the opinion of the Director, an alleged violation of this Code may be injurious to the public health or safety.
  - 2. **Abatement.** The District Attorney or City Attorney shall commence action or proceedings for the abatement and removal of a public nuisance in the manner provided by law and in compliance with Chapter 17.6.28 (Property Nuisances). The District Attorney or City Attorney shall take such other steps necessary and apply to the court(s) with jurisdiction to grant relief to abate and remove any public nuisance arising under this Code or any other applicable State law or regulation.
- B.** All remedies contained in this Code for the handling of violations or enforcement of the provisions of this Code shall be cumulative and not exclusive of any other applicable provisions of City, County, or State law.
- C.** Should a person be convicted for the violation of the provision(s) of this Code or any permit or approval issued in compliance with this Code, the conviction shall not prevent the City from pursuing any other available remedy to correct the violation(s).

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**17.6.24.060: Recovery of Costs**

- A.** This Section establishes procedures for the recovery of administrative costs, including City staff and City Attorney time expended on the enforcement of the provisions of this Code in cases where no permit is required in order to correct a

violation. The intent of this Section is to recover City administrative costs reasonably related to enforcement in compliance with Code of Civil Procedure § 1033.5 and this Section. Procedures for the recovery of costs to abate a nuisance are described in Chapter 17.6.28 (Property Nuisances).

**B. Record of Costs.**

1. The Department shall maintain records of all administrative costs incurred by responsible City departments associated with the processing of violations and enforcement of this Code, and shall recover the costs from the property owner, tenant, and/or occupant, as appropriate, in compliance with this Section.
2. Staff and City Attorney time shall be calculated at an hourly rate as established and revised from time to time by the Council.

**C. Notice.**

1. Upon investigation and a determination that a violation(s) of any of the provisions of this Code, or any condition(s) imposed on a permit or approval is found to exist, the Director shall notify the owner of record and person having possession, occupancy, or control of the property by certified mail, of the existence of the violation(s), the Department's intent to seek full reimbursement from all responsible parties for all administrative costs, including attorney's fees, associated with enforcement, and that the owner or person will have a right to request a hearing on any objections to such costs after they are incurred.
2. The notice shall be in a form approved by the City Attorney and the notice shall be posted on the parcel or lot where the violation is located, in addition to any other notice requirements provided in this Code.

**D. Summary of Costs and Notice.**

1. At the conclusion of the case, the Director shall send a summary of costs associated with enforcement action (including any delinquent citation fees) to the owner and/or person having possession or control of the parcel or lot by certified mail.
2. The summary shall include a notice in a form approved by the City Attorney, advising the responsible party of their right to request a hearing on the charges for City cost recovery within 10 days of the date of the notice, and that if no request for hearing is filed, the hearing will be deemed to have been waived, and the responsible party will be liable for the charges.

3. In the event that no request for hearing is timely filed or, after a hearing the Director affirms the validity of the costs, the responsible party shall be liable to the City in the amount stated in the summary or any lesser amount as determined by the Director.
4. The costs shall be recoverable in a civil action in the name of the City, in any court of competent jurisdiction, or by tax assessment or a lien on the property in compliance with any applicable law including Government Code § 54988, at the City's election.
5. The obligation to pay any unpaid costs shall be made a personal obligation of the responsible party.
6. The obligation may be recovered against the responsible party through a civil action initiated by the City or its authorized collection agent, or in any other manner provided for by law.
7. The City shall be entitled to recover all costs related to the civil action, including the City Attorney's fees.

**E. Attorney's Fees.**

1. In any action or administrative proceeding to abate a nuisance, or to enjoin any nuisance or enjoin any violation of this Code, the prevailing party in the action or proceeding shall be entitled to recover reasonable attorney's fees; however, the amount of attorney's fees awarded to a prevailing party shall not exceed the amount of attorney's fees incurred by the City in the action or proceeding.
2. Pursuant to Government Code § 38773.5, an award of attorney's fees in compliance with this Section shall only be allowed where the City elects, at the initiation of the action or proceeding, to seek recovery of its own attorney's fees.

**F. Request for Hearing on Costs.** Any property owner, or other person having possession or control of the subject parcel or lot, who receives a summary of costs shall have the right to a hearing before the Director on his or her objections to the proposed costs.

1. A request for hearing shall be filed on a form provided by the Department with the Director within 10 days of the service by mail of the Director's summary of costs.
2. Within 30 days of the filing of the request, and on 10 days written notice to the owner, the Director shall hold a hearing on the owner's objections, and determine their validity.

3. In determining the validity of costs, the Director shall consider whether the total costs are reasonable in the circumstances of the case. Factors to be considered include:
  - a. Whether the present owner created the violation(s);
  - b. Whether there is a present ability to correct the violation(s);
  - c. Whether the owner moved promptly to correct the violation(s); and
  - d. The degree of cooperation by the owner.
4. The Director's decision shall be appealable directly to the Council as provided by Chapter 17.6.12 (Appeals).

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#### 17.6.24.070: Reinspection Fees

##### **A. Amount and Applicability of Reinspection Fees.**

1. A reinspection fee shall be imposed on each person who receives a Notice to Comply, notice and order, or letter of correction of any provision of this Code, any permit or approval issued in compliance with this Code, the Municipal Code, adopted Building Code, or State law.
  - a. The fee amount shall be established by the Council.
  - b. The fee may be assessed for each inspection or reinspection conducted when the particular violation for which an inspection or reinspection is scheduled is not fully abated or corrected as directed by, and within the time and manner specified in, the notice or letter.
2. The fee shall not apply to the original inspection to document the violation(s) and shall not apply to the first scheduled compliance inspection made after the issuance of a notice or letter, if the correction(s) has been made.

##### **B. Continuation of the Original Case.**

1. If a notice or letter has been previously issued for the same violation and the property has been in compliance with the provisions of this Code or the Municipal Code for less than 180 days, the violation shall be deemed a continuation of the original case, and all inspections or reinspections, including the first inspection for the repeated offense, shall be charged a reinspection fee.
2. This fee is intended to compensate for administrative costs for unnecessary City inspections, and is not a penalty for violating this Code or the Municipal Code.

3. Any reinspection fees imposed shall be separate and apart from any fines or penalties imposed for violation of this Code in compliance with Municipal Code Chapters 1.24 (General Penalty and Enforcement) and 1.36 (Administrative Penalties and Citations) or costs incurred by the City for the abatement of a public nuisance, in compliance with Chapter 17.6.28 (Property Nuisances).

## 17.6.28: Property Nuisances

17.6.28.010: Maintenance of Property

17.6.28.020: Summary Abatement

17.6.28.030: Abatement by Repair, Rehabilitation, Demolition, or Removal

17.6.28.040: Initial Procedures – Notice and Order

17.6.28.050: Appeal of Notice and Order; Notice of Hearing to Determine Nuisance

17.6.28.060: Hearing and Decision by Council

17.6.28.070: Voluntary Abatement

17.6.28.080: Abatement by City

17.6.28.090: Recovery of Cost for Abatement

17.6.28.100: Alternative Remedies

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### 17.6.28.010: Maintenance of Property

- A.** It is a public nuisance for a person owning, leasing, occupying, managing, or having the charge of any premises to maintain such premises in a manner resulting in the following conditions:
1. Buildings which are abandoned, boarded up, partially destroyed, or remain in a state of partial construction.
  2. A building or structure containing dry rot infested with termites or other similar insects, or is in a dilapidated condition.
  3. Broken windows, doors, or other openings, hazardous structural conditions or conditions inviting trespassers and malicious mischief.
  4. Vegetation, including dry grass, dead shrubs, dead trees, and overgrown grass or weeds (e.g., average height greater than one foot above the ground), which by reason of size, manner of growth, and location would create any one or more of the following:
    - a. A condition likely to constitute a fire hazard to any building, improvement, or other property, or when dry will in reasonable probability constitute a fire hazard;
    - b. A condition likely in the opinion of the City Manager, to likely to harbor rats, vermin, or other similar creatures constituting a health hazard;
    - c. A condition which causes appreciable harm or material detriment to the aesthetic and/or property value of surrounding property; or
    - d. A danger to public safety and welfare.



5. Attractive nuisances dangerous to children, including abandoned or broken equipment, unprotected and/or hazardous pools, ponds and excavations, and neglected machinery.
6. Banners which are torn, tattered, faded, and/or dirty.
7. Abandoned signs.
8. Trash receptacles stored in front or side setbacks that are visible from a public street, except when placed for the purposes of collection in compliance with LMC Title 8, Section 8.04.170 (Containers – Requirements).
9. Waste on the premises which, by reason of its location, is unsightly and interferes with the reasonable enjoyment of property by neighbors, detrimentally affects property values in the surrounding neighborhood or community or which would materially hamper or interfere with the suppression of fire upon the premises or adjacent premises and which is visible from a public property or from neighboring property for a period of time in excess of 10 days.
10. Abandoned, wrecked, dismantled, or inoperative trailers, campers, boats, and other motor vehicles or parts, which are accumulated or stored as follows:
  - a. Trailers, campers, boats, or other motor vehicles, (other than automobiles and motorcycles), or parts, which are accumulated or stored on a surface that is not entirely paved, unless screened in compliance with Section 17.3.12.040 (Screening).
  - b. Abandoned, wrecked, dismantled, or inoperative automobiles, trailers, campers, camper shells, boats, and other motor vehicles, or parts, which are accumulated or stored unless screened in compliance with Section 17.3.12.040 (Screening) and 17.3.08.030.G.
  - c. An automobile, trailer, camper, or other motor vehicle is determined to be inoperative if:
    - (i) The vehicle is elevated on blocks, jacks, or other means;
    - (ii) There is an accumulation of weed growth under the vehicle; or
    - (iii) There is an accumulation of trash or debris under the vehicle.
  - d. The licensing status of a motor vehicle, trailer, boat, or camper does not determine whether it is abandoned, wrecked, dismantled, or inoperative but the absence of a license is evidence that it is abandoned, wrecked, dismantled or inoperative.
11. The accumulation of dirt, waste, or debris, in vestibules, doorways, or adjoining sidewalks or walkways.

12. Land, the topography, geology, or configuration of which, whether in a natural state or as a result of grading operations, excavation or fill, causes erosion, subsistence, or surface water drainage problems of such magnitude as to be injurious or potentially injurious to the public health, safety, or welfare or to adjacent properties.
  13. A violation of any provision of the LMC Code as indicated in LMC section 1.24.060 Code Violation as a Nuisance.
  14. Any public nuisance known at common law or in equity jurisprudence or as defined pursuant to Part 3 (Commencing with § 3479) of Division 4 of the California Civil Code.
- B.** It is a public nuisance to store, maintain, place, or abandon any personal property (other than motor vehicles) on or in a public right-of-way, private parking lot, park, or other public area, improved or unimproved, except as otherwise permitted by this Municipal Code or other City Ordinance. Abandoned motor vehicles are addressed in LMC Chapter 10.44 (Removal of Abandoned Vehicles).

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#### 17.6.28.020: Summary Abatement

- A.** The City Manager or his/her designee shall have authority to summarily abate a nuisance that imminently endangers public health or safety. Any such abatement activity is exempt from the notice requirements of this Chapter.
- B.** A person responsible for the nuisance condition shall pay the cost of abatement incurred by the City. In the event the nuisance condition is located on private property, then that property shall be subject to an assessment and placement of a lien in compliance with Subsection 17.6.28.090.C (Assessment of Costs as a Property Lien).
- C.** Any personal property, other than motor vehicles, causing, constituting, or containing a nuisance that imminently endangers public health or safety may be immediately seized and removed by a representative of the City without prior notice to the owner of the personal property. Any costs incurred in salvage, disposal, or storage may be assessed against any responsible person.
1. Written notice of the seizure and removal of personal property shall be provided using one of the following methods:
    - a. By personal service or by regular mail addressed to the person believed to be the owner or otherwise lawfully entitled to possession of the personal property, if known;
    - b. By personal service or by regular mail addressed to the owner, occupant or person in charge of the real property adjacent to the location of the personal property at the time of seizure; or

- c. By posting in a visible place on the lot or abutting public right-of-way.
- 2. The written notice of the seizure and removal of personal property shall contain a statement of the right of the owner to request a hearing within 10 days after personal service, mailing or posting of the notice. The hearing shall be limited to determination of the property of the seizure and shall be conducted by the City Manager or his/her designee, but not the same person who authorized the summary abatement.
- 3. Any personal property removed shall be stored in a safe place by the City for at least 30 days after the removal. If the owner has not claimed and removed the property from that storage area with that time, then the City may dispose of it as appropriate.

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#### **17.6.28.030: Abatement by Repair, Rehabilitation, Demolition, or Removal**

- A.** All or any part of premises found to constitute a public nuisance shall be abated by rehabilitation, demolition, removal or repair, in compliance with the procedures of this Chapter.
- B.** The procedures of this Chapter shall not limit or restrict the City from enforcing the LMC or abating public nuisances in any other manner required by law.

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#### **17.6.28.040: Initial Procedures – Notice and Order**

If the Director determines that any premises is maintained in a way listed in Section 17.6.28.010, which has not already been abated through prior notification and abatement efforts, the Director may issue a Notice and Order in accordance with this Section to all known responsible parties. The notice and order shall be served on the property owner and all other known responsible parties by mailing a copy by certified mail, postage prepaid, return receipt requested, to the last known address of each such party, or by service in accordance with Article 3 (commencing with § 415.10) of Chapter 4 of Title 5 of Part 2 of the California Code of Civil Procedure. If the owners of record of the property, as shown on the last equalized assessment roll or the supplemental roll, whichever is more current, cannot be found after diligent search, the Notice and Order shall also be served by posting a copy on the property in a conspicuous place for a period of 10 days, and publication in a newspaper of general circulation published in Santa Barbara County pursuant to § 6062 of the California Government Code. The notice and order shall contain:

- A.** The street address, assessor's parcel number, and a legal description sufficient for identification of the premises;
- B.** A brief description of the nature of the existing condition on the property and the condition that constitutes the nuisance which is to be abated;

- C. A statement advising the owner and/or responsible party that if the nuisance is not completely abated within 15 days or such longer period as deemed appropriate and specified in the Notice, the City may initiate abatement procedures and abate the nuisance by City personnel or private contractors, with responsible parties being liable for all costs incurred to initiate abatement procedures and to abate the nuisance, including but not limited to all costs of inspection, investigation, assessment, repair, mitigation, remediation, removal, rehabilitation, security, storage, traffic control, law enforcement protection and other consequential direct and indirect costs relating to such abatement, including all administrative and legal fees and costs. These costs and fees shall be recoverable by the City notwithstanding any subsequent corrective action or abatement of the nuisance by any responsible party taken after the City has initiated abatement procedures, commencing with the service of this Notice and Order; and
- D. A statement advising the owner and any responsible party that the party may appeal the determinations set forth in this Notice and Order to the Council by serving a written request for such an appeal on the City Clerk within 15 days from the date of service of the Notice and Order. Failure of the owner or any responsible party to file an appeal with the Council within the 15-day time period shall constitute a waiver of the party's rights to contest the determinations set forth in the Notice and Order.

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#### 17.6.28.050: Appeal of Notice and Order; Notice of Hearing to Determine Nuisance

- A. If an appeal of any portion of a Notice and Order is timely filed with the City Clerk, the City Clerk shall set the matter for a public hearing before the Council within 45 days from receipt of the request for appeal. The public hearing shall be held in compliance with Chapter 17.6.08 (Public Hearings and Noticing), except that noticing for such hearing shall be conducted as described in this Section.
- B. **Notice of Hearing.** The public hearing notice shall be titled, "Notice of Hearing to Determine Existence of Public Nuisance and to Abate in Whole or in Part" in letters not less than one inch in height and shall be substantially consistent with the following form:

**NOTICE OF HEARING TO DETERMINE EXISTENCE OF PUBLIC NUISANCE  
AND TO ABATE IN WHOLE OR IN PART**

Notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, the City Council of the City of Lompoc adopted a resolution declaring its intent to ascertain whether certain premises situated in the City of Lompoc, State of California, known and designated as \_\_\_\_\_, in said City, and more particularly described as Lot No. \_\_\_\_\_, Tract No. \_\_\_\_\_ constitute a public nuisance subject to abatement by the rehabilitation of such premises or by the repair, removal, or demolition of buildings or structures situated thereon. If said premises, in whole or part, are found to constitute a public nuisance as defined by Section 17.6.28.010 of the Lompoc Municipal Code and if the same are not promptly abated by the

owner, such nuisances may be abated by municipal authorities, and the rehabilitation repair, removal, or demolition costs including administrative costs, which may include attorneys' fees, will be assessed upon such premises and such cost will constitute a lien upon such land until paid. Failure to pay an assessment may result in the sale of the property after three years by the tax collector for unpaid delinquent assessments. (Reference is hereby made to Resolution No. \_\_\_\_\_, on file with the City Clerk for additional information).

Said alleged violations consist of the following: \_\_\_\_\_

Said methods of abatement available are: \_\_\_\_\_

All persons having any objection to, or interest in, said matters are hereby notified to attend a meeting of the City Council to be held on \_\_\_\_\_ the day of, \_\_\_\_\_ 20\_\_\_\_, at the hour of \_\_\_\_\_, \_\_.M., in the Council Chambers at City Hall, 100 Civic Center Plaza, Lompoc, when their testimony and evidence will be heard and given due consideration.

DATED: This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
City Clerk

**C. Posting on Premises and Publication.** The Notice of Hearing to Determine Existence of Public Nuisance and to Abate in Whole or in Part shall be posted in a conspicuous place near the front entrance of the premises a minimum of 15 days prior to the hearing date. The Notice shall also be published in a newspaper of general circulation in Santa Barbara County pursuant to § 6062 of the California Government Code.

**D. Serving Notice.** The Director, Chief of Police, Code Enforcement Officer, or Chief Building Official shall serve the Notice of Hearing to Determine Existence of Public Nuisance and to Abate in Whole or in Part on the property owner and all other known responsible parties by mailing a copy by certified mail, postage prepaid, return receipt requested, to the last known address of each such party, or by service in accordance with Article 3 (commencing with § 415.10) of Chapter 4 of Title 5 of Part 2 of the California Code of Civil Procedure. If the owners of record of the property cannot be found after diligent search, the City shall mail a copy of the Notice by certified mail, return receipt requested to the person(s) at the address(es) listed on the latest real property assessment rolls of the County of Santa Barbara, and such shall be deemed proper service of the notice on the date entered on the return receipt. If the mailed notice is returned marked "unclaimed" or "refused" then service shall nonetheless be considered valid upon receipt of the same by the City. The owner(s) and other responsible parties shall be served a minimum of 15 days prior to the hearing date.

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**17.6.28.060: Hearing and Decision by Council**

- A.** After notice provided pursuant to Section 17.6.28.040 (Initial Procedures – Notice and Order), the Council shall conduct a public hearing on the public nuisance and proposed abatement. Public hearings shall be conducted in compliance with Chapter 17.6.08 (Public Hearings and Noticing), except that noticing shall be conducted in compliance with Section 17.6.28.050 (Appeal of Notice and Order; Notice of Hearing to Determine Nuisance).
- B.** The Council shall hear and consider all relevant information, evidence, objections or protests, and shall receive testimony from owners, witnesses, City staff, and interested persons relative to the alleged public nuisance and to proposed means for rehabilitation, repair, removal, or demolition of the alleged public nuisance.
- C.** At the conclusion of the public hearing, if the Council finds that the public nuisance exists and that there is sufficient cause to rehabilitate, demolish, or repair the nuisance, the Council shall adopt a resolution setting forth its findings and declaring the public nuisance, and order the abatement within a reasonable period of time determined by Council.
- D.** A copy of the Council resolution, shall be served upon the owner(s), lessee, occupant, person in charge of the premises, and/or other responsible parties by ordinary first class mail to the address provided by such person at the time of the public hearing, if any, and otherwise, to the address where the nuisance has been determined to exist and shall contain a detailed list of needed corrections and abatement methods, and the time period for abatement designated by the City Council. If no mailing address is so available, such resolution and order shall be posted in a conspicuous place near the front entrance of the premises on which the nuisance has been determined to exist.

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**17.6.28.070: Voluntary Abatement**

- A.** Any owner, lessee, or person having the authorization of the owner shall have the right to have any such premises rehabilitated or to have the building or structures demolished, removed, or repaired, in compliance with the Council resolution described in Section 17.6.28.060 (Hearing and Decision by Council) at his/her own expense, provided the needed corrections are completed prior to the expiration of the designated abatement period set forth in the Council resolution.
- B.** When the abatement has been carried out in full to the satisfaction of the Director in compliance with Subsection 17.6.28.070.A, the proceedings described in this Chapter shall terminate.

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**17.6.28.080: Abatement by City**

If no appeal is filed of the Notice and Order served under Section 17.6.28.040 (Initial Procedure – Notice and Order), or if the nuisance is not completely abated as directed in the Council resolution described in Section 17.6.28.060 (Hearing and Decision by Council), then the Director is authorized and directed to cause the same to be abated by the City, and the Director or his/her agents (e.g., City staff or private contractors) are expressly authorized to enter upon the premises for such purpose, after obtaining a warrant for such entry and abatement from an appropriate court.

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**17.6.28.090: Recovery of Cost for Abatement****A. Record of Cost for Abatement.**

1. The Director shall keep an account of the costs (including attorney's fees and incidental expenses) for abating any public nuisance on each separate lot or parcel where the work is done and shall render an itemized report in writing to the Council showing the cost of abatement and the rehabilitation, demolition, removal, or repair of the premises, buildings, or structures, including the value of any salvaged materials. Incidental expenses shall include the actual and overhead expenses and cost of the City to prepare notices, specifications and contracts, and to inspect the work, and the costs of printing and mailing required.
2. At least 10 days before the cost report is considered by Council, a copy of the report with a notice of the date and time of the Council meeting shall be posted at the subject premises and mailed to the owner(s) of the premises via certified mail if the owner's identity can be determined from the County Assessor's or Recorder's records.

**B. Council Consideration of Report.** The Council shall consider the cost report together with any objections or protests, and shall confirm, confirm in modified form, or reject the report.

**C. Assessment of Costs as a Property Lien.**

1. **Special assessment.** The total cost of abating such nuisance, as so confirmed by the Council, shall constitute a special assessment against the respective lot or parcel of land where the nuisance occurs, and upon recordation of a Notice of Lien, in the office of the County Recorder, shall constitute a lien on the respective lot or parcel for the amount of such assessment.
  - a. After such recordation, such lien may be foreclosed by judicial or other sale in the manner provided by law.

- b. Such Notice of Lien shall be substantially consistent with the following form:

**NOTICE OF LIEN**  
**(Claim of City of Lompoc)**

Pursuant to the authority vested by the provision of Chapter 17.6.28 of the Lompoc Municipal Code, the Community Development Director did, on or about the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, cause the premises hereinafter described to be rehabilitated, or the building or structure on the property hereinafter described to be repaired, removed, or demolished, including administrative costs, which may include attorneys' fees, in order to abate a public nuisance on said real property; and, the City Council of the City of Lompoc did, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, assess the cost of such rehabilitations, repair, removal, or demolition upon the real property hereinafter described; and the same has not been paid nor any part thereof, and that said City of Lompoc does hereby claim a lien on such rehabilitation, repair, or demolition in the amount of said assessment, to wit: the sum of \$ \_\_\_\_\_ ; and the same shall be a lien upon said real property until the same has been paid in full and discharged of record. Failure to pay an assessment may result in the sale of the property after three years by the tax collector for unpaid delinquent assessments. The real property hereinbefore mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being in the City of Lompoc, County of Santa Barbara, State of California, and particularly described as follows:

(DESCRIPTION)

DATED: THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Community Development Director of the City of Lompoc, California  
(ACKNOWLEDGEMENT)

- 2. **Collection.** The assessment may be collected at the same time and in the same manner as ordinary property taxes are collected and shall be subject to the same penalties and procedure under foreclosure and sale in case of delinquency as provided for ordinary property taxes.



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**17.6.28.100: Alternative Remedies**

This Chapter does not prevent the Council from directing the City Attorney to commence civil or criminal proceeding to abate a public nuisance under applicable Civil or Penal Code provisions as an alternative to the proceedings contained in this Chapter.

# Division 17.7: Definitions

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## 17.7.04 Definitions of Terms

17.7.04.010: Purpose

17.7.04.020: Terms

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### 17.7.04.010: Purpose

This Chapter provides definitions of terms and phrases used in this Title that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Chapter conflict with definitions in other provisions of the Code, these definitions shall control for the purposes of this Title. If a word is not defined in this Chapter, or in other provisions of the Code, the Director shall determine the correct definition.

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### 17.7.04.020: Terms

#### A. Terms.

**Abandoned.** The relinquishment of a property, or the cessation of a use or activity by the owner or tenant for a period of one year, excluding temporary or short term interruptions for the purpose of remodeling, maintaining, or otherwise improving or rearranging a facility. A use shall be deemed abandoned when such use is suspended as evidenced by the cessation of activities or conditions that constitute the principal use of the property. Abandoned sign is separately defined.

**Access.** The place, means, or way by which vehicles have safe, adequate and usable ingress and egress to a property and/or use as required by this Code.

**Access, direct.** Direct access is access, located at a point along a lot line at which such lot line is contiguous to a street (or alley) and the building site.

**Access, indirect.** Indirect access is access, located so as to provide access to a building site across a lot line which is not contiguous to a street or alley at the point of crossing.

**Access, pedestrian.** Pedestrian access is the place, means, or way by which pedestrians have safe, adequate, and usable ingress and egress to a property and/or use as required by this Code.

**Accessory dwelling unit.** An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the single-family dwelling is situated. An accessory dwelling unit also includes an efficiency unit, as defined in § 17958.1 of Health and Safety Code, or a manufactured home, as defined in § 18007 of the Health and Safety Code.

**Accessory equipment.** Any equipment associated with the installation of a wireless telecommunications facility, including but not limited to cabling, generators, fans, air conditioning units, electrical panels, equipment shelters, equipment cabinets, equipment buildings, pedestals, meters, vaults, splice boxes, surface location markers, fencing or shielding. This definition is specific to wireless telecommunications facilities (Section 17.4.04.200) and reflects Federal law.

**Accessory office and business area.** A secondary office space that is attached or detached from a primary use, which provides space for executive, management, professional, or administrative services.

**Accessory structure.** A structure or part of a structure that is subordinate and incidental to the main building, structure, or use on the same lot. Also, an accessory building.

**Accessory use.** A use incidental, related, appropriate, and clearly subordinate to the main use of the lot or building that does not alter the primary use of the subject lot. (For example, wine tasting rooms and associated marketing activities are an accessory use to a winery; see Winery definition in Section 17.7.08.020.)

**Addition.** An extension or increase in floor area and/or height of a building or structure.

**Adjacent.** Neighboring or next to each other, but may not be touching (e.g., may be across the street).

**Adjoining.** Having a common boundary with, abutting, or touching.

**Adult business terms.** The following terms are defined for the purposes of Section 17.4.04.030 (Adult Businesses).

**Adult arcade.** An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, for viewing by five or fewer persons each, are used to show films, computer generated images, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

**Adult bookstore or adult video store.** An establishment which has as a regular and substantial portion of its stock-in-trade, or derives a substantial portion of its business, as further defined in this Section, from the sale, rental or viewing for any form of consideration of any one or more of the following inventory of "adult materials": Books, magazines, periodicals, or other printed matter, or photographs, films, sculptures, motion pictures, video cassettes, slides, computer generated images, or other visual representations which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas, instruments, devices or

paraphernalia which are intended, designed, or designated to be used in connection with specified sexual activities; or goods which are replicas of, or which simulate specified anatomical areas, or goods which are designed to be placed on or in specified anatomical areas, or to be used in conjunction with specified sexual activities.

**Adult cabaret.** A nightclub, restaurant, or similar business establishment which regularly features live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

**Adult hotel/motel.** A hotel or motel or similar business establishment offering public accommodations for any form of consideration which, as a substantial portion of its business, (1) provides patrons with closed-circuit television transmissions, films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; and/or (2) rents, leases, or lets any room for less than a six-hour period, or rents, leases, or lets any single room more than twice in a 24-hour period.

**Adult motion picture theater.** A business establishment where, for any form of consideration, films, computer generated images, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

**Adult theater.** A theater, concert hall, auditorium, or similar establishment which, for any form of consideration regularly features live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

**Establish, established, or establishment.** Any of the following:

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

**Gross receipts.** Includes the total amounts actually received or receivable from the sale, trade, rental, display, or presentation of services, products, adult material, or entertainment which are characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

**Owner, permit holder, or permittee.** Any of the following: (1) the sole proprietor of an adult business; or (2) any general partner of a partnership which owns and operates an adult business; or (3) the owner of a controlling interest in a corporation which owns and operates an adult business; or (4) the person designated by the officers of a corporation to be the permit holder for an adult business owned and operated by the corporation.

**Regular and substantial course of conduct or regular and substantial stock-in-trade or portion of its business.** Any adult business where one or more of the following conditions exist:

- The area(s) devoted to the display of “adult material,” as defined in this Section, exceeds 15% of the total display area of the business; or
- At least 25% of the gross receipts of the business are derived from the sale, trade, rental, display, or presentation of services, products, adult material, or entertainment which are characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

**Religious institution.** A structure which is used primarily for religious worship and related religious activities.

**School.** Any child care facility, or an institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university.

**Specified anatomical areas.** Any of the following:

- Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or
- Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified sexual activities.** Any of the following:

- The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;
- Masturbation, actual or simulated; or
- Excretory functions as part of or in connection with any of the activities described in subdivision 1 through 3 of this definition.
- Striptease, the removal of clothing, or the wearing of transparent or diaphanous clothing, including models dressed only in lingerie to the point where specified anatomical areas are visible or exposed.

**Transfer of ownership or control of an adult business.** Any of the following:

- The sale, lease, or sublease of the business;
- The transfer of securities or other interests which constitute a controlling interest in the business, whether by sale, exchange, or similar means, with or without consideration; or
- The establishment of a trust, gift, or other similar legal devise which transfers ownership or control of the business, including the transfer by bequest or other operation of law upon the death of a person possessing the ownership or control.

**Youth organization.** Any building used primarily for meetings as a social, educational or athletic club or group composed primarily of persons under the age of 18 years.

**Affordable purchase price.** A maximum housing cost at which a low income household may purchase a three bedroom single-family dwelling resulting in a maximum housing cost not exceeding three times 50% of the area median income, multiplied by the unit size adjustment factor, and rounded to the nearest 50 dollars, as provided in the Housing Income and Price Guidelines published annually by the County of Santa Barbara.

**Affordable rent.** Monthly housing expenses, including a reasonable allowance for utilities, for rental target units reserved for very low or lower income households, not exceeding the following calculations:

- Very low income means 50% of the area median income multiplied by 30% and divided by 12.
- Lower income means 60% of the area median income multiplied by 30% and divided by 12.



**Agent.** A person authorized in writing by the property owner to represent and act for a property owner in contacts with City employees, committees, Commissions, and the Council, regarding matters regulated by this Code.

**Airport.** The Lompoc Airport (LPC).

**Airport Land Use Commission (ALUC).** The Santa Barbara County Airport Land Use Commission.

**Airport reference point.** A fixed point at the approximate center of the airport take-off and landing area and is given as the USC and GS established airport elevation of 88.04 feet above mean sea level.

**Alley.** A public or private vehicular way which affords a secondary means of access to abutting property and which is less than 20 feet in width.

**Allowed use.** A land use identified by Division 2 as an allowed use that may be established with or without use permit and subject to compliance with all applicable provisions of this Code.

**Alteration.** A physical change in the internal arrangement of rooms or the supporting members of a structure, or a change to the external appearance of a structure.

**Annexation.** The process for the incorporation of land within the City of Lompoc.

**Antenna.** Any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves or radio frequency signals.

**Antenna array.** Several antennas connected and arranged in a regular structure to form a single antenna.

**Applicant.** Any person who is filing an application requesting an action who is:

- The owner or lessee of property;
- A party who has contracted to purchase property contingent upon that party's ability to acquire the necessary approvals required for that action in compliance with this Code, and who presents written authorization from the property owner to file an application with the City; or
- The agent of either of the above who presents written authorization from the property owner to file an application with the City.

**Approach zone (runway approach zone).** An isosceles trapezoid bisected by the prolongation of the runway center line, and lying in a horizontal plane having the same elevation as the airport reference point, having a base 500 feet wide at the end of, and at right angles to, the effective length of runway and a parallel base one thousand five hundred (1,500) feet wide and distance five thousand (5,000) feet from the end of the effective length of runway.

**Approval.** Includes both approval and approval with conditions by a Review Authority of the City.

**Archaeological resources.** The physical remains of past activity.

**Architectural feature.** An exterior building feature, including a balcony, canopy, column, doors, porches, roof, roof eave, soffit, windows, wing wall, and any other similar element that does not create an interior floor space.

**Area median income.** The median family income, adjusted for household size, for Santa Barbara County, as published from time to time by the State Department of Housing and Community Development.

**Area of regional significance.** An area designated by the State Mining and Geology Board which is known to contain a deposit of materials, the extraction of which is judged to be of prime importance in meeting future needs for minerals in a particular region of the State within which the materials are located and which, if prematurely developed for alternative incompatible land uses, could result in the premature loss of minerals that are of more than local significance.

**Area of statewide significance.** An area designated by the State Mining and Geology Board which is known to contain a deposit of materials, the extraction of which is judged to be of prime importance in meeting future needs for minerals in the State and which, if prematurely developed for alternate incompatible land uses, could result in the permanent loss of minerals that are of more than local or regional significance.

**Areas required for recharge of groundwater basin.** Areas that are required for the protection and recharge of groundwater basins. These uses include storm water detention basins, retentions required for flood control, and natural open-space areas.

**Artificial turf.** A synthetic derived, natural grass substitute. The term includes synthetic grass and synthetic turf.

**Attractive nuisance.** A facility, structure, equipment, fixture or natural feature that is reasonably expected to attract children of tender years and constitutes a danger to them, including abandoned wells, ice boxes or refrigerators with doors and latches, shafts, basements or other excavations, abandoned or inoperative vehicles or other equipment, structurally unsound fences or other fixtures, lumber, fencing, vegetation, or other debris.

**B. Terms.**

**Barn.** Any building designated or used for housing livestock and other uses.

**Base station.** Structures other than wireless towers that support or house an antenna, transceiver, or other associated equipment that constitutes part of a base station at the time the relevant application is filed, even if the structure was not built for the sole or primary purpose of providing such support. This term does not include tower or accessory equipment. Base station includes, without limitation:

- Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small-cell networks).
- Any structure other than a tower that, at the time the relevant application is filed with the city under this chapter, supports or houses equipment described in paragraphs a and b of this definition that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

This definition is specific to wireless telecommunications facilities (Section 17.4.04.200) and reflects Federal law.

**Block.** Lots fronting one side of a street and located between two nearest intersecting or intercepting streets or nearest intersecting or intercepting street.

**Borrow pits.** Excavations created by the surface mining or rock, uncontrollable geologic deposits or soil to provide material (borrow) for fill elsewhere.

**Buffer.** An open space or landscaped area, the purpose of which is to prevent the direct abutting of incompatible uses or structures.

**Build-to-area.** An area that runs parallel to a property line where a structure is required to be located.

**Build-to-line.** A line parallel to a property line where a structure is required to be located.

**Building.** A structure to be used as a place of occupancy, storage, or shelter.

**Building Official.** Designated City employee who is primarily responsible for administration of the building regulations adopted by the Lompoc Municipal Code, subject to the overall direction and control of the City Manager or designee.

**Building frontage.** A building wall adjacent to a parcel or lot boundary that abuts a public right-of-way.

**Building-mounted.** An antenna attached to a base station. This definition is specific to wireless telecommunications facilities (Section 17.4.04.200) and reflects Federal law.

**Building Permit.** Written authorization from the Fire Marshal/Building Official of the City of Lompoc for the erection of any structure.

**Building site.** An area within a lot suitable for the placement of a building or structure located outside of required setback areas that meets minimum building site dimension, maximum slope area, and all applicable access requirements.

**Bus station.** See Transit station.

### C. Terms.

**Cabinet.** See Equipment cabinet.

**California Environmental Quality Act (CEQA).** State law (California Public Resources Code § 21000 et seq.) requiring public agencies to document and consider the environmental effects of a proposed action, prior to allowing the action to occur.

**California Historical Resources Regional Information Center.** The Central Coast Information Center, Department of Anthropology, University of California, Santa Barbara, Santa Barbara, CA 93106. The Central Coast Information Center is one of 12 independent regional information centers in California that comprise the California Historical Resources Information Centers (CHRIS). Each center maintains the statewide Historical Resources Inventory (HRI) database and related records for its area of responsibility.

**Caliper.** The measurement of the diameter of a tree's trunk.

**Carport.** An attached or detached accessory permanent roofed structure with not more than two enclosed sides, used for automobile shelter.

**Change of use.** The replacement of an existing use on a lot or parcel, or any portion thereof, by a new use, or a change in the nature of an existing use, but does not include a change of ownership, tenancy, or management associated with a use for which the previous nature of the use will remain substantially unchanged unless otherwise described in this Code.

**Channel margin.** Top of river or creek bank measured as the uppermost ground elevation paralleling a river or creek where the gradient changes from a more defined vertical component to more horizontal.

**Chumash Tribe.** The Santa Ynez Band of Chumash Indians, headquartered in Santa Ynez, CA. Notices should be directed to the Chairman or Chairwoman of the Tribal Elders Council Governing Board of the Santa Ynez Band of Chumash Indians. The Elders request that the Tribal Elders Office be notified of any issues concerning archeological disturbance, the finding of artifacts and/or human remains or the Native American Graves Protection and Repatriation act. The Chumash Tribe's mailing address is P.O. Box 517, Santa Ynez, CA 93460.

**City.** The City of Lompoc.

**City Administrator.** See City Manager.

**City Clerk.** The City Clerk of the City of Lompoc.

**City Engineer.** The City Engineer of the City of Lompoc.

**City Manager.** The City Manager of the City of Lompoc or his/her designee, including but not limited to those designated to enforce this Code consistent with Chapter 17.6.24 (Enforcement). Also, City Administrator.

**Clear zone.** The area at ground level that begins at the end of each runway clear zone and extends under the path of landing or departing air craft as defined in Federal Aviation Regulations.

**Co-location.** The mounting of one or more wireless telecommunications facilities, including antennas, on an existing structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities.

**Commercial vehicle.** A vehicle used for commercial purposes having a manufacture's gross vehicle weight rating of 10,000 pounds or more per California Vehicle Code § 22507.5, typically with three or more axles and/or a minimum of six feet and 10 inches wide.

**Commission.** The Planning Commission of the City of Lompoc.

**Conditional Use Permit (CUP).** A discretionary permit issued by the Planning Commission.

**Condominium.** As defined by Civil Code § 1351(f), an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan.

**Construction commencement or commenced construction.** The physical nature of actual construction work (including, at a minimum, excavation for foundations or the installation or erection of improvements) and services begins (or resumes). All preconstruction engineering and design is complete; all necessary licenses, permits and environmental clearances are attained; all contractors are engaged; and essential equipment and supplies as, in each case, are ordered so that physical construction of the project may begin (or, if previously interrupted or suspended, resume) and proceed to completion without foreseeable interruption of material duration.

**Construction costs.** The square footage costs contained in the "Building Valuation Data" table in the *Building Standards* magazine, as published bi-monthly by the International Conference of Building Officials (ICBO), or equivalent magazine published by the International Code Conference (ICC), for residential construction. Said square footage costs shall be the total costs to construct an 1,500 square foot single-family dwelling of Type V – wood frame construction, of "good" quality, and a 400 square foot garage of Type V – wood frame construction, of "good" quality, locally adjusted using the regional modifier of Los Angeles, California.

**Corner lot.** See Lot, Corner.

**Corral.** Any fenced area devoted to the containment of livestock.

**Cottage Food Operations.** An enterprise with gross annual sales limits set forth in subdivision (a) of § 113758 of the Health and Safety Code, is operated by a Cottage Food Operator and having not more than one full-time equivalent cottage food employee, not including a family member or household member of the Cottage Food Operator, and conducted within the Registered or Permitted Area of a private home where the Cottage Food Operator resides and where Cottage Food Products are prepared and/or packaged for direct, indirect, or direct and indirect sale to consumers pursuant to § 113758 subdivision (b), subsections (4) and (5) of the Health and Safety Code. A "Cottage Food Operation" includes both of the following:

- Class A. Cottage Food Operations may engage only in direct sales of Cottage Food Products from the Cottage Food Operation or other direct sales venues, such as temporary events. A separate permit from the County of Santa Barbara shall be required to operate a temporary food facility at such events. A Class A Cottage Food Operation shall not be open for business, unless it is registered with the County of Santa Barbara.
- Class B. Cottage Food Operations may engage in both direct sales and indirect sales of Cottage Food Products, such as a permitted third-party retail food facility. A Class B Cottage Food Operator shall not be open for business unless it obtains a permit from the County of Santa Barbara.

**Council.** The City Council of the City of Lompoc.

**County.** The County of Santa Barbara, California.

**Cultural resources.** Prehistoric and historic materials, features, and artifacts. Cultural resources include, but are not limited to, historic structures, archaeological sites, archeological isolates, and paleontologic resources.

**Curb.** A City-approved concrete asphalt concrete structure along the edge of the street pavement and raised above said pavement.

**Current market value.** The value of a building or structure under current market conditions determined based on information from an appraisal company, or other information that may be deemed appropriate by the Director to determine the current value.

#### D. Terms.

**Data recovery plan.** A plan which makes provisions for adequately recovering the scientifically consequential information from and about a historical resource.

**Dedicated street.** A street offered to and accepted by the City of Lompoc.

**Demolition.** The removal, destruction, or partial destruction of any structure or structures, including walls.

**Density.** The number of dwelling units per unit of land area for residential uses. Density is identified in terms of number of dwelling units per gross acre unless otherwise stated.

**Density bonus.** A density increase over the otherwise maximum allowable residential density under the applicable zone and designation of the Land Use Element of the General Plan as of the date of the application by the applicant to the City, as allowed under Government Code 65915 or Chapter 17.3.20 (Density Bonuses and Other Incentives for Affordable Housing).

**Density bonus units.** Residential units granted in compliance with the provisions of Chapter 17.3.20 (Density Bonuses and Other Incentives for Affordable Housing) which exceed the otherwise maximum residential density for the development site.

**Department.** The Economic and Community Development Department of the City of Lompoc.

**Department of Public Works.** The Department of Public Works for the City of Lompoc.

**Developer.** As applied to Chapter 17.3.24 (Inclusionary Housing and In-Lieu Fees), every person, firm, or corporation (and their successor's and assigns) that undertakes a residential development, directly or through the services of any employee, agent, independent contractor or otherwise subject to the provisions of Chapter 17.3.24 (Inclusionary Housing and In-Lieu Fees).

**Development.** See Project.

**Development standards.** The provisions of this Code that regulate the site planning and design of a proposed project or new land use, including provisions for height limits, landscaping, minimum lot area, off-street parking, setbacks, signs, and standards for specific land uses, and includes performance standards.

**Diameter at breast height (DBH).** The diameter of a tree trunk at four and one-half feet above adjacent ground. The diameter may be calculated by use of the following formula:  $DBH = \text{tree circumference at breast height} \div 3.142$ .

**Direct sales.** A transaction between a Cottage Food Operator and a consumer where the consumer purchases the Cottage Food Product directly from the Cottage Food Operator. Examples include, but are not limited to, holiday bazaars, temporary events, bake sales, food swaps, certified farmers markets, and community-supported agricultural subscriptions.

**Director.** The Economic and Community Development Director of the City of Lompoc or his/her designee.

**Discretionary permit.** A City land use review and entitlement process where the Review Authority exercises discretion in deciding to approve or disapprove the permit, and includes but is not limited to use permits, variances, and subdivision maps.

**Driveway.** An improved vehicular access way that provides access to the parcel or lot on which it is located. Driveway shall also include an easement crossing no more than one other parcel for the purpose of providing access to no more than one abutting parcel.

**Dwelling unit.** A building or portion thereof (e.g., room or group of internally connected rooms) that has sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis. Also, a residence. Does not include tents, recreation vehicles, or travel trailers.

#### **E. Terms.**

**Eave.** The overhang that projects from a building at the lower edge of the roof (i.e., the overhanging lower edge of a roof).

**Economic and Community Development Director.** See Director.

**Eligible facility request.** Any request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment, removal of transmission equipment, or replacement of transmission equipment. This definition is specific to wireless telecommunications facilities (Section 17.4.04.200) and reflects Federal law.



**Equipment cabinet or cabinet.** A cabinet, structure, or building used to support equipment associated with a wireless, hard wire, or cable communication facility. This definition is specific to wireless telecommunications facilities (Section 17.4.04.200).

#### F. Terms.

**Family.** One or more persons living together as a single housekeeping unit within a dwelling unit.

**Feasible.** Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

**Federal Aviation Administration (FAA).** A Federal government agency responsible for the safe operation of the aviation system.

**Federal Communications Commission (FCC).** A Federal governmental agency responsible for the regulation of interstate and international communication by radio, television, wire, satellite, and cable.

**Fence.** A constructed, un-roofed barrier of wood, metal, masonry, or other material as allowed by this Code, that is intended to enclose, separate, define, secure, protect, and/or screen one or more areas of a site. Includes masonry walls. Plants maintained with at least 50% of the vertical surface open shall not be considered a fence.

**Fill slope.** An artificial incline of earth created by earth filling.

**Fire Chief.** The Fire Chief of the City of Lompoc or his/her designee.

**First floor.** The primary floor of a building to which pedestrian access is provided from the fronting street, either at the sidewalk level, or not more than six feet above or below the sidewalk.

**Fixed wireless.** A local wireless operation providing services such as local and long distance telephone and high-speed internet to residential and business customers by means of a small equipment installation (the remote unit) on the exterior of each home or business that elects to use this service.

**Floor area.** The total enclosed gross leasable space of a building.

**Floor area ratio (FAR).** The ratio of floor area of a building or buildings on a lot divided by the total lot area. Floor area located below finished grade, the ceiling of which does not extend more than five feet above finished grade, is excluded when calculating FAR.

**Foot-candle.** A unit of measurement for the total amount of light cast on a surface (illuminance). One foot-candle is equivalent to the illuminance produced by a source of one candle at a distance of one foot.

**Fuel Break.** A strip or block of land on which the vegetation, debris and detritus have been reduced and/or modified to control or diminish the risk of the spread of fire crossing the strip or block of land, may include driveways, gravel walkways, and/or lawns.

#### **G. Terms.**

**Garage.** An accessory building or part of a main building designed for the shelter and storage of a motor vehicle or vehicles that is completely enclosed. Also see Carport.

**General Plan.** The City of Lompoc General Plan, including all its elements and all amendments, as adopted by the Council in compliance with Government Code § 65300 et seq.

**Glare.** Direct and unshielded light striking the eye to result in visual discomfort and reduced visual performance.

**Government Code.** The State of California Government Code.

**Grade.** The gradient of slope of the ground surface prior to proposed ground disturbance, grading, or site preparation and expressed as a percent of vertical or horizontal distances.

**Grade, finished.** The final ground surface elevation after the completion of grading or other site preparation related to a proposed development that conforms to an approved Grading Permit and/or Building Permit.

**Grade, natural.** The slope of the ground surface prior to grading or other site preparation. Natural grade of a developed lot is the ground surface elevation of the lot that conforms to an approved Grading Permit and/or Building Permit. Grades resulting from City-approved grading operations for land subdivision shall be considered to be natural grades. Also, may be referred to as existing grade.

**Grazing.** The consumption of growing vegetation by livestock.

**Ground disturbance.** Any excavation, at any depth, for which a building, grading or planning permit is required, except excavation in areas and to depths that can be identified as having been previously disturbed.

**Ground cover.** Any variety of low growing or trailing plants used to cover the ground.

**Ground floor.** See First Floor.

## H. Terms.

**Habitable space.** Space within a dwelling unit for living, sleeping, eating, cooking, and/or bathing. Also, conditioned space.

**Haul road.** A road along which material is transported from the area of excavation to the processing plant or stock pile area of the surface mining operation.

**Hedge.** A plant or series of plants, shrubs, or other landscape material so arranged as to form a physical barrier or enclosure.

**Height of building.** See Section 17.3.04.070. (Height Limits and Exceptions).

**Heritage resource.** A locally identified structure, element, sign, natural feature, or other resource which does not qualify for state or federal register designation but is locally desired to be recognized as part of the Lompoc Valley's history.

**High sensitivity zone.** An area that includes the relatively undisturbed and undeveloped areas above 100 feet in elevation in the northern and eastern portions of the Cultural Resources Study area (Spanne, 1988), lands within 2,000 feet of Miguelito Creek, Salsipuedes Creek, and the Santa Ynez River; areas proximal to Mission Vieja de la Purisima, and the cherts quarry sites and outcroppings adjacent to Highway 1, south of Highway 246.

**Historic archeological resources.** Archeological resources that have been determined to meet one or more of the following criteria:

- The resources are associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- The resources are associated with the lives of persons important in our past;
- The resources embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possess high artistic values; or
- The resources have yielded, or may be likely to yield, information important in prehistory or history.

**Historic context.** A unit created for planning purposes that groups information about historic properties based on a shared theme, specific time period, and geographical area.

**Highway.** A primary thoroughfare as delineated on the General Plan.

**Hilltop.** Any prominent highpoint of land exposed to view from the surrounding low-lying areas.

**Historic resource.** Any resource that may have historic, cultural and/or architectural significance, locally, regionally, or nationally, including districts, ensembles, thematic groups, corridors, structures, bridges, buildings, sites, cemeteries, landscape features, signs, plaques, or archaeological sites or artifacts. A historic site is considered to be the location of a historic or archaeological event, activity, occupation, structure, object, or landscape feature, including existing buildings or structure on the site, which has historic significance. Examples include those listed in 17.5.16.020.A.

**Household pets.** Domestic animals and birds ordinarily permitted inside a dwelling and kept only for the company or pleasure provided to the occupants.

**Housing cost.** The sum of actual or projected monthly payments for all of the following requirements associated with for sale target units: principal and interest on a mortgage loan, including any loan insurance fees, property taxes and assessments; fire and casualty insurance; property maintenance and repairs; homeowner association fees; and a reasonable allowance for utilities.

**Housing fund.** The City of Lompoc affordable housing trust fund established in compliance with Chapter 17.3.24 (Inclusionary Housing and In-Lieu Fee).

**Housing in-lieu fee.** The per-unit fee established in compliance with Chapter 17.3.24 (Inclusionary Housing and In-Lieu Fee). The total housing in-lieu fee shall be calculated by multiplying the required number of affordable housing units by per-unit housing fee.

#### I. Terms.

**Idle.** Surface mining operations curtailed for a period of one year or more, by more than 90% of the operation's previous maximum annual mineral production, with intent to resume those surface mining operations at a future date.

**Impervious surface.** A surface compacted or covered with a layer of material so it is highly resistant to infiltration of water.

**Incompatible land uses.** Land uses inherently incompatible with allowed uses as determined by the Director or Review Authority consistent with this Code.

**Indirect sales.** An interaction between a Cottage Food Operator, a third-party retailer, and a consumer, where the consumer purchases Cottage Food Products made by the Cottage Food Operation from a third-party retailer that holds a valid permit.

**Inoperable.** Dismantled, not used for transportation, unsalvageable, stripped, or scrapped. A vehicle on private property that cannot be repaired within 15 days to an operable and drivable condition.

**Integrity, historical resource or cultural resource.** The authenticity of a property's historic identity or cultural resource's identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period.

**Intensification of use.** A change in the use of structure or site that increases density or generates more traffic or other level of activity on the site.

**Isolate.** An individual archeological artifact or group of artifacts.

**J. Terms.** No terms beginning with the letter **J** are defined at this time.

**K. Terms.** No terms beginning with the letter **K** are defined at this time.

**L. Terms.**

**Lamp.** The generic term for an artificial light source installed in the socket portion of the fixture, to be distinguished from the whole assembly. Commonly referred to as a "bulb."

**Land and site development costs.** Construction cost multiplied by the land/site residual contribution.

**Land/site residual contribution.** The monetary allowance for all the nonstructural improvements and the land associated with the total construction cost. The land/site residual contribution may include, but not be limited to such improvements as grading, landscaping, driveways, patios, and fencing. The land/site residual contribution is calculated from a ratio established to reflect the demonstrated relationship that exists between construction cost and the land and site improvement contribution. The land/site residual contribution is expressed as a percentage. the ratio and percentage shall be established by resolution and may be revised periodically to address changes in market conditions.

**Landmark.** A property, site, building, structure, sign, or other item designated by the Commission consistent with Chapter 17.6.16 (Designation of Landmarks).

**Landscaping.** The planting and maintenance of suitable vegetation in conformation with the requirements of this Code.

**Landscaped Open Areas.** An area that is maintained clear of any building or structure and includes landscaping (e.g., living plant material).

**Ldn.** Day-Night average sound level, which is a basic measure for quantifying noise exposure. Ldn weights the hourly equivalent noise level (Leq) over a 24-hour period with a 10 decibel penalty applied to nighttime (10:00 p.m. to 7:00 a.m.) sound levels.

**Less intense use.** A use which serves fewer people or one which tends to be less obnoxious.

**Light fixture.** A complete lighting unit including the lamp and parts designed to distribute the light, position and protect the lamp, and connect the lamp to a power source.

**LMC.** See Municipal Code.

**Lot.** A recorded lot or parcel of real property under single ownership, lawfully created as required by applicable Subdivision Map Act and City Ordinance requirements, including this Code, and has frontage providing legal access on at least one street (see Figure 17.7.04.020.1). Types of lots include the following:

**Lot, corner.** A lot located at the intersection of two streets at an angle of not more than 120 degrees.

**Lot, flag.** A lot having access from the building site to a public street by means of a private right-of-way strip that is owned in fee.

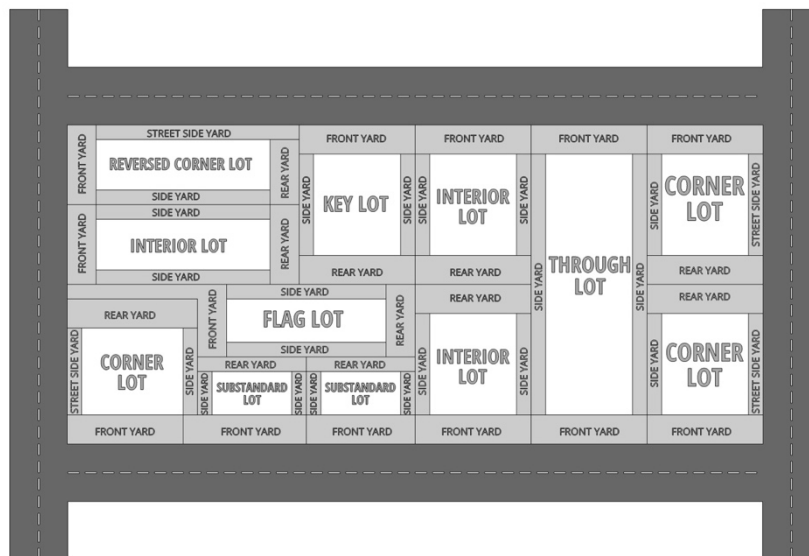
**Lot, interior.** A lot which is not a corner or reverse corner lot.

**Lot, key.** An interior lot, the front of which adjoins the side property line of a corner lot.

**Lot, reversed corner.** A corner lot, the side line of which is substantially a continuation of the front lot lines of the lot or lots to its rear, whether across an alley or not.

**Lot, through.** A lot having frontage on two parallel or approximately parallel streets.

**Figure 17.7.04.020.1**



**Lot area, gross.** Gross lot area is the total area included within the lot lines of a lot, exclusive of adjoining dedicated street rights-of-way.

**Lot area, net.** Net lot area is the gross lot area, excluding dedications and easements that are not for the exclusive use of the lot on which the dedication or easement is located.

**Lot coverage.** The percentage of total lot area occupied by structures and impervious surfaces, with the exception of driveways, walkways, and patios.

**Lot depth.** The average linear distance between the front and the rear lot lines or the intersection of the two side lot lines if there is no rear line. The Director shall determine lot depth for parcels of irregular configuration.

**Lot dimensions.** The width and depth of a lot.

**Lot line.** Any recorded boundary of a lot.

**Lot line, front.**

- On an interior lot, the property line separating the lot from the street.
- On a corner lot, the shorter property line abutting a street. If the street-fronting lot lines of a corner lot are equal in length, the front lot line shall be determined by the Director.
- On a through lot, both lot lines are front lot lines and the lot is considered to have no rear lot line

**Lot line, rear.** A property line that does not intersect the front lot line, which is most distant from and most closely parallel to the front lot line. In the case of an irregular or triangular lot, the rear lot line is parallel to and at a maximum distance from the front lot line, having a minimum length of 10 feet. A through lot or a lot bounded on all sides by streets may have no rear lot line.

**Lot line, side.** Any lot line that is not a front lot line or a rear lot line.

**Lot width.** The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. The Director shall determine lot width for parcels of irregular shape

**Low income unit.** A household whose gross income does not exceed the qualifying limits for low income families, established and amended from time to time, by the U.S. Department of Housing and Urban Development and provided to the City by the State Department of Housing and Community Development (HCD).

**Low sensitivity zone.** An area having a low density of recorded archaeological sites; less available fresh water except for seasonal flows in the Santa Ynez River; less diversity of plant, animal, and mineral resources important to prehistoric and early historic peoples; steep slopes less suitable for habitation or other use; past cutting and terracing which would have destroyed, displaced, or damaged surface or shallow archaeological deposits; areas of recent and rapid geologic deposition which would have tended to bury all but the most recent archaeological sites; or urban development which would have buried or destroyed earlier sites.

**Lower income household.** A household whose income does not exceed the lower income limits applicable to Santa Barbara County, as published and periodically updated by the State Department of Housing and Community Development in compliance with § 50079.5 of the California Health and Safety Code.

#### M. Terms.

**Main building.** A building designed, used or intended to be used for the principle uses under the terms of these standards.

**Maintenance program.** A narrative that includes background information about a designated Landmark, a schedule of regular maintenance, and a record of work completed.

**Mid-block pedestrian connection.** Pedestrian access provided on a block connecting one street to another street, with the two streets generally being parallel to each other.

**Minor Use Permit (MUP).** A discretionary permit issued by the Director.

**Mission.** The Misión La Purísima Concepción De María Santísima (Mission of the Immaculate Conception of Most Holy Mary), also called Mission Vieja de la Purisima, which was founded by Father Presidente Fermin de Lasuén on December 8, 1787 and was the 11th of the 21 Franciscan Missions in California. The Mission and its related uses were located on the south side of the City of Lompoc. The Mission is named in the National Register of Historic Places (Site #78000775) and is identified as State Historic Landmark No. 928.

**Mixed-use.** A project which includes two or more categories of land use such as residential and commercial in the same building or on the same lot.

**Horizontal mixed-use.** Two or more different types of uses are placed on the same lot.

**Vertical mixed-use.** Where two or more different uses occupy the same building.

**Mobile home.** A trailer, transportable in one or more sections, that is designed for use as a dwelling and as defined under State law.



**Mobile vendor.** Any person in charge of or operating any mobile vending vehicle, either as agent, employee, or otherwise under the direction of the owner.

**Mobile vending vehicle.** Any vehicle, wagon, or pushcart from which goods, services, wares, merchandise, fruits, vegetables or foodstuffs are sold, displayed, solicited, or offered for sale or bartered or exchanged, or any lunch wagon or eating cart or vehicle on private property or within the public right-of-way.

**Modification.** A change to an existing wireless telecommunications facility that involves any of the following: co-location, expansion, alteration, enlargement, intensification, reduction, or augmentation, including, but not limited to, changes in size, shape, color, visual design, or exterior material. This term does not include repair, replacement or maintenance if those actions do not involve a change to the existing facility involving any of the following: collocation, expansion, alteration, enlargement, intensification, reduction, or augmentation. This definition is specific to wireless telecommunications facilities (Section 17.4.04.210) and reflects Federal law.

**Monopole.** A single freestanding structure composed of a pole or tower used to support antennas or related equipment. A monopole also includes a monopine, monopalm, and similar monopoles camouflaged to resemble faux trees or other faux objects attached on a monopole (e.g., water tower).

**Mosaic fuel break.** A patchwork of fire fuels (trees/vegetation) of varying age, randomly spread across an area of land in a fire prone area and/or adjacent to important resources. This type of fire break is typically established by planned burning and in order to lower the severity of fires by reducing continuity and density of fuels.

**Multi-modal.** Transportation infrastructure that supports travel by modes other than by personal vehicle, such as sidewalks, transit, or bicycle lanes. May also be referred to as alternative transportation.

**Municipal Code.** Municipal Code of the City of Lompoc, which may be abbreviated as "LMC".

## N. Terms.

**National Register Criteria.** The established criteria for evaluating the eligibility of properties for inclusion in the National Register of Historic Places. Ordinarily, cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years are not considered eligible for the National Register Criteria. Significance in North American history, architecture, archaeology, engineering, and culture present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- That are associated with events that have made a significant contribution to the broad patterns of our history; or
- That are associated with the lives of persons significant in our past; or
- That embody the distinctive characteristics of a type, period, or method of construction, that represent the work of a master, that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- That yielded or may be likely to yield, information important in prehistory or history.

**Native American.** A member of any of the indigenous peoples of the Western Hemisphere. Lompoc was traditionally Purismeño Chumash ethnographic territory. The local tribe is the Santa Ynez Band of Mission Indians, with headquarters in Santa Ynez, CA.

**Native Landscaping.** Vegetation that uses those species that have existed in the area for many centuries. These species usually do not need human intervention to grow and reproduce.

**Nonconforming parcel.** A parcel of land which lawfully existed as a lot on the effective date of these standards, but which does not conform to the lot area and/or lot dimension standards for the zone in which it was located. Also referred to as a nonconforming lot.

**Nonconforming structure.** A structure that was legally constructed prior to the adoption or amendment of this Code, but does not conform to the development standards in this Code.

**Nonconforming use.** A use of land and/or a structure that was legally established and has been maintained prior to the adoption of amendment of this Code, but the use is not allowed in the applicable zone or the use has not been granted a permit(s) required by the applicable zone, or the use is not operated in conformance with applicable performance standards in this Code.

**Notice to Comply.** Official notice provided by the City when a violation of this Code occurs.

**Non-unique archaeological resource:** An archeological artifact, object, or site that does not contain information needed to answer important scientific research questions, where there is a demonstrable public interest in that information; had no special and particular quality such as being the oldest of its type or the best available example of its type; or has no direct association with a scientifically recognized important prehistoric or historic event or person. A non-unique archeological resource need be given no future consideration, other than simple recording of its existence by the lead agency, if it so elects.

**O. Terms.**

**Open Space.** Any undeveloped space or area characterized by great natural scenic beauty and/or available for passive recreational uses.

**P. Terms.**

**Paleontologist.** A scientist who studies paleontology, learning about forms of life that existed in former geologic periods chiefly by studying fossils.

**Parcel.** See Lot.

**Parking off-street.** Parking that is not provided on a street or within street right-of-way and is typically provided on private or public property in the form of a parking lot or structure.

**Parking, shared.** Parking spaces that are shared between two or more uses that are on the same site or on different sites.

**Parking space.** Space, exclusive of driveways, ramps, columns, loading areas, office or work areas, within a building, structure, or open parking area for the parking of one automobile.

**Parking space, tandem.** A parking space located so that it is necessary to move one or more automobiles in order that the automobile occupying the tandem space may gain access to or from the space.

**Parklet.** A temporary sidewalk extension for use by the general public within the public right-of-way.

**Person.** Any individual, firm, partnership, corporation, company, association, joint stock association; city, county, state, or district; and includes any trustee, receiver, assignee, or other similar representative thereof.

**Phase 1 study.** The assessment, by a qualified archaeologist, of a site through a review of archival records and a field survey of the project area. Field surveys on sites of high sensitivity are conducted on foot long transects spaced not more than 15 meters (approximately 50 feet) apart. Field surveys of sites of low sensitivity are conducted so that selected areas where resources are expected to occur are examined.

**Phase 2 study.** The assessment, by a qualified archaeologist, of an identified archeological site to determine its extent, integrity, and significance.

**Phase 3 study.** Data recovery by a qualified archeologist, generally used when a significant site cannot be reasonably avoided or preserved by the proposed development.

**Planning Commission.** See Commission.

**Planning Permit.** A legal document (permit) issued by a Review Authority that allows a certain use or development to proceed on a specified site. Examples include Administrative Use Permits, Minor Use Permits, and Conditional Use Permits.

**Pole.** A single shaft of wood, steel, concrete or other material capable of supporting the equipment mounted in a safe and adequate manner and as required by this Code.

**Preliminary Development Plan.** Site plan and accompanying plans (e.g., elevations, floor plans, landscape plans, etc.) and materials used for development review that identify proposed improvements or new development on a site and may specify development standards for properties located in the Planned Commercial Development Zone or Planned Development Overlay Zone.

**Premises.** A parcel or parcels of land, and the buildings, structures, fixtures, and facilities on, above, or under that parcel or parcels.

**Preservation.** Means the act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features, rather than extensive replacement and new construction. New exterior additions to historic structures are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

**Prezoning.** The action of the Commission and the Council in designating the uses of adjacent, contiguous, or any land within the unincorporated portion of the Lompoc Planning Area which, in the opinion of the Commission and the Council, conforms to the General Plan for said Planning Area and which, at some later date, may be incorporated into or annexed to the city of Lompoc. Although such “prezoning” has no legal effect within the unincorporated territory of Santa Barbara County, it shall serve as a guide to the property owners and the City as to the potential rezoning of annexed or newly incorporated territory.

**Primary use.** The main purpose for which a site is developed and occupied. Also, principal use.

**Project.** Any construction activity or alteration of the landscape, its terrain contour, or vegetation, including the erection or alteration of structures. A new project or new development is any construction, or alteration of an existing structure or land use, or establishment of a land use, after the effective date of this Code.

**Property line.** See lot line.

**Property owner.** The person(s) or entity to whom property tax is assessed, as shown on the latest equalized assessment roll of the County.

**Public road.** Any street, road, or right-of-way owned or occupied by the City and located within the incorporated area of the City. Also, public street.

**Public transit (public transportation).** A shared passenger-transport service which is available for use by the general public.

#### Q. Terms.

**Qualified archaeologist.** An archaeologist meeting the standards of the National Register in archaeology, prehistoric archaeology, or historic archaeology, whichever applies most closely to the site or artifacts in question. The minimum professional qualifications in archaeology are a graduate degree in archaeology, anthropology, or closely related field, plus:

- At least one year of full-time professional experience or equivalent specialized training in archeological research, administration, or management;
- At least four months of supervised field and analytic experience in general North American archaeology; and
- Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archaeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period. A professional in historic archaeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period.

**Qualifying resident.** Senior citizens or other persons eligible to reside in senior citizen housing.

## R. Terms.

**Reasonable Accommodation.** Typically, an adjustment to physical design standards, including but not limited to zoning, building, or subdivision standards, to accommodate the placement of wheelchair ramps or other exterior modifications to a dwelling in response to the needs of a disabled resident.

**Reclamation.** The combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse surface effects from surface mining operations, including adverse surface effects incidental to underground mines so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health and safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, recoiling, revegetation, soil compaction, stabilization, or other measures.

**Recreational vehicle.** A motor home, travel trailer, truck camper, carryall, or camp trailer, house car, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy.

**Registered or permitted area.** A private home kitchen described or authorized in the permit or registration for the Cottage Food Operation and used for the preparation, packaging, storage, or handling of Cottage Food Products and related ingredients and/or equipment, and attached rooms within the home that are exclusively used for storage. Detached accessory buildings, including garages and guest quarters enclosed patios, and second units are not included as registered or permitted areas.

**Related equipment.** All equipment ancillary to the transmission and reception of voice and data via radio frequencies, including but not limited to cable, guy wires, conduit, and connectors.

**Remote unit.** A piece of equipment mounted on the exterior of a building in conjunction with a fixed wireless service not exceeding three feet in any dimension.

**Replacement facilities.** Any new proposed tower, located in the same spot as an existing, permitted tower, operated by the same or different carrier.

**Replacement value.** The amount that an owner would have to pay to replace a structure or use at the present time. This value can be determined based on information from an insurance company, or other information that may be deemed appropriate by the Director to determine the current value of a use or structure.

**Residential development.** For the purposes of Chapter 17.3.24 (Inclusionary Housing and In-Lieu Fee), residential development shall mean one or more groups of development projects consisting of ten or more single-family dwelling units, for sale, which entail:

- Constructing or placing any new single-family dwelling units in a permanent location;
- Converting a non-residential building to single-family residential use(s);
- Substantial rehabilitation of an existing dwelling where the result of the rehabilitation would be a net increase in available single-family residential units; or
- Subdivision of land which is planned, designed, or used for residential purposes.

**Review Authority.** The individual or official City body (e.g., Economic and Community Development Director, Planning Commission, City Council) identified by this Code as having the responsibility and authority to review, and approve or deny a permit application.

**Right(s)-of-way.** All public streets and utility easements, owned by the City or other public entity, but only to the extent of the City or public entity's right, title, interest or authority to grant a license to occupy and use such streets and easements for telecommunications facilities. This definition is specific to wireless telecommunications facilities (Section 17.4.04.[210](#)).

**Room.** A room enclosure or a portion of a room enclosure within a dwelling unit, room rental, or hotel. Bathrooms, hallways, closets, and service porches are not rooms.

#### S. Terms.

**Satellite television antenna.** An apparatus capable of receiving communications from a transmitter or transmitter relay.

**Service bay.** A work area for the purposes of lubricating, servicing, and repairing vehicles. Accessible to vehicles with a maximum dimension typically of 24 feet by 15 feet in width.

**Setback.** The distance by which a structure or other development feature must be separated from a lot line. Setbacks for properties fronting on substandard streets are measured from the ultimate right-of-way line based upon the adopted street standards of the City or, if in a community services district, the standards of the district (i.e., measured from the property line after the required street right-of-way dedication).

**Shared location.** A site on which several facilities are located within a limited area. The facilities can be commonly owned and operated or individually owned and operated,

**Sidewalk, public.** A pedestrian walkway within a dedicated street right-of-way which is improved to City standards.

**Site.** The lot or group of lots or parcels under single ownership or single control, considered a unit for the purposes of development or other use.

**Slope.** A comparison of the vertical rise of a property to its horizontal run, expressed as a percentage.

**Stacked Spaces.** Organization of one vehicle space behind the other.

**State.** The State of California.

**State Historic Preservation Office (SHPO).** The California governmental agency charged with preserving and enhancing California's irreplaceable historic heritage as a matter of public interest so that its vital legacy of cultural, educational, recreational, aesthetic, economic, social, and environmental benefits will be maintained and enriched for present and future generations.

**Stealth.** A design technique that uses elements that blend into the surrounding environment by means of screening, concealment, or camouflage and are so integrated into the surrounding natural or human-made environment that the observer does not recognize the structure as a wireless telecommunications facility. Examples include, but are not limited to: wireless equipment placed completely within existing architectural features such that the installation causes no visible change to the underlying structure; new architectural features that match the underlying building in architectural style, physical proportion and construction-materials; flush-to-grade underground equipment vaults with flush-to-grade entry hatches, with wireless equipment placed completely within. This definition is specific to wireless telecommunications facilities (Section 17.4.04.210).

**Story.** A habitable level within a building.

**Stream bed skimming.** Excavation of sand and gravel from stream bed deposits above the mean summer water level or stream bottom, whichever is higher.



**Street.** A public or private thoroughfare, right-of-way, or easement, which affords principal means of access to abutting property. Street shall include, in addition to the paved travel way, all land within the street right-of-way. Street shall not be construed to mean an alley.

**Street frontage.** Portion of a lot that abuts a street.

**Street, improved.** Any street which is surfaced with asphalt or concrete to the standards of the City.

**Street plan line.** A line delineating the proposed right-of-way for a planned street, and appearing in a precise street plan adopted by the City.

**Structure.** Anything constructed or erected, the use of which requires attachment to the ground, attachment to something located on the ground, or placement on the ground, except outdoor areas such as patios, paved areas, walks, swimming pools, tennis courts, and other similar recreation areas.

**Subdivision.** The division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future.

**Substandard street.** A street with a right-of-way width that is narrower than the width identified for that street classification in the City's street standards.

**Substantial adverse change.** Demolition, destruction, relocation, or alteration of a resource or its immediate surroundings resulting in the significance of the resource being materially impaired.

**Substantial change.** The same meaning as "substantial change" as defined by the Federal Communications Commission regulations, 47 C.F.R. 1.40001(b)(7). This definition is specific to wireless telecommunications facilities (Section 17.4.04.200).

**Substantial rehabilitation.** For the purposes of Chapter 17.3.24 (Inclusionary Housing and In-Lieu Fee), rehabilitation shall mean the value of which constitutes 25% of the after rehabilitation value of a dwelling, inclusive of land value.

**Suite.** A group of two or more rooms which can be joined together for a single occupancy.

**Swimming pool.** An outside body of water created by artificial means which is designed or used for swimming or body immersion, any portion of which exceeds 18 inches in depth.

## T. Terms.

**Target income groups.** Extremely low, very low, low and moderate income persons and households. Also, target households or target population.

**Target unit.** A dwelling unit within a housing development which is affordable to, and will be reserved for sale and rent to, very low or lower income households or qualifying residents.

**Telecommunications facility or wireless telecommunication facility.** An unstaffed facility, generally consisting of antennas, and equipment cabinet or structure, and related equipment, for public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications, including stationary commercial earth stations for satellite-based communications. Includes antennas, commercial satellite dish antennas, and equipment buildings. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections, or vehicles utilizing global positioning satellite (GPS) direction-finding technology, or equipped for reception of commercial satellite radio, television, or internet programming.

**Temporary structure.** A structure, typically without any foundation or footings, and which is required to be removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

**Toe of slope.** That point or line of initial break where the terrain changes to an upward direction.

**Top of slope.** That point or line of initial break where the terrain changes to a downward-direction.

**Tower, wireless.** A structure that is designated and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and similar structures.

**Total construction cost of a market rate single-family residential unit.** Land and site development costs plus construction costs for a 1,300 square foot, three bedroom single-family dwelling unit and a 400 square foot garage.

**Traffic safety visibility area.** A triangle area measured from the intersection of two streets or a street and a driveway where development restrictions apply for pedestrian, bicyclist, and traffic safety.

**Transit station.** A site where there is the intersection of two or more bus, train, or similar transport routes serviced by any transit entity.

**Transit stop.** A bus or similar transport stop serviced by any transit entity, with a service interval of 60 minutes or less during the weekday commute periods.

**Transportation demand management plan.** An identification and consolidation of strategies and policies to reduce travel demand or to redistribute the demand in space or in time consistent with the General Plan.

#### U. Terms.

**Ungraded.** Ground surface remaining in its natural state.

**Unique archeological resource.** An archaeological artifact, object, or site demonstrating, without merely adding to the current body of knowledge, a high probability of meeting any of the following criteria:

- Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; or
- Has a special and particular quality such as being the oldest of its type or the best available example of its type; or
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.

**Unit.** One individual residence, whether in a single-family or multiple-family development.

**Unit size adjustment factor.** An adjustment factor based on the number of bedrooms of a given unit used when calculating affordable purchase price. For purposes of Chapter 17.3.24 (Inclusionary Housing), the unit size adjustment factor for a three-bedroom is 1.0.

**Use Permit.** See either Conditional Use Permit or Minor Use Permit.

**Useable satellite signal.** A satellite signal which, when viewed on a conventional television set, is at least equal in picture quality to that received from local commercial television stations or by way of cable television.

#### V. Terms.

**Vendor cart/stand.** A temporary outdoor cart or stand selling food and/or beverages (e.g., fruit, hot dogs, ice cream) and other like merchandise without any outdoor seating.

**Very low income household.** Households whose income does not exceed the very low income limits applicable to Santa Barbara County, as published and periodically updated by the State Department of Housing and Community Development in compliance with § 50105 of the California Health and Safety Code.

**W. Terms.**

**Wall.** Any structure or device forming a physical barrier which is so constructed that 50% or more of the vertical surface is closed and prevents the passage of light, air, and vision through said surface in a horizontal plane.

**Waste.** Unused or discarded matter and material which consists, without limitation or exclusion by enumeration of such matter and material as rubbish, refuse and matter of any kind including but not limited to, rubble, debris, asphalt, concrete, plaster, tile rocks, bricks, soil, building materials, crates, cartons, containers, boxes, furniture and household equipment or parts thereof, lumber, trash, dirt, machinery or parts thereof, scrap metal and pieces of metal, ferrous or nonferrous, bottles, bedding and other similar matter.

**Wildland-urban interface.** The geographic line, area, or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels.

**Wireless telecommunications services.** The provision of services using a wireless telecommunications facility or a wireless telecommunications co-location facility, and shall include, but not limited to, the following services: personal wireless services as defined in the Federal Telecommunications Act of 1996 at 47 U.S.C. § 332(c)(7)(C) or its successor statute, cellular service, personal communication service, and/or data radio telecommunications.

**X. Terms.** No terms beginning with the letter **X** are defined at this time.

**Y. Terms.**

**Yard.** An area between a lot line and a setback, unobstructed and unoccupied from the ground upward, except as otherwise permitted by this Code. A yard area includes any setback required by the applicable zone. See also Setback.

**Yard, front.** An area extending across the full width of the lot between the front lot line and the required setback.

**Yard, rear.** An area extending the full width of the lot between a rear lot line and the required setback.

**Yard, side.** An area between a side lot line and the required setback extending between the front and rear yards.

**Z. Terms.**

**Zone.** A land area shown on the official Zoning Map of the City of Lompoc established by Division 2, within which certain land uses are allowed or prohibited, and certain site planning and development standards are established (e.g., setbacks, height limits, site coverage requirements, etc.). Also referred to as zoning district.

**Zone boundary.** The line separating one or more zones as shown on the official Zoning Map.

**Zoning Code.** The Zoning Code of the City of Lompoc, as it may be amended from time to time. Also, Zoning Ordinance.

## 17.7.08 Definitions of Land Use Types

17.7.08.010: Purpose

17.7.08.020: Land Use Types

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### 17.7.08.010: Purpose

This Chapter provides definitions of land use types used in this Title that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Chapter conflict with definitions in other provisions of the Code, these definitions shall control for the purposes of this Title. If a word is not defined in this Chapter, or in other provisions of the Code, the Director shall determine the correct definition.

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### 17.7.08.020: Land Use Types

#### A. Agricultural Uses and Animal Keeping Use Types.

**Agricultural Storage.** The use of a site for the storage of materials, equipment, and products used in the operation of an agricultural industry or business. Examples of these grain elevators and equipment storage facilities.

**Agricultural Support, Sales and Service.** The use of a site for supporting agricultural purposes including, but not limited to on-site sale of feed, grain, fertilizers, pesticides and similar goods; and the provision of agricultural services with incidental storage of goods off-site; or hay, feed, and grain stores and tree service firms.

**Animal Keeping and Production.** The raising and keeping of farm animals. This use includes cattle ranges, poultry farms, and the commercial raising of animals.

**Animal Raising and Keeping.** The non-commercial tending of small animals that are not household pets (such as chickens, birds, ducks, and rabbits, but not including turkeys or peacocks).

**Community Garden.** Land used by multiple users for the cultivation of fruits, vegetables, plants, flowers, or herbs.

**Field and Tree Crop Production.** A site for growing or harvesting crops, ornamental crops, and other agricultural products to be sold for profit or to provide agricultural educational activities. This use includes commercial greenhouses, commercial agricultural fields, orchards, vineyards, and commercial nurseries. This use does not include the production or keeping of livestock (see Animal Keeping and Production).

**B. Industrial, Manufacturing, Processing, and Wholesaling.**

**Artisan Manufacturing.** Establishments engaged in production of goods, primarily by hand-manufacturing on-site. Typical uses include ceramics studios, candle-making shops, custom jewelry manufacturers, woodworking, and metal fabrication.

**Cannabis Cultivation.** As defined in California Business and Professions Code § 26001 but only when operated within a fully enclosed structure.

**Cannabis Manufacturing.** Shall have the definition of “Manufacture” or “Manufacturer” found in California Business and Professions Code § 26001, and includes packaging and labeling as defined in California Business and Professions Code § 26001, and includes processing, storing, and staking of cannabis, and includes “Distribution” as defined in LMC Section 9.36.020.

**Cannabis Testing Laboratory.** Shall have the definition of “Testing Laboratory” found in California Business and Professions Code § 26001.

**Construction/Storage Supply Yard.** A site used for the storage, distribution, or handling of construction materials or equipment. Examples of these uses include but are not limited to contractor’s storage yards, and facilities used for the storage and wholesale trade of building materials.

**Equipment Rental Yard.** A service establishment that may offer a wide variety of household and business equipment, furniture, and materials for rental. Does not include construction equipment rental, which is separately defined under Equipment Rental Yard, Heavy.

**Equipment Rental Yard, Heavy.** Establishments renting construction, farm, or other heavy equipment. Examples include, but are not limited to, cranes, earth moving equipment, tractors, combines, and heavy trucks.

**Feed and Fuel Facility.** The use of a site for the storage and/or wholesale trade of livestock feed and/or vehicle fuel.

**Manufacturing/Processing, Heavy.** The use of a site for the production, assembly, fabrication and conversion of goods where the operational characteristics of the manufacturing processes and the materials used will likely cause significant impacts on surrounding land uses or the community. Examples of these uses include concrete batch plants and lumber/milling yards.

**Manufacturing/Processing, Light/Medium.** The use of a site for the production, assembly, fabrication and conversion of goods where the operational characteristics of the manufacturing processes and the materials used are unlikely, but have potential to cause impacts on surrounding land uses or the community. Examples of these uses include light industrial uses, cabinet and furniture shops, garment manufacturing, blueprinting/photocopy, sign manufacturing, wholesale food manufacturing, aerospace and aeronautical systems and components, ceramic product manufacturing, drug and pharmaceutical manufacturing, electronics equipment manufacturing, and machine shops for repair and modification. Examples of medium uses include machine shops, sheet metal shops, carpet and rug cleaning plants, water softening plants, tire retreading facilities, welding shops, and large recycling collection facilities. Includes alcohol production and packaging uses not considered to be Micro-Alcohol Production or Winery.

**Micro-Alcohol Production.** A small-scale facility for the production and packaging of alcoholic beverages for distribution, retail, or wholesale, on or off premise, and which meets all applicable California Department of Alcoholic Beverage Control regulations. Uses include but are not limited to micro-breweries, micro-distilleries, and small-scale wineries. Eating areas and taprooms or tasting rooms are allowed as an accessory use.

**Mining/Resource Extraction.** The use of a site for on-site extraction of surface or sub-surface mineral products or natural resources. This use includes borrow pits, mining operations, oil drilling or fracking, and uses incidental to mining operations including structures necessary to the on-site production of mineral products or natural resources.

**Mini-Storage Warehousing or Facility.** A facility used for renting or leasing storage spaces in which the occupants themselves customarily store and remove their own personal property on a self-service basis. This use includes mini-warehouses and storage facilities, and excludes workshops, hobby shops, manufacturing, and commercial activities.

**Research and Development.** A facility for industrial or scientific research, including but not limited to electronics research laboratories, space research or development firms, and pharmaceutical research labs. Additionally, the use can include designing, developing, and testing of electrical, electronic, magnetic, optical, and computer and telecommunications components in advance of product manufacturing and the assembling or related products from parts produced off-site, where the manufacturing activity, if any, is secondary to the research and development activities. Includes but is not limited to pharmaceutical, chemical, and biotechnology research and development.



**Warehousing, Storage, and Distribution.** An establishment engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Examples of these establishments include but are not limited to: Agents, merchandise or commodity brokers, and commission merchants; assemblers, buyers, and associations engaged in the cooperative marketing of farm products; merchant wholesalers; stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment. Also includes storage, processing, packaging and shipping facilities for mail order and electronic commerce retail establishments. Does not include Construction/Storage Supply Yard.

**Winery.** A bonded establishment primarily used for the purpose of processing grapes or other fruit products, where processing includes, but is not limited to, crushing, fermenting, blending, aging, storing, bottling, and wholesale/retail sales. Accessory wine tasting rooms, which meet all applicable California Department of Alcoholic Beverage Control regulations are included in this definition.

### C. Recreational, Education, and Assembly Use Types.

**Business/Trade School.** The use of a site for education or training in business, commerce, language, or other similar activity or occupational pursuit that is not otherwise described as a home occupation, college/university, school, or instructional studio.

**Cemeteries, Crematories, or Mausoleums.** Land and or structure that is dedicated for cemetery purposes or for the burial of the dead, including columbariums, crematoriums, and mausoleums. Excludes funeral homes and mortuaries (see Funeral Homes and Mortuaries).

**Civic/Government.** Governmental facilities not otherwise included in other land use types, such as court facilities and post offices, together with storage and maintenance of vehicles. This use excludes libraries, museums, and public art galleries.

**College/University.** The use of a site for either a public or private college or university, excluding Business/Trade schools.

**Community Assembly.** An indoor or outdoor facility for public or private assembly, such as community centers, banquet centers, religious assembly facilities, union halls, meeting halls for clubs and other membership organizations. This use includes functionally related facilities for the use of members and attendees, such as kitchens, multi-purpose rooms, and storage. Excludes conference and meeting rooms accessory and incidental to another primary use, and which are typically used only by on-site employees and clients, and occupy less floor area on the site than other offices they support. Excludes recreation and entertainment type uses, which are separately defined and separately regulated.

**Neighborhood.** Community assembly use that has capacity for no more than 200 seats.

**Regional.** Community assembly use that has capacity for more than 200 seats.

**Entertainment, Indoor.** An indoor establishment providing amusement and group entertainment such as auditoriums and theaters.

**Neighborhood.** Indoor entertainment use that has capacity for no more than 200 seats.

**Regional.** Indoor entertainment use that has capacity for more than 200 seats.

**Entertainment, Outdoor.** An outdoor facility for public assembly and group entertainment including civic facilities for "live" theater, concerts, and similar activities.

**Library/Museum.** Public or quasi-public facilities, examples of which include: aquariums, arboretums, art galleries and exhibitions, botanical gardens, historic sites and exhibits, libraries, and museums. May also include accessory retail uses such as gift/book shops, restaurant, etc.

**Recreation, Indoor.** A recreational use conducted within an enclosed building, including but not limited to bowling alleys, pool/billiard parlors, indoor shooting ranges, ice and roller-skating rinks, electronic video arcades, fitness centers, gymnasium, or athletic clubs which may include exercise machines, weight facilities, group exercise rooms, and/or indoor recreation facilities such as pools, sauna, spa, racquetball, or tennis courts.

**Recreation, Outdoor.** Sports and recreational use of a site for active participation without being in a fully enclosed building. Recreational pursuits usually performed with others and often requiring equipment which required physical alteration to the area in which they are performed. Such areas are intensively used, and include but are not limited to playgrounds, sport courts, baseball/softball, soccer, and other field sports, fishing and casting ponds, and swimming pools.

**Recreation, Passive.** Recreational pursuits involving existing natural resources which can be carried out with little alteration or disruption to the area in which they are performed. This includes but is not limited to such activities as walking, hiking, bicycling, horse riding, bird and animal watching, and picnicking. This use includes areas required for the preservation of plants and animal life, including habitat for fish and wildlife species, areas which require special management or regulation because of hazardous conditions, and rivers and streams.

**Recreational Vehicle (RV) Park.** A mobile structure designed as temporary living quarters for recreation, vacation, camping, or travel use, which is either self-propelled or is mounted on or drawn by another vehicle. Examples include, but are not limited to, a travel trailer, camping trailer, fifth-wheel trailer, truck camper, motor home, or camper van.

**Schools, Public or Private.** An institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained in compliance with the standards set by the State Board of Education. This use includes kindergarten, elementary school, middle or junior high school, or senior high school.

**Studio, Instructional Services.** Small-scale facilities that offer specialized programs in personal growth for students of any age group. Examples of these facilities include individual and group instruction and training in the arts; production rehearsal; photography; martial arts training studios; gymnastics instruction; and aerobics and gymnastics studios with no other fitness facilities or equipment. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists. Excludes Recreation-Indoor.

#### **D. Residential Use Types.**

**Accessory Dwelling Unit.** An additional dwelling unit constructed or adapted within, onto, or apart from a single-family dwelling unit, and serving as the residence for a person(s) or family.

**Caretaker's Unit.** A permanent residence that is secondary or accessory to the primary use of the property and used for housing a caretaker on the site of a non-residential use where needed for security purposes or to provide 24-hour oversight or operations, equipment, or other resources on the site, including, but not limited to the care or monitoring of people, plants, animals, equipment, or other conditions on the site.

**Emergency Shelters.** Housing with minimal supportive services for a homeless person limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

**Family Day Care Home.** As defined by Health and Safety Code § 1596.78, a home that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home.

**Large.** As defined by Health and Safety Code § 1596.78(b), a family day care facility that provides family day care for seven to 14 children, including children under the age of 10 who reside in the home.

**Small.** As defined by Health and Safety Code § 1596.78(c), a family day care facility that provides family day care for eight or fewer children, including children under the age of 10 who reside in the home.

**Home Occupation.** Any activity of a non-residential nature carried on within a living unit or accessory structure, by an occupant of the living unit and which is clearly incidental and secondary to the residential use of the living unit. A home occupation may include, but is not limited to, the handicraft manufacturing of products, the conduct of an art or profession, the offering of a service, or the conduct of a business.

**Live/Work.** An integrated housing unit and working space, occupied and utilized by a single household structure, either single-family or multi-family, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and where the residential use is secondary and accessory to the primary use as a place of work.

**Mobile Home Park.** The use of a site for occupancy of mobile homes on a weekly or longer basis. This use includes mobile home parks and mobile home subdivisions.

**Multi-Family Residential.** The use of a site for two or more dwelling units, within one or more buildings, and includes but is not limited to, townhouses, bungalow court apartments, multi-unit apartment complexes, triplexes, four-plexes, and group homes or dwellings not included under Residential Care Homes. Units may be attached or detached.

**Multi-Family Residential: Duplex.** A single building designed or used for occupancy by two families, living independently of each other.

**Multi-Family Residential: Triplex & Four-Plex.** A single building designed or used for occupancy by three or four families, living independently of each other.

**Residential Care Homes.** Provides permanent living accommodations with or without separate kitchen or bathroom facilities for each room or unit and where 24-hour medical care and/or supervision may be provided. Occupants are allowed without regard to familial status, disability, or other population segment stipulated in fair housing statutes. Includes, but is not limited to, orphanages, rehabilitation centers, self-help group homes, agricultural employee housing, congregate care facilities, rest homes, and nursing homes. "<7" serve six or fewer persons and "≥7" serve seven or more persons.

**Single-Family Residential.** A building designed or used for occupancy by one family. This classification includes individual manufactured housing units installed on a foundation system pursuant to § 18551 of the Health and Safety Code, but does not include mobile homes, trailers, or recreational vehicles.

**Single Room Occupancy.** A residential facility containing housing units that may have kitchen and/or bathroom facilities and are guest rooms or efficiency units as defined by State Health and Safety Codes. Each housing unit is occupied by no more than two persons and is offered on a monthly rental basis or longer.

**Supportive Housing.** Housing with no limit on length of stay, that is occupied by the target population (as defined in Health and Safety Code § 50675.14), and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Occupants of supportive housing are allowed without regard to familial status, disability, or other population segment stipulated in fair housing statutes. "<7" serve six or fewer persons and "≥7" serve seven or more persons.

**Transitional Housing.** Buildings configured as rental housing developments but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. Occupants of transitional housing are allowed without regard to familial status, disability, or other population segment stipulated in fair housing statutes. "<7" serve six or fewer persons and "≥7" serve seven or more persons.

#### **E. Retail Trade Use Types.**

**Alcohol Sales.** The retail sale of alcoholic beverages where alcohol sales is the primary source of revenue and meets all applicable California Department of Alcoholic Beverage Control regulations.

**Liquor Store.** A retail establishment that sells packaged alcoholic beverages and does not include any on-site consumption.

**Specialty Alcohol Shop.** A retail establishment that specializes solely and exclusively in the sale of a certain type of alcohol (e.g., wine) and related products. An accessory tasting room is allowed with a specialty alcohol shop.

**Bar/Nightclub.** An establishment where alcoholic beverages are offered for on-site consumption as its principal function in accordance with applicable California Department of Alcoholic Beverage Control regulations, where food service, if any, is incidental and subordinate to the sale of alcohol. Persons under the age of 21 are not admitted. Uses include but are not limited to a tavern, bar, cocktail lounge, or nightclub. Excludes a restaurant, café, or coffee shop which may include alcohol sales for on-site consumption as incidental to the primary use. Also excludes Micro-Alcohol Production and Winery.

**Dispensary.** Shall have the definition found in LMC Section 9.36.020.

**Drive-Throughs, Non-Restaurants.** The component of a retail or service business establishment that caters to customers while in their vehicles. Examples may include banks and pharmacies. Excludes car washes.

**Food Service.** Non-beverage fare that is for on-site consumption by the purchaser and is limited to the on-site sale of pre-packaged and pre-prepared foods, delivery of foods, or foods brought to a location for an event by a licensed caterer.

**General Retail.** Stores and shops selling many lines of merchandise. Uses may include, but are not limited to, sales of apparel and accessories, antiques, appliances, art and fabric supplies, books, electronics, food for off-site preparation and consumption (e.g., grocery store, retail bakery, candy shop), furniture, jewelry, luggage, office supplies, sporting equipment, tobacco products, as well as department stores, drugstores, flower shops, hardware stores, specialty stores, convenience stores, grocery stores, and variety stores. Excludes the sale of automotive parts or on-site production.

**≤ 5,000 sf.** A General Retail store that is 5,000 square feet or less.

**> 5,000 sf.** A General Retail store larger than 5,000 square feet.

**Outdoor Dining.** Any group of tables and chairs, and its authorized decorative and accessory features, situated and maintained in an unenclosed area (e.g., upon the public sidewalk or along private porches, arcades, or patios) for use in connection with the consumption of food and beverage sold to the public from or in an adjoining indoor restaurant.

**Outdoor Display.** The long-term placement of goods or merchandise not located within an entirely enclosed building and without screening or fencing. See Temporary Uses for temporary outdoor display.

**Pharmacy.** A store where medicinal drugs are dispensed and sold.

**Restaurant.** A retail business selling ready-to-eat food and/or beverages for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter and establishments where customers are served food at their tables that may also provide food for take-out.

**W/o Alcohol Sales.** A restaurant where food is served, but no alcoholic beverages are served.

**W/ Alcohol Sales.** A restaurant where food and alcoholic beverages are served, and alcohol sales are incidental to food sales. Minors are allowed on the premises, and all applicable California Department of Alcoholic Beverage Control regulations are complied with. Includes restaurants with a micro-brewery or similar use as an accessory use where the alcohol it produces is sold exclusively for on-site consumption.

**W/ Drive Through.** A restaurant establishment that provides food and beverage service directly to occupants of a motor vehicles.

#### F. Services Use Types.

**Bed & Breakfast.** A residential structure that is occupied by a resident as his/her primary residence with one or more bedrooms rented for periods of 30 consecutive days or less and meals may be provided.

**Day Care, Commercial.** Establishments providing non-medical care for persons on less than a 24-hour basis, including but not limited to nursery schools, preschools, and day care facilities for children or adults, and any other day care licensed by the State of California, excluding Family Day Care Homes.

**Dry Cleaning, Processing.** A facility that operates a system to clean (clothing or fabrics) with chemical solvents that have little or no water.

**Funeral Homes and Mortuaries.** Establishments primarily engaged in the provision of services involving the care, preparation, or disposition of the human remains and/or arranging, managing, and conducting funerals or memorial services. This use includes but is not limited to funeral homes and mortuaries and the incidental sales of products associated with burial. Excludes cemeteries, crematories, and mausoleums (see Cemeteries, Crematories, or Mausoleums).

**General Services.** Facilities primarily engaged in providing non-medical personal services and miscellaneous repair services, including but not limited to barber shops, beauty salons, tanning salons, massage (licensed and therapeutic), dry cleaning pick-up stores without equipment that uses chemical solvents, self-service laundries, photocopying and photo finishing services, tailor shops, watch repair, shoe repair, home electronics repair, locksmiths, tattoo parlors, and pet grooming with no boarding. Does not include repair of vehicles or boats.

**Hospital.** Facilities engaged primarily in providing diagnostic services and extensive medical treatment, including surgical and other hospital services. These establishments have organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses, and on-site ambulance dispatch facilities.

**Kennel.** Facilities for keeping, boarding, training, breeding, or maintaining five or more dogs, cats, or other household pets, more than four months of age not owned by the kennel owner or operator. A kennel is not an accessory use to a residence. Excludes pet shops and Veterinary Clinics and Hospitals that provide 24-hour accommodation of animals receiving medical treatment.

**Lodging.** A building or group of buildings containing individual rooms or suites of rooms, each having a private bathroom, for the purpose of providing overnight accommodations to the general public for compensation, for periods of 30 consecutive days or less. These establishments may provide additional services such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the general public. Common facilities, such as those for reservations, cleaning services, and on-site management, are provided. Includes hotels, motels, and timeshares.

**Medical Clinics and Laboratories.** Facilities primarily engaged in the furnishing of outpatient medical, mental health, surgical, dental, and other personal health services, and medical and dental laboratories. Uses include but are not limited to medical doctors, dentists, chiropractors, and psychiatrists. Counseling services by people other than medical doctors or psychiatrists are included under Office, General. These facilities may include incidental medical laboratories and pharmacies that may prepare and sell prescription drugs and also sell non-prescription drugs, medical supplies, and other health products as an accessory use.

**Office, General.** Offices of firms or organizations providing executive, management, professional, or administrative services. Examples include accounting services, insurance agent offices, real estate offices, financial services (e.g., banks, credit unions, savings and loan institutions), computer software design, data processing, research, travel agencies, news services, telemarketing, utility company offices, elected official satellite offices, as well as professional or consulting service offices such as law, architecture, engineering, advertising, graphic design, interior design, or similar.

**Public Services, Emergency Services.** Facilities providing public safety and emergency services, including police and fire protection and emergency medical services, with incidental storage, training, and maintenance facilities.

**Public Services, Major.** Services for the public that include water treatment facility, wastewater treatment facility, distribution substations, dams, and other services that provide major public infrastructure services for urban development.



**Public Services, Minor.** Services for the public that include utility substations, service yards, pumping stations and other transmission and distribution facilities.

**Roominghouse.** A residence or dwelling where three or more rooms, with or without individual or group cooking facilities, are rented to individuals for more than 30 consecutive days under separate oral or written agreements or leases. An owner, agent, or property manager may or may not live on-site.

**Safe Parking Program.** A parking program operated on a property outside of the public right-of-way and managed by a social service provider that provides individuals and families with vehicles a safe place to park overnight while working towards a transition to permanent housing. Also see LMC Chapter 10.30.

**Veterinary Clinics and Hospitals.** A facility rendering surgical and medical treatment to small animals, which may include overnight accommodations for purposes of recovery or boarding. For the purpose of these regulations, small animals shall be deemed to be ordinary household pets, excluding horses, donkeys, or other such animals not normally housed or cared for entirely within the confines of a residence. Crematory facilities shall not be allowed in a veterinary clinic.

#### **G. Wireless Telecommunications Facilities Use Types.**

**Wireless Tower.** Any structure built for the sole or primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities.

**Other Wireless Telecommunications Facility.** Equipment and network components other than wireless towers, such as utility poles, transmitters, base stations, and emergency power systems that are integral to providing wireless telecommunications services. Does not include radio towers for commercial or amateur use, television towers, specialized public safety networks, or remote units required for fixed wireless service.

#### **H. Transportation Facilities Use Types.**

**Airport.** Facilities for the takeoff and landing of airplanes and helicopters, including runways, helipads, aircraft storage buildings, aircraft hangar and related facilities, including but not limited to fueling and maintenance, storage, airport operations and air traffic control, incidental retail sales, and airport administrative facilities, including airport offices, operations buildings, communications equipment, buildings and structures, control towers, lights, and other equipment and structures required by the United States Government and/or the State for the safety of aircraft operations.

**Parking Lot.** Open parking area(s) provided on property other than a public street, alley, or right-of-way that is the primary use on the lot. May include park and ride lots. Use of the parking lot may be subject to a fee.

**Parking Structure.** A building or structure containing parking spaces that is the primary use on the lot. May be located above or below grade, and use of the parking structure may be subject to a fee. May include park and ride structures.

**Passenger Transportation Facilities.** Facilities for passenger transportation operations, including but not limited to rail stations and bus terminals, and service facilities for commercial motor vehicles used for commercial passenger transportation, but excluding travel agencies or taxicabs.

#### I. Vehicle Sales and Services Use Types.

**Automotive Sales and Rental.** The use of a site for the permanent sale or temporary rental of automobiles, noncommercial trucks, motorcycles, including incidental maintenance and servicing. This use includes but are not limited to new and used automobile and motorcycle dealerships and car rental centers.

##### **Automotive Storage.**

**General.** The use of a site for the short or long-term storage of automobiles, noncommercial trucks, motorcycles, and commercial taxi and towing vehicles.

**Large Vehicles.** The use of a site for the short or long-term storage of large vehicles, including commercial trucks and buses.

**Gas/Service Station.** Establishments primarily engaged in retailing automotive fuels or retailing fuels in combination with related activities such as providing minor automotive repair services (see Repair, Minor) and car washes, selling automotive oils, replacement parts, and accessories, and/or providing incidental food and retail services. Excludes Repair, Major.

**Large Vehicle and Boat Sales and Rental.** The use of a site for the permanent sale or temporary rental of large automobiles and vehicles, including incidental maintenance and servicing. These include but are not limited to new and used dealerships for boats, campers, RVs, mobile homes, commercial trucks, and trailers.

**Repair, Major.** Repair of automobiles, noncommercial trucks, motorcycles, motor homes, boats and recreational vehicles, including the incidental sale, installation, and servicing of related equipment and parts, generally on an overnight basis. This classification includes auto repair shops, body and fender shops, transmission shops, wheel and brake shops, auto glass services, vehicle painting and tire sales and installation, but excludes vehicle dismantling or salvaging and tire retreading or recapping.

**Repair, Minor.** The service and repair of automobiles and motorcycles, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes the replacement of small automotive parts and liquids as an accessory use to a gasoline sales station or automotive accessories and supply store, and quick-service oil, tune-up and brake and muffler shops where repairs are made or service provided in enclosed bays and no vehicles are stored overnight. This classification excludes disassembly, removal or replacement of major components such as engines, drive trains, transmissions or axles, automotive body and fender work, vehicle painting or other operations that generate excessive noise, objectionable odors or hazardous materials, and towing services. It also excludes repair of heavy trucks, limousines, or construction vehicles.

**J. Other Use Types.**

**Adult Businesses.** An establishment that, as a regular and substantial course of conduct, offers, sells or distributes adult-oriented merchandise, or that offers to its patrons materials, products, merchandise, services, entertainment or performances that have sexual arousal, sexual gratification, and/or sexual stimulation as their dominant theme, or are characterized by an emphasis on specified sexual activities or specified anatomical areas and are not customarily open to the general public because they exclude minors by virtue of their age. This classification does not include any establishment offering professional services conducted, operated, or supervised by medical practitioners, physical therapists, nurses, chiropractors, psychologist, social workers, marriage and family counselors, osteopaths, and persons holding licenses or certificates under applicable State law or accreditation from recognized programs when performing functions pursuant to the respective license or certificate.

**Correctional Institution.** A facility to incarcerate and control inmates operated by the Federal Bureau of Prison division of the United States Department of Justice.

**Managed Resource Production.** Areas that are required for the protection and recharge of groundwater basins. These uses include storm water detention basins, retention basis required for flood control, and natural open-space areas. Most commonly allowed, included, or required as an accessory feature or mitigation measure of a development or site.

**Temporary Use.** Short-term activities that are not allowed on a permanent basis but because of their temporary non-permanent intermittent or seasonal nature are acceptable.

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# 17.7.12 Definitions of Sign Terms and Types

17.7.12.010: Purpose

17.7.12.020: Sign Terms

17.7.12.030: Sign Types

## 17.7.12.010: Purpose

This Chapter provides definitions of terms and phrases related to signage used in this Code that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Chapter conflict with definitions in other provisions of the Code, these definitions shall control for the purposes of this Code. If a word is not defined in this Chapter, or in other provisions of the Code, the Director shall determine the correct definition.

## 17.7.12.020: Sign Terms

**A. Sign Terms.** No sign terms beginning with the letter **A** are defined at this time.

**B. Sign Terms.**

**Building façade.** Any exterior elevation of a building, located above ground and generally visible from public points of view.

**Business frontage.** The width of a building occupied by a single business tenant that fronts on a public way where customer access to the building is available. Width is measured at the widest point on an architectural elevation.

**C. Sign Terms.**

**Changeable copy.** Sign copy designed to be used with removable graphics or letters which will allow changing of copy.

**Corporate sign standards.** Standards for logo or sign design approved by a corporation.

**D. Sign Terms.**

**Dilapidated.** In a state of disrepair or ruin as a result of age or neglect.

**Displayed.** See "Placed".

**E. Sign Terms.**

**Electronic message.** A fixed or changing display composed of a series of lights that are electronically changed to display messages.

**F. Sign Terms.** No sign terms beginning with the letter **F** are defined at this time.

**G. Sign Terms.** No sign terms beginning with the letter **G** are defined at this time.

**H. Sign Terms.**

**Height.** The measurement between a sign's highest element and the finished surface below the sign as described in 17.3.16.050.B.6 (Height).

**I. Sign Terms.**

**Illuminated.** Signs or individual letters in which an artificial source of light is used to make the message readable and includes both internally and externally lit signs.

**J. Sign Terms.** No sign terms beginning with the letter **J** are defined at this time.

**K. Sign Terms.** No sign terms beginning with the letter **K** are defined at this time.

**L. Sign Terms.**

**Landmark Sign Registry.** A list of all designated Landmark Signs that is maintained by the City Clerk.

**M. Sign Terms.**

**Multi-parcel center.** A non-residential development that contains multiple tenant spaces and is located on more than one adjoining parcels.

**Mural.** An original work of visual art which is composed, created or produced firsthand, and that is painted directly upon or affixed directly to an exterior wall of a structure with the permission of the property owner. Murals do not include any commercial messages. Murals may not have any electrical or mechanical components. A mural is distinguishable from graffiti (see Chapter 9.16) based on the property owner's permission to paint or affix the mural onto the property.

**N. Sign Terms.**

**Neon lighting.** Any sign illuminated by or utilizing in any way tubes filled with neon and/or related inert gasses, or products that produce the same or similar effect as neon, such as flexible light-emitting diode (LED) neon-like tubing.

**O. Sign Terms.** No sign terms beginning with the letter **O** are defined at this time.

**P. Sign Terms.**

**Pennant.** A triangular or irregular piece of fabric or other material, whether or not containing a message of any kind, commonly attached by strings or strands, or supported on small poles, intended to flap in the wind.

**Placed.** Erected, constructed, posted, painted, printed, tackled, glued, carved or otherwise fastened, affixed, or made visible in any manner.

**Professionally crafted.** Designed or manufactured by a professional sign designer or manufacturer or equivalent as determined by the Director.

**Public area.** An area that is accessible to any member of the public.

**Public way.** A street that is accessible to any member of the public.

**Q. Sign Terms.** No sign terms beginning with the letter **Q** are defined at this time.

**R. Sign Terms.** No sign terms beginning with the letter **R** are defined at this time.

**S. Sign Terms.**

**Sign.** A structure, device, figure, display, message placard or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended or used to advertise, provide information in the nature of advertising, provide historical, cultural, archeological, or social information, or direct or attract attention to an object, person, institution, business, product service, event, or location by any means, including words, letters, figures, designed, symbols, fixtures, colors, illumination, or projected images.

**Sign copy.** All portions of a sign displaying a message, including text and symbols, not including the supporting structure of a base of a sign.

**Sign Program.** A coordinated design plan of one or more signs for an individual business, a multi-tenant business center, or other site that specifies the number, size, description, and location of all signs located or to be located on the parcel or business site.

**Street frontage.** The portion of the building or property which faces or abuts the street(s).

**Support structure.** The structural portion of a sign securing the sign to the ground, a building, or to another structure.

**T. Sign Terms.** No sign terms beginning with the letter **T** are defined at this time.

**U. Sign Terms.** No sign terms beginning with the letter **U** are defined at this time.

**V. Sign Terms.** No sign terms beginning with the letter **V** are defined at this time.

**W. Sign Terms.**

**Width.** The measurement of a sign or base of a sign at its full extent from side to side.

**Window area.** The area within the perimeter window frames and class doors located on a business frontage or street frontage.

- X. Sign Terms.** No sign terms beginning with the letter **X** are defined at this time.
- Y. Sign Terms.** No sign terms beginning with the letter **Y** are defined at this time.
- Z. Sign Terms.** No sign terms beginning with the letter **Z** are defined at this time.

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### 17.7.12.030: Sign Types

#### A. Sign Types.

**Abandoned sign.** Any lawfully erected sign that, for a period of 90 days or more, no longer advertises or identifies an ongoing business, activity, product, service, or other use available on the premise where the sign is located.

**A-frame sign.** A freestanding portable sign ordinarily in the shape of an “A” or some variation thereof, which is readily movable and not permanently attached to the ground or any structure, also, a sandwich board sign.

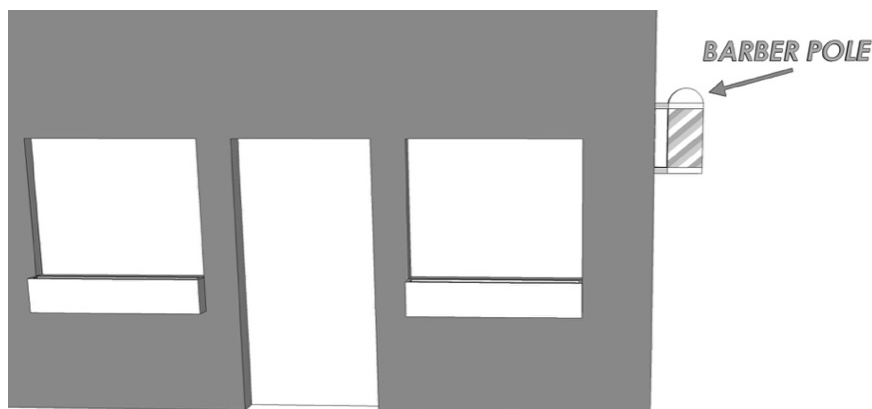
**Awning or canopy sign.** Any sign that is painted or applied to the face, valance, or side panel of a projecting structure consisting of a frame and a material covering, attached to and wholly supported by a building wall and installed over and partially in front of doors, windows, or other openings in a building.

#### B. Sign Types.

**Banner sign.** A temporary sign composed of cloth, canvas, plastic, fabric, or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or similar method.

**Barber pole.** A rotating or stationary cylindrical pole of traditional red, white, and blue spiral striped design, identifying the premises as a barber shop. See Figure 17.7.12.030.1.

Figure 17.7.12.030.1



**Bus bench sign.** A temporary message located on the backrest of a City bus bench.

**Business information sign.** Signs which provide business information including, but not limited to credit card acceptance, business hours, open/closed, or menus.

**C. Sign Types.**

**Community information bulletin board.** A board or similar posting area installed and maintained by the City for the posting of community information.

**D. Sign Types.**

**Directory sign.** A pedestrian oriented sign uses to provide a directory of tenant locations within a multi-tenant building(s).

**Double-sided sign.** A sign constructed to display its message on the outer surfaces of two parallel planes.

**E. Sign Types.**

**Externally illuminated sign.** A sign that is lit by a light source located on the exterior of the sign or nearby so the light shines to the face of the sign.

**F. Sign Types.**

**Feather sign.** A temporary sign constructed of cloth, canvas, plastic fabric, of similar lightweight, non-rigid material and supported by a single vertical pole mounted into the ground or on a portable structure.

**Flag.** A fabric sheet of square, rectangular, or triangular shape that is mounted on a pole. This sign type includes official flags of national, state, and local governments. This sign type does not include feather signs (see Feather sign).



**G. Sign Types.** No sign types related to the letter **G** are defined at this time.

**H. Sign Types.**

**H-frame sign.** A freestanding portable sign ordinarily in the shape of a sideways "H" or some variation thereof, which is readily movable and not pertinently attached to the ground or any other structure.

**I. Sign Types.**

**Illegal sign.** Any sign erected without complying with all ordinances and regulations in effect at the time of its construction and erection or use.

**Inflatable sign.** A sign that is an air-inflated object which may be of various shapes, made of flexible fabric, resting on the ground or a structure and equipped with a portable blower motor that provides a constant flow of air into the device.

**Internally illuminated sign.** A sign with a light source in the interior of the sign so that the light shines through the face of the sign, or with a light source which is attached to the face of the sign and is perceived as a design element of the sign.

**J. Sign Types.** No sign types beginning with the letter **J** are defined at this time.

**K. Sign Types.** No sign types beginning with the letter **K** are defined at this time.

**L. Sign Types.**

**Landmark sign.** An individual sign designated due to its historic or cultural significance and worthy of special recognition and consideration because it may be unusual, significant, or meaningful to Lompoc's streetscape or history.

**M. Sign Types.**

**Mobile billboard.** An advertising display that is attached to a vehicle or any other mobile, non-motorized device, conveyance or bicycle that carries, pulls, or transports a sign or billboard and is for the primary purpose of advertising.

**Monument sign.** An independent, freestanding sign supported on the ground having a solid base.

**N. Sign Types.**

**Nonconforming sign.** Any permanent or temporary sign, including its physical structure and supporting elements, which was lawfully erected and maintained in compliance with all applicable laws in effect at the time of original installation, but which does not now comply with the provisions of Chapter 17.3.16 (Sign Standards).

**O. Sign Types.**

**Off-premises sign.** A sign identifying a business activity, property, services, or product at some location other than where the sign is located. All non-commercial signs are considered on-premise signs.

**P. Sign Types.**

**People sign.** A person, live or simulated, who is attired or decorated with insignia, images, costumes, masks, or other symbols that display commercial messages with the purpose of drawing attention to or advertising for an on-premise activity. Such person may or may not be holding a sign. Also known as human mascots, sign spinner, or walking signs.

**Permanent sign.** A sign constructed of durable materials and intended to exist for the duration of the time that the use or occupant is located on the premises.

**Pole sign.** An elevated freestanding sign, typically supported by two or more poles or columns that do not meet the base width requirements for a monument sign.

**Portable sign.** A sign that rests on the ground and is not designed to be permanently attached to a building or permanently anchored to the ground, including but not limited to A-frame and H-frame signs. Portable signs do not include pole or wooden post signs (see Yard sign).

**Projecting sign.** A sign projecting from or supported by a wall or building with the display surface of the sign perpendicular to the wall or building.

**Q. Sign Types.** No sign types beginning with the letter **R** are defined at this time.**R. Sign Types.**

**Roof sign.** A sign constructed over a roof placed so that any portion of the sign extends above the edge of the roof.

**S. Sign Types.**

**Suspended sign.** A sign that is suspended from the underside of an eave, canopy, awning, arcade, or other covered walkway.

**T. Sign Types.**

**Temporary sign.** A sign constructed of paper, cloth, or similar expendable material, which is intended for a definite and limited period of display and which is intended for a definite and limited period of display and which is not permanently affixed to a structure, sign area, or window.

**U. Sign Types.** No sign types beginning with the letter **V** are defined at this time.

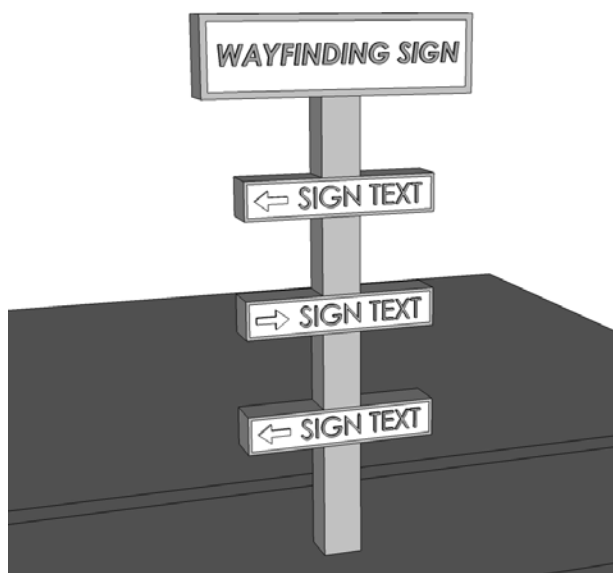
**V. Sign Types.** No sign types beginning with the letter **W** are defined at this time.

**W. Sign Types.**

**Wall sign.** A sign attached to or painted to the exterior wall of a building or structure with the display surface of the sign approximately parallel to the building or structure wall.

**Wayfinding sign.** An off-premises sign along the path of travel directing potential patrons to an area in which three or more businesses of the same type are located and to business within the area. See Figure 17.7.12.030.2.

**Figure 17.7.12.030.2**



**X. Sign Types.** No sign types beginning with the letter **Y** are defined at this time.

**Y. Sign Types.** No sign types beginning with the letter **Z** are defined at this time.