

# Dixon Comprehensive Zoning Code Update

## Administrative Provisions



Study Session Draft

April 2023





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# Introduction

## Contents

This paper presents draft administrative provisions for the Zoning Code which would be located in Division IV, Administration and Permits, of the new Zoning Code. The purpose of the administrative provisions is to explain who is responsible for making decisions on project applications, what criteria will be used to approve permits, and the process for securing approvals. It is important that this part be understandable to both users and City staff, and that it be “findings-based” and tied to the legal requirement that zoning and project approvals must be found to be consistent with General Plan.

The proposed chapters incorporate many provisions included in Dixon’s existing Zoning Code, with technical edits being made to reflect “best practices” and to simplify and streamline the review process for projects that are minor in nature or that meet the requirements of the code and whose approval is routinely granted. The administrative provisions are organized so that processes are streamlined and consolidated, wherever possible. The first chapter, Planning Authorities, establishes all relevant responsibilities of those involved in land use decisions, including the City Council, Planning Commission, and Community Development Director. The second chapter, Common Procedures, simplifies existing regulations by establishing administrative procedures (including review of applications, noticing, and hearings) which are consistent across many approval types. Procedures for specific approval processes are then listed from ministerial approvals, such as obtaining zoning clearance, to more technical and substantive approvals, including use permits and variances.

Notations summarizing the purpose of the provisions and revisions to current regulations are provided below.

### PLANNING AUTHORITIES

This chapter lays out the basic roles and functions of the authorities that make up the planning authorities, including the City Council, Planning Commission, and Community Development Director. It lists the power and duties each authority has under the updated code and includes a Review Authority Table that identifies the authorities responsible for decisions and appeals. A general statement is made to clarify that the Director may refer any item for which the Director makes a determination to the Planning Commission where, in the Director’s opinion, the public interest would be better served by a Planning Commission public hearing and action.

## COMMON PROCEDURES

The purpose of this chapter is to establish uniform procedures that are common to the application and processing of a variety of different permits and approvals such as Use Permits, Variances, and Amendments. It includes everything from filing an application to time limits and extensions through to post-decision provisions (e.g. expiration, extension, and modification of approvals). The common procedures are consistent with current provisions and practice. A notable proposed change is to extend the timeframe for which a permit may be exercised. Pursuant to the current code, a permit is valid for one year, with an option for a one-year renewal. Under the proposed code, a permit would be valid for two years, with an up to two-year extension reviewed and approved by the Director, or Planning Commission upon referral.

## ZONING CLEARANCE

This is a new chapter that establishes the process the City uses for reviewing applications for business licenses and other entitlements, in addition to building permits, to ensure that the proposed use or structure is either permitted by right and conforms to all applicable zoning standards or conforms to the requirements and conditions of any discretionary approval that the City has granted under the code.

## DESIGN REVIEW

This chapter establishes provisions for design review, identifying first which projects are subject to design review and then the review authority, scope of review, procedures, and required findings and criteria. The chapter clarifies the type of projects that are subject to design review and defines the respective roles of the City Council, Planning Commission, and staff. The City Council is the review authority for design review of *nonresidential* development with more than 75,000 square feet of floor area. This is a clarification and expansion of the current code, which requires City Council review for *retail* development with more than 75,000 square feet of floor area. Planning Commission review of nonresidential development of 5,000 square feet or more and multi-residential development with three or more units is retained. The draft provisions add subdivisions model homes to the types of projects that are subject to design review by the Planning Commission. Staff is the design review for new construction and additions that do not go before the Planning Commission, as well as fences and walls visible from the freeway or North 1<sup>st</sup> Street.

## USE PERMITS

This chapter includes a description of the purpose and processes for Conditional Use Permits which require Planning Commission review and a new type of use permit, Administrative Use Permits, which require review by the Community Development Director. This chapter is organized so that action by the appropriate authority is listed first, followed by the application and public hearing provisions.

## TEMPORARY USE PERMITS

This chapter details the permit procedures for those temporary uses that require a Temporary Use Permit.

## MODIFICATIONS

This is a new chapter which includes a process where the Director may grant limited relief from codified locational, developmental, and operational standards in cases where modifications are consistent with General Plan objectives and warranted by special circumstances that may not meet the requirements for approval of a variance based on physical hardship. A modification is a sort of ‘mini’ variance; anything not fitting into the purview of a modification would require a variance.

## VARIANCES

This chapter incorporates provisions currently located in Chapter 18.26, Variances, that are applicable to situations where the variation exceeds the thresholds established for Modifications, or are not otherwise entitled to modification under those rules or other regulations.

## REASONABLE ACCOMMODATIONS

This is a new chapter which 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 (“the Acts”) in the application of zoning law and other land use regulations, policies, procedures, and conditions of approval.

## AMENDMENTS

This chapter contains provisions for amending the Zoning Code text and the Zoning Map, currently located in Chapter 18.42, Amendments.

## PREZONING

This chapter carries forward and revise provisions in Chapter 18.43, Prezoning, for prezoning of property to determine the zoning that will apply to property in the event of subsequent annexation to the City.

## PLANNED DEVELOPMENT

This chapter establishes the procedures for the establishment of a Planned Development (PD) Overlay District and the review and approval of a PD Plan for development within a PD Overlay District. City Council approval is required to establish a PD Overlay District. A PD Plan, which guides development within the PD Overlay is approved by the City Council, if prepared concurrent with the establishment of the overlay district, or the Planning Commission, if proposed after the establishment of the overlay district.

## **ENFORCEMENT**

This chapter carries forward procedures in Chapter 18.44, Enforcement, for enforcing and abating violations of code regulations.

# Administrative Provisions

## Chapter 18.20 Planning Authorities

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### 18.20.010 Purpose

This Chapter lays out the basic roles, responsibilities, and functions of all planning authorities under this Code, including the City Council, Planning Commission, and Community Development Director.

### 18.20.020 City Council

The powers and responsibilities of the City Council include, but are not limited to the following:

- A. Consider and adopt, reject or modify proposed amendments to the Zoning Code and Zoning Map and any associated environmental documents, following a public hearing and recommendation by the Planning Commission, pursuant to Chapter TBD, Amendments.
- B. Consider and adopt, reject, or modify Development Agreements, following a public hearing and recommended action by the Planning Commission, pursuant to Chapter TBD, Development Agreements.
- C. Hear and decide appeals from decisions of the Planning Commission pursuant to Section TBD, Appeals.
- D. Establish, by resolution, a Municipal Fee Schedule listing fees, charges, and deposits for various applications and services provided, pursuant to this Code.

### 18.20.030 Planning Commission

The powers and responsibilities of the Planning Commission include, but are not limited to the following:

- A. Annually review progress towards implementation of the General Plan and make recommendations to the City Council based on any new legislation, development trends, or changing economic, social, and environmental conditions.
- B. Approve, modify, or deny Conditional Use Permits and Variances, pursuant to Chapter TBD, Use Permits, and Chapter TBD, Variances.
- C. Conduct Design Review for certain projects, pursuant to Chapter TBD, Design Review.



- D. Make recommendations to City Council on proposed amendments to the Zoning Code and Zoning Map and environmental documents related to any of the foregoing, pursuant to Chapter TBD, Amendments.
- E. Make recommendations to the City Council on development agreements, pursuant to Chapter TBD, Development Agreements.
- F. Hear and decide appeals from decisions of the Community Development Director, pursuant to Section TBD, Appeals.
- G. Hear and decide proposals to revoke permits, pursuant to Section TBD, Revocation of Permits.
- H. Make environmental determinations on any approvals within the Planning Commission's jurisdiction that are subject to environmental review under the California Environmental Quality Act, pursuant to State law.
- I. Such other powers and responsibilities as assigned or directed by the City Council.

#### **18.20.040 Community Development Director**

The powers and responsibilities of the Community Development Director ("the Director"), or their designee, include, but are not limited to the following:

- A. Perform all of the functions designated by State law, including, but not limited to an annual report related to implementation of the General Plan in compliance with Government Code Section 65400.
- B. Maintain and administer the Zoning Code, including the processing of applications, abatements, and other enforcement actions.
- C. Interpret the Zoning Code as needed for members of the public and other City Departments.
- D. Prepare rules and procedures necessary for conducting the Director's business. They may include the administrative details of hearings officiated by the Director (e.g., scheduling, rules of procedure, and recordkeeping). These rules and procedures must be approved by City Council resolution, following review and recommendation by the Planning Commission.
- E. Issue administrative regulations for the submission and review of applications subject to the requirements of Government Code Section 65950, Deadlines for Project Approval Conformance; Extensions.
- F. Review applications for permits and licenses for conformance with this Code and issue a Zoning Clearance when the proposed use, activity or building is allowed by right and conforms to all applicable development and use standards.

- G. Approve, modify, or deny Administrative Use Permits, pursuant to Chapter TBD, Use Permits.
- H. Approve, modify, or deny Temporary Use Permits, pursuant to Chapter TBD, Temporary Use Permits.
- I. Approve, modify, or deny a Modification, pursuant to Chapter TBD, Modifications.
- J. Approve, modify, or deny requests for Reasonable Accommodation for land use projects, pursuant to Chapter TBD, Reasonable Accommodation.
- K. Conduct Design Review and approve, modify, or deny land use projects pursuant to Chapter TBD, Design Review.
- L. Approve, modify, or deny requests for Extensions for land use projects, pursuant to Section TBD, Expiration and Extension.
- M. Decide requests for Minor Revisions to Approved Permits, pursuant to Section TBD, Revisions to an Approved Permit.
- N. Refer items to the Planning Commission where, in the Director's opinion, the public interest would be better served by a Planning Commission public hearing and action.
- O. Determine whether a project is subject to review under the California Environmental Quality Act and notify the applicant if any additional information is necessary to conduct the review.
- P. Make recommendations to the Planning Commission and City Council on all applications, appeals, and other matters upon which they have the authority and the responsibility to act under this Code.
- Q. Investigate and report to the Planning Commission on permit violations when the City has initiated revocation procedures, pursuant to Section TBD, Revocation of Permits.
- R. Delegate administrative functions to members of the Planning Division.
- S. Other duties and powers as may be assigned by the City Council or established by legislation.

#### **18.20.050 Summary of Review Authorities for Decisions and Appeals**

Table TBD, Summary of Review Authorities for Decisions and Appeals, summarizes the powers and duties that each review authority has under this Code. Where a land use project requires more than one type of application, all permit requests shall be reviewed and decided on by the highest review authority established for any of the applications.

The Director may refer any item for which the Director makes a determination to the Planning Commission where, in the Director's opinion, the public interest would be better served by a Planning Commission public hearing and action.

<b>TABLE TBD: SUMMARY OF REVIEW AUTHORITIES FOR DECISIONS AND APPEALS</b>				
<i>Decision Type</i>	<i>Reference</i>	<i>Advisory Body</i>	<i>Review Body</i>	<i>Appeal Body</i>
Interpretations	TBD	N/A	Director	Planning Commission
Extension to Permit	TBD	N/A	Director	Planning Commission
Minor Revision to Permit	TBD	N/A	Director	Planning Commission
Major Revision to Permit	TBD	N/A	Review Authority of Original Permit	Appeal Body for Original Permit
Permit Revocation	TBD	Director	Planning Commission	City Council
Zoning Clearance	TBD	N/A	Director	Planning Commission
Design Review	TBD	N/A	Director or Planning Commission	Planning Commission or City Council
Administrative Use Permit	TBD	N/A	Director	Planning Commission
Conditional Use Permit	TBD	Director	Planning Commission	City Council
Temporary Use Permit	TBD	N/A	Director	Planning Commission
Modification	TBD	N/A	Director	Planning Commission
Variance	TBD	Director	Planning Commission	City Council
Reasonable Accommodation	TBD	N/A	Director	Planning Commission
Zoning Amendment	TBD	Planning Commission	City Council	N/A
Development Agreements	TBD	Planning Commission	City Council	N/A
Planned Development	TBD	Planning Commission	City Council	N/A

## Chapter 18.21 Common Procedures

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### 18.21.010 Purpose

This Chapter establishes uniform procedures for the preparation, filing, and processing of all land use permits and approvals provided for in this Code, unless superseded by a specific requirement of this Code or State law.

### 18.21.020 Application Forms and Fees

- A. **Applicant.** The owner of property or the owner's authorized agent. If the application is made by someone other than the owner or the owner's agent, proof of the right to use and possess the property as applied for, satisfactory to the Community Development Director, shall accompany the application.
- B. **Application Materials.**
  - 1. **Application Forms.** The Director shall prepare and issue application forms and lists that specify the information that will be required from applicants for projects subject to the provisions of this Code.
  - 2. **Supporting Materials.** The Director may require the submission of supporting materials as part of the application, including but not limited to: statements, photographs, plans, drawings, renderings, models, material samples, technical studies, reports, and other items necessary to describe existing conditions and the proposed project and to determine the level of environmental review pursuant to the California Environmental Quality Act (CEQA).
  - 3. **Availability of Materials.** All submitted material becomes the property of the City, may be distributed to the public, and shall be made available for public inspection. At any time, upon reasonable request, and during normal business hours, any person may examine application materials in support of or in opposition at the Planning Division offices. Unless prohibited by law or superseded by specific permit confidentiality requirements, copies of such materials shall be made available at a reasonable cost.
- C. **Multiple Applications.**
  - 1. **Concurrent Filing.** An applicant for a project which requires more than one permit (e.g., Conditional Use Permit, Variance, and Design Review, etc.), shall file all related applications concurrently, together with all application fees. The concurrent filing requirements may be waived by the Director.

2. **Concurrent Processing.** Multiple applications for the same project shall be processed concurrently and shall be reviewed and decided on by the highest review authority designated for any one of the applications.

D. **Application Fees.**

1. **Fee Schedule.** The Council shall adopt by resolution a Municipal Fee Schedule that that establishes fees for applications, informational materials, penalties, copying, and other such items.
2. **Fee Payment.** No application shall be deemed complete, and processing shall not commence on any application until all required fees or deposits have been paid.
3. **Fee Waiver.** No fee shall be required when the applicant is the City, or if it is waived under any other provision of the Dixon Municipal Code.
4. **Refund of Fees.** Application fees are non-refundable unless otherwise provided for in the Dixon Municipal Code or by policy of the Council.

**18.21.030 Review of Applications**

- A. **Initial Completeness Review.** The Director shall determine whether an application for a discretionary land use or development permit is complete within 30 days of the date the application is filed and required fee received. The 30-day completeness review period does not apply to legislative land use decisions such as amendments or pre-zoning.

1. **Incomplete Application.** If an application is deemed incomplete, the Director shall provide written notification to the applicant listing the applications for permit(s), forms, information, and any additional fees that are necessary to complete the application.
  - a. **Zoning Code Violations.** An application shall not be found complete if conditions exist on the site in violation of this Code or any permit or other approval granted in compliance with this Code, unless the proposed project includes the correction of the violations.
  - b. **Submittal of Additional Information.** The applicant shall provide the additional information within the time limit specified by the Director, which shall be no sooner than 30 days. The Director may grant one extension of up to 90 days.
  - c. **Appeal of Determination.** Determinations of incompleteness are subject to the provisions of Section TBD, Appeals, except there shall be a final written determination on the appeal no later than 60 days after receipt of the appeal. The fact that an appeal is permitted to both the Planning Commission and the City Council does not extend the 60-day period.

- d. *Expiration of Application.* If an applicant fails to correct the specified deficiencies within the specific time limit, the application shall expire and be deemed withdrawn, unless an extension is granted by the Director. After the expiration of an application, review shall require the submittal of a new, complete application, along with all required fees.
2. **Complete Application.** When an application is deemed complete, the Director shall make a record of that date. If an application requires a public hearing, the Director shall schedule it and notify the applicant of the date and time, pursuant to Section TBD, Public Notice.
- 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, public agency, or interest group that may be affected by or have an interest in the proposed land use project.
- C. **Extensions.** The Director may, upon written request from the applicant and for good cause, grant extensions of any time limit for completeness review of applications imposed by this Code.

#### **18.21.040 Environmental Review**

All projects shall be reviewed for compliance or exemption with the California Environmental Quality Act (CEQA). Environmental review will be conducted pursuant to Title 14 of the California Code of Regulations (CEQA Guidelines). If Title 14 of the California Code is amended, such amendments will govern City procedures.

#### **18.21.050 Public Notice**

Unless otherwise specified, whenever the provisions of this Code require public notice, the City shall provide notice in compliance with State law as follows.

- A. **Mailed Notice.** At least 10 days before the date of the public hearing or the date of action when no public hearing is required, the City Clerk shall provide notice by First Class mail delivery to the following:
  1. The applicant and the owner of the subject property;
  2. All property owners of record within a minimum 300-foot radius of the subject property as shown on the latest available assessment role or a larger radius if deemed necessary by the Director to provide adequate public notification;
  3. All neighborhood and community organizations that have previously filed a written request for notice of projects in the area where the site is located;

4. Any person or group who has filed a written request for notice regarding the specific application; and
  5. The school district and any other local agency or utility provider expected to provide essential facilities or services to the property which is the subject of the application, whose ability to provide those facilities and services may be affected.
  6. ***Alternative Method for Large Mailings.*** If the number of owners to whom notice would be mailed or delivered is greater than 1,000, instead of a mailed notice, notice may be provided by providing notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation in the City at least 10 days prior to the hearing or the date of action when no public hearing is required.
- B. **Newspaper Notice.** At least 10 days before the date of the public hearing or the date of action when no public hearing is required, notice shall publish a notice in at least one newspaper of general circulation in the City.
- C. **Contents of Notice.** The notice shall include the following information:
1. The location of the real property, if any, that is the subject of the application;
  2. A general description of the proposed project or action;
  3. The date, time, location, and purpose of the public hearing or the date of action when no public hearing is required;
  4. The identity of the hearing body or officer;
  5. The names of the applicant and the owner of the property that is the subject of the application;
  6. The location and times at which the complete application and project file, including any environmental impact assessment prepared in connection with the application, may be viewed by the public;
  7. A statement that any interested person or authorized agent may appear and be heard;
  8. A statement describing how to submit written comments; and
  9. For City Council hearings, the Planning Commission recommendation.
- D. **Failure to Notify Individual Properties.** The validity of the proceedings shall not be affected by the failure of any property owner, resident, or community organization to receive a mailed notice.

### 18.21.060 Conduct of Public Hearings

Whenever the provisions of this Code require a public hearing, the hearing shall be conducted in compliance with the requirements of State law as follows.

- A. **Generally.** Hearings shall be conducted pursuant to procedures adopted by the hearing body. Hearings are not required to be conducted according to technical rules relating to evidence and witnesses.
- B. **Scheduling.** Hearings before the City Council shall be scheduled by the City Clerk. All other hearings shall be scheduled by the Director.
- C. **Presentation.** An applicant or an applicant's representative may make a presentation of a proposed project.
- D. **Public Hearing Testimony.** Any person may appear at a public hearing and submit oral or written evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing representing an organization shall identify the organization being represented.
- E. **Time Limits.** The presiding officer may establish time limits for individual testimony and require that individuals with shared concerns select one or more spokespersons to present testimony on behalf of those individuals.
- F. **Continuance of Public Hearing.** The body conducting the public hearing may by motion continue the public hearing to a fixed date, time, and place without providing further notice or may continue the item to an undetermined date and provide notice of the continued hearing.
- G. **Investigations.** The body conducting the hearing may cause such investigations to be made as it deems necessary and in the public interest in any matter to be heard by it. Such investigation may be made by a committee of one or more members of the hearing body or by City staff. The facts established by such investigation shall be submitted to the hearing body either in writing, to be filed with the records of the matter, or in testimony before the hearing body, and may be considered by the body in making its decision.
- H. **Decision.** The public hearing shall be closed before a vote is taken.

### 18.21.070 Findings and Decision

When deciding to approve, approve with conditions, modify, revoke or deny any discretionary permit under this Code, the review authority shall issue a Notice of Action and make findings of fact as required by this Code.



- A. **Date of Action.** The review authority shall decide to approve, modify, revoke, or deny any discretionary permit following the close of the public hearing, or if no public hearing is required, within the time period set forth below. These deadlines do not apply to any action that has been appealed to the City Council in accordance with Section TBD, Appeals. Time extensions may be granted pursuant to Section TBD, Expiration and Extension.
1. **Project Exempt from Environmental Review.** Within 30 days of the date the City has determined an application to be complete, a determination must be made whether the project is exempt from Environmental Review per State CEQA requirements.
  2. **Project for which a Negative Declaration or Mitigated Negative Declaration is Prepared.** Within 60 days of the date a Negative Declaration or Mitigated Negative Declaration has been completed and adopted for project approval, the City shall act on the accompanying discretionary project.
  3. **Project for which an EIR is Prepared.** Within 180 days from the date the review authority certifies a Final EIR, the City shall act on the accompanying discretionary project.
- B. **Notice of Action.** After the Director or Planning Commission takes any action to approve, modify, or deny an application that is subject to appeal under the terms of this Code, the Director shall issue a Notice of Action. The Notice shall describe the action taken, including any applicable conditions, and shall list the findings that were the basis for the decisions. The Director shall mail the Notice to the applicant and to any other person or entity that has filed a written request for such notification with the Planning Division.
- C. **Findings.** Findings, when required by State law or this Code, shall be based upon consideration of the application, plans, testimony, reports, and other materials that constitute the administrative record and shall be stated in writing in the resolution or record of the action on the permit.

#### 18.21.080 Scope of Approval

- A. **Scope.** The scope of approvals includes only those uses and activities proposed in the application, excluding other uses and activities. Unless otherwise specified, the approval of a new use shall terminate all rights and approvals for previous uses no longer occupying the same site or location.
- B. **Conditions.** The use and development of a site shall be consistent with all applicable conditions of approval imposed by the decision-making body. The site plan, floor plans, building elevations, and/or any additional information or representation, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or submitted during the approval process shall be deemed conditions of approval. Any approval may be subject to requirements that the applicant guarantees, warranties, or ensures compliance with submitted plans and conditions in all respects.

- C. **Actions Voiding Approval.** If the construction of a building or structure or the use established is contrary to the description or illustration in the application, to either violate any provision of this Code or require additional permits, then the approval shall be deemed null and void.
- D. **Periodic Review.** All approvals may be subject to periodic review to determine compliance with the permit and applicable conditions. If a condition specifies that activities or uses allowed under the permit are subject to periodic reporting, monitoring, or assessments, it shall be the responsibility of the permit holder, the property owner, or successor property owners to comply with such conditions.

### 18.21.090 Effective Dates; Expiration and Extension

- A. **Effective Dates.** A decision shall be effective on the date of action except as provided below.
  - 1. **Decisions Subject to Appeal.** A final decision on an application for any approval subject to appeal shall become effective after the expiration of the 10-day appeal period following the date of action, unless an appeal is filed. No building permit or business license shall be issued until the 11th day following the date of the action.
  - 2. **Amendments to the Zoning Code or Zoning Map.** Amendments to the Zoning Code or Zoning Map shall take effect 30 days after the second reading of the ordinance.
- B. **Expiration.** The review authority, in the granting of any permit, may specify a time, consistent with the purposes of the use and necessary to safeguard the public safety, health and welfare, within which the proposed use must be undertaken and actively and continuously pursued. If no time period is specified, any permit granted under this Code shall automatically expire when no project or use has been exercised or extended within two years after the date of the approval, except as provided below.
  - 1. **Extension for Permit Granted in Conjunction with Tentative Map.** The time limits for any permit granted in conjunction with an approved tentative tract map shall be automatically extended to be the same as the term of such tentative tract map.
  - 2. **Other Extensions.** The Community Development Director, or the Planning Commission where the Director refers the request to the Planning Commission for decision, may approve a two-year extension of any permit or approval granted under this Code upon receipt of a written application with the required fee at least 30 days prior to the expiration date.
- C. **Exercise of Permit.**

1. **Permit for a Use.** A permit for the use of a building or property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the site.
  2. **Permit for Construction.** A permit for the construction of a building, structure, or addition is exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.
- D. **Lapse.** When a permit has been exercised, it shall remain valid and in force unless the use or structure authorized by the permit is removed from the site or remains vacant and unused for its authorized purpose, or is abandoned or discontinued for a period greater than 12 consecutive months, in which case the permit may be revoked in accordance with Section TBD, Revocation of Permits. No use of land or structure, the permit for which has lapsed in compliance with this Section and has been revoked in compliance with Section TBD, Revocation of Permits, shall be reactivated, re-established, or used unless a new permit is first obtained.

#### 18.21.100 Revisions to an Approved Permit

No revision in the use or structure for which an approval or has been issued under this Code is permitted unless the permit is revised as provided for in this Code.

- A. **Minor Revisions.** The Community Development Director may approve minor revisions and technical changes to approved plans, permits, and conditions of approval that are consistent with the scope and findings of the original approval, do not substantially expand the approved floor area, number of employees, or other components of the use or improvement, and would not intensify any potentially detrimental effects of the project.
- B. **Major Revisions.** A request for revisions to conditions of approval of a discretionary permit, a revision to an approved site plan or building plan that would affect a condition of approval, or a revision that would intensify a potential impact of the project shall be treated as a new application and shall be decided on by the same Review Authority as the approved permit.

#### 18.21.110 Revocation of Permits

Any permit granted under this Code may be revoked or revised for cause if any of the conditions or terms of the permit are violated or if any law or ordinance is violated.

- A. **Initiation of Proceeding.** Revocation proceedings may be initiated by the City Council, Planning Commission, or Director.
- B. **Public Notice, Hearings, and Action.** After conducting a duly-noticed public hearing, the Planning Commission shall act on the proposed revocation, pursuant to Chapter TBD, Common Procedures.

- C. **Required Findings.** The Planning Commission may revoke or modify the permit if it makes any of the following findings:
1. That the approval was obtained by fraud;
  2. That the use or activity for which such approval was granted has permanently ceased to exist as evidenced by demolition, alteration, subsequent use of the space, or similar conditions;
  3. That the use or activity for which such approval was granted has been suspended or dormant for longer than 12 consecutive months, excluding time during which the property owner can demonstrate:
    - a. The City had pending before it an application for a permit or land use entitlement directly related to, or for the purpose of, conducting said use; or
    - b. A valid building permit directly related to said use or activity was in effect and was being diligently pursued; or
    - c. The property owner has been actively negotiating to sell the property, as evidenced by a purchase and sale agreement, proof of escrow, or other similar binding agreements, or the property is subject to a binding lease with a tenant who is diligently pursuing a business to re-establish the use on the site.
  4. That the permit or variance granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation;
  5. That the use for which the approval was granted was or is so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance;
  6. That the circumstances under which the permit was granted have been changed by the owner or operator to such a degree that one or more of the findings contained in the permit is no longer valid and the public health, safety, and welfare merit revocation of the permit; or
  7. That the conditions of approval are found to be inadequate to mitigate the impacts of the use allowed by the permit, and the public health, safety and welfare merit modification of the permit.
- D. **Notice of Action.** Following Planning Commission action to revoke or modify a permit, the Director shall issue a Notice of Action within seven days. The Notice shall describe the Commission's action with its findings. The Director shall mail notice to the permit holder and to any person or entity who requested the revocation proceeding.

- E. **Appeals.** Revocation decisions are subject to the appeal provisions of Section TBD, Appeals.

### 18.21.120 Appeals

- A. **Applicability.** Any action by the Director or Planning Commission in the administration or enforcement of the provisions of this Code may be appealed in accordance with this Section.
1. **Appeals of Director Decisions.** Decisions of the Director may be appealed to the Planning Commission by filing a written appeal and prescribed appeal fee with the Planning Division.
  2. **Appeals of Planning Commission Decisions.** Decisions of the Planning Commission may be appealed to the City Council by filing a written appeal and prescribed appeal fee with the City Clerk.
- B. **Rights of Appeal.** Appeals may be filed by any person aggrieved by a decision that is subject to appeal under the provisions of this Code. A “person aggrieved by a decision” can include, but is not limited to, the applicant, the owner of property, a member of the public, or any member of the City Council.
1. If an appeal is initiated by a City Council member, a majority of the City Council shall determine at the next regular Council meeting whether or not the Council will entertain the appeal.
- C. **Time Limits.** Unless otherwise specified in State or federal law, all appeals shall be filed in writing within 10 calendar days of the date which the action was taken. In the event an appeal period ends on a Saturday, Sunday, or any other day the City is closed, the appeal period shall end at the close of business on the next consecutive business day.
- D. **Procedures.**
1. **Filing.** The appeal shall be filed with the prescribed form and shall identify the name(s) and contact information of person(s) appealing, the decision being appealed and clearly and concisely state the reasons for the appeal. The appeal shall be accompanied by the required fee.
  2. **Proceedings Stayed by Appeal.** The timely filing of an appeal shall stay all proceedings in the matter appealed including, but not limited to, the issuance of City building permits and business licenses.
  3. **Transmission of Record.** The Director, or in the case of appeals to the City Council, City Clerk, shall schedule the appeal for consideration by the authorized hearing body. The Director shall forward the appeal, the Notice of Action, and all other documents that constitute the record to the hearing body. The Director shall also prepare a staff report

that responds to the issues raised by the appeal and may include a recommendation for action.

- E. **Standards of Review.** When reviewing any decision on appeal, the appeal body shall use the same standards for decision-making required for the original decision. The appeal body may adopt the same decision and findings as were originally approved; it also may request or require changes to the application as a condition of approval.
- F. **Public Notice and Hearing.** Public notice shall be provided and the hearing conducted by the applicable appeal body pursuant to Chapter TBD, Common Procedures. Notice of the hearing shall also be given to the applicant and party filing the appeal and any other interested person who has filed with the City Clerk a written request for such notice. In the case of an appeal of a Planning Commission decision, notice of such appeal shall also be given to the Planning Commission. The Planning Commission may be represented at the hearing.
- G. **Action.** An action to grant an appeal shall require a majority vote of the hearing body members in attendance at the hearing. A tie vote shall have the effect of rejecting the appeal.

#### **18.21.130 Interpretations and Determinations**

Requests for interpretations of this Code and verifications relating to prior approvals or permits may be made to the Director. Requests shall be in writing. The decision of the Director on such requests may be appealed under Section TBD, Appeals.

## Chapter 18.22 Zoning Clearance

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### 18.22.010 Purpose

This Chapter establishes procedure to verify that each new or expanded use, activity, or structure complies with all of the applicable requirements of this Code, as well as the conditions of any previous discretionary approval granted by the City.

### 18.22.020 Applicability

A Zoning Clearance is required for buildings or structures erected, constructed, altered, repaired or moved, the use of vacant land, changes in the character of the use of land or building, or for substantial expansions in the use of land or building, which are allowed as a matter of right by this Code.

- A. **Exceptions.** No Zoning Clearance shall be required for the continuation of previously approved or permitted uses and structures or for uses and structures that are not subject to any building or zoning regulations.

### 18.22.030 Review Authority

The Community Development Director shall act as the review authority for Zoning Clearance applications based on consideration of the requirements of this Chapter.

### 18.22.040 Procedures

- A. **Application.** Applications and fees for a Zoning Clearance shall be submitted in accordance with the provisions set forth in Section TBD, Application Forms and Fees. A Building Permit application or Business License application may serve as an application for a Zoning Clearance.
  - 1. The Director may request that the Zoning Clearance application be accompanied by a written narrative, plans, and other related materials necessary to show that the proposed development, alteration, or use of the site complies with all provisions of this Code and the requirements and conditions of any applicable Design Review, Use Permit, or other discretionary land use approval granted by the City.
- B. **Determination.** If the Director determines that the proposed use or building is allowed as a matter of right by this Code and conforms to all the applicable development and use standards, the Director shall issue a Zoning Clearance. An approved Zoning Clearance may include attachments of other written or graphic information, including but not limited to, statements, numeric data, site plans, floor plans, and building elevations and sections, as a record of the proposal's conformity

with the applicable regulations of this Code. Prior to issuing any building permit, subdivision approval, or lot line adjustment, the Director shall review the application to determine whether the use, building, or change in lot configuration complies with all provisions of this Code or any applicable Design Review, Use Permit, or other discretionary land use approval and that all conditions of such permits and approvals have been satisfied.



## Chapter 18.23 Design Review

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### 18.23.010 Purpose

This Chapter establishes the Design Review procedure to ensure that new development supports the goals and objectives of the General Plan and other adopted plans and guidelines. The specific purposes of the Design Review process are to:

- A. To provide reasonable controls over the design of structures and the layout of sites, while recognizing the individualized nature of architecture;
- B. Promote excellence in site planning and design and the harmonious appearance of buildings and sites;
- C. Ensure that new and altered uses and development will be compatible with the existing and potential development of the surrounding area; and
- D. Supplement other City regulations and standards in order to ensure control of aspects of design that are not otherwise addressed.

### 18.23.020 Applicability

- A. **Design Review Required.** Unless exempted pursuant to State law, Design Review is required for projects that include the following.
  - 1. New construction.
  - 2. Additions and alterations to existing structures.
  - 3. Model homes in residential subdivisions.
  - 4. Subdivisions involving five or more lots.
  - 5. New fencing and walls visible from the freeway or North 1<sup>st</sup> Street.

### 18.23.030 Review Authority

- A. **City Council.** The City Council shall have Design Review authority for any development consisting of more than 75,000 square feet of new non-residential floor area.
- B. **Planning Commission.** The Planning Commission shall have Design Review authority for the following projects:

1. **Non-residential and Mixed-Use Development.** New structures or the enlargement of existing structures which involve more than 5,000 gross square feet of new non-residential floor area.
  2. **Multi-Unit and Mixed-Use Development.** New structures or the enlargement of existing structures which results in three or more new residential units.
  3. **Model Home Design.** Model homes for residential subdivisions.
  4. **Subdivisions.** Subdivisions involving five or more lots.
  5. **Other Projects.** All projects otherwise requiring Planning Commission approval.
- C. **Community Development Director.**
1. The Community Development Director shall have Design Review authority for projects subject to Design Review but do not meet the criteria listed in Subsections A or B for a decision by the Planning Commission or City Council.
  2. The Community Development Director may refer items directly to the Planning Commission when, in the Director's opinion, the public interest would be better served by having the Planning Commission conduct Design Review.

#### **18.23.040 Procedures**

- A. **Application.** Applications and fees for Design Review shall be submitted in accordance with the provisions set forth in Section TBD, Application Forms and Fees.
- B. **Concurrent Processing.** When a development project requires a Use Permit, Variance, or any other discretionary approval, the Design Review application shall be submitted as a part of the application for the underlying permit, Use Permit, or Variance.
- C. **Public Notice.**
  1. **Design Review by the Planning Commission or City Council.** For all projects for which the Planning Commission or City Council is the design review authority, public notice shall be provided pursuant to Section TBD, Public Notice.
  2. **Design Review by the Community Development Director.** No public notice is required for Design Review for projects for which the Community Development Director is the design review authority.
- D. **Public Hearing.**

1. **Design Review by the Planning Commission or City Council.** All projects for which the Planning Commission or City Council is the design review authority, shall require a public hearing pursuant to Section TBD, Conduct of Public Hearings.
2. **Design Review by the Community Development Director.** No public hearing is required for Design Review where the Community Development Director is the design review authority.

### 18.23.050 Scope of Design Review

- A. **Design Review Considerations.** Design review shall be based on consideration of the requirements of this Chapter as they apply to the design of the site plan, structures, landscaping, and other physical features of a proposed project, including:
1. Building proportions, massing, and architectural details;
  2. Site design, orientation, location, and architectural design of buildings relative to existing structures on or adjacent to the property, topography, and other physical features of the natural and built environment;
  3. Incorporation of sustainable design features;
  4. Size, location, design, development, and arrangement of on-site parking and other paved areas;
  5. Exterior materials and, except in the case of design review of a single-family residence, color as they relate to each other, to the overall appearance of the project, and to surrounding development;
  6. Height, materials, design, fences, walls, and screen plantings;
  7. Location and type of landscaping including selection and size of plant materials, and design of hardscape; and
  8. Size, location, design, color, lighting, and materials of all signs.
- B. **Reduction in Density.** Design review shall not result in a reduction in the residential density.

### 18.23.060 Design Review Criteria

When conducting design review, the review authority shall evaluate applications to ensure that they satisfy the following criteria, conform to the policies of the General Plan, any applicable specific plan, any applicable design guidelines, and are consistent with any other policies or guidelines the City Council may

adopt for this purpose. To obtain design review approval, projects must satisfy the following criteria to the extent they apply.

- A. The overall design of the project including its scale, massing, site plan, exterior design, and landscaping will enhance the appearance and features of the project site and surrounding natural and built environment.
- B. The project design is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community.
- C. Project details, materials, signage and landscaping, are internally consistent, fully integrated with one another, and used in a manner that is visually consistent with the proposed architectural design.
- D. The design of streetscapes, including street trees, lighting, and pedestrian furniture, is consistent with the intended character of the area.
- E. Parking areas and other hardscape areas are designed and developed to buffer surrounding land uses; compliment pedestrian-oriented development; minimize stormwater run-off; and achieve a safe, efficient, and harmonious development.
- F. Lighting and lighting fixtures are designed to complement buildings, be of appropriate scale, provide adequate light over walkways and parking areas to create a sense of pedestrian safety and avoid creating glare.
- G. Landscaping is designed to be compatible with and enhance the architectural character and features of the buildings on site, and help relate the building to the landscape that is appropriate to the Dixon context.

#### **18.23.070 Appeals; Expiration, Extensions, and Revisions; Revocation**

- A. **Appeals.** Design review decisions are subject to the appeal provisions of Section TBD, Appeals.
- B. **Expiration, Extensions and Revisions.** Design review approval is effective and may only be extended or revised as provided for in Chapter TBD, Common Procedures.
- C. **Revocation.** Design review approval may be revoked pursuant to Section TBD, Revocation, if any of the conditions or terms of the approval are violated or if any law or ordinance is violated.

## Chapter 18.24 Use Permits

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### 18.24.010 Purpose

The Use Permit review and approval process is intended to apply to uses that are consistent with the with the goals, objectives, and policies of the General Plan and purposes of the zone where they are proposed but require special consideration to ensure that they can be designed, located, and operated in a manner that will be compatible with the surrounding area and uses.

### 18.24.020 Applicability

Approval of a Use Permit is required for uses or developments specifically identified in Division II, District Regulations, and/or any other section of this Code which requires a Use Permit.

### 18.24.030 Review Authority

- A. **Conditional Use Permits.** The Planning Commission shall act as the review authority for Conditional Use Permits based on consideration of the requirements of this Chapter.
- B. **Administrative Use Permits.** The Community Development Director shall act as the review authority for Administrative Use Permits based on consideration of the requirements of this Chapter. The Director may refer any application for an Administrative Use Permit for a project that may generate substantial public controversy or involve significant land use policy decisions to the Planning Commission for decision. In that case, the application shall be processed as a Conditional Use Permit.

### 18.24.040 Procedures

- A. **Application.** Applications for Use Permits shall be filed with the Planning Division on the prescribed application forms. In addition to any other application requirements, the application for a Use Permit shall include data or other evidence in support of the applicable findings required by Section TBD, Required Findings.
- B. **Public Notice and Hearing.**
  - 1. **Conditional Use Permits.** All applications for Conditional Use Permits require public notice and hearing before the Planning Commission pursuant to Chapter TBD, Common Procedures.

2. **Administrative Use Permits.** All applications for Administrative Use Permits require public notice pursuant to Section TBD, Public Notice. A public hearing on an Administrative Use Permit shall occur only where the Director refers the Administrative Use Permit application to the Planning Commission for decision, or where the Directors decision on an Administrative Use Permit is appealed pursuant to Section TBD, Appeals.

#### **18.24.050 Required Findings**

The review authority must make all of the following findings to approve or conditionally approve a Use Permit application. The inability to make one or more of the findings is grounds for denial of an application.

- A. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Code and all other titles of the Dixon Municipal Code;
- B. The proposed use is consistent with the General Plan and any applicable specific plan;
- C. The proposed use will not be averse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements;
- D. The proposed use complies with any design or development standards applicable to the zone or the use in question, unless waived or modified pursuant to the provisions of this Code;
- E. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses and circulation in the vicinity; and
- F. The site is physically suitable for the type of the use being proposed, including access, utilities, and the absence of physical constraints.

#### **18.24.060 Conditions of Approval**

In approving a Use Permit, the review authority may impose reasonable conditions or restrictions to achieve the following outcomes. The review authority may also require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

- A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies adopted by the City Council;
- B. Achieve the general purposes of this Code or the specific purpose of the zone in which the project is located;
- C. Achieve the findings for a Use Permit listed in Section TBD, Required Findings; or;
- D. Mitigate any potentially significant impacts identified because of environmental review conducted in compliance with the California Environmental Quality Act.

#### **18.24.070 Appeals; Expiration, Extensions, and Revisions; Revocation**

- A. **Appeals.** Use Permit decisions are subject to the appeal provisions of Section TBD, Appeals.
- B. **Expiration, Extensions and Revisions.** Use Permit approval is effective and may only be extended or revised as provided for in Chapter TBD, Common Procedures.
- C. **Revocation.** Use Permit approval may be revoked pursuant to Section TBD, Revocation, if any of the conditions or terms of the approval are violated or if any law or ordinance is violated.

## **Chapter 18.25 Temporary Use Permits**

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### **18.25.010 Purpose**

This Chapter establishes a process for review and approval of certain uses that are intended to be of limited duration of time and will not permanently alter the character or physical facilities of the site where they occur.

### **18.25.020 Review Authority**

The Community Development Director shall act as the Review Authority for Temporary Use Permits based on consideration of the requirements of this Chapter.

### **18.25.030 Application**

An application for a Temporary Use Permit shall be submitted at least 60 days before the use is intended to begin, pursuant to Section TBD, Application Forms and Fees.

### **18.25.040 Required Findings**

The Director must make both of the following findings in order to approve or conditionally approve a Temporary Use Permit application. The inability to make one or more of the findings is grounds for denial of an application.

- A. The proposed use will not unreasonably affect adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the City; and
- B. The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use, and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas.

### **18.25.050 Conditions of Approval**

The Director may impose reasonable conditions deemed necessary to ensure compliance with the findings for a Temporary Use Permit listed in Section TBD, Required Findings, including, but not limited to:

- A. Regulation of ingress, egress, and traffic circulation;
- B. Regulation of fire protection and access for fire vehicles;



- C. Regulation of lighting and signage;
- D. Regulation of hours of operation, staffing, or other aspects of the use; and
- E. Removal of all trash, debris, temporary structures and electrical service.

The Director may also require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

#### **18.25.060 Public Notice and Hearing**

Temporary Use Permits do not require a public hearing or notice.

#### **18.25.070 Appeals; Expiration, Extensions, and Revisions; Revocation**

- A. **Appeals.** Temporary Use Permit decisions are subject to the appeal provisions of Section TBD, Appeals.
- B. **Expiration, Extensions and Revisions.** Temporary Use Permit approval is effective and may only be extended or revised as provided for in Chapter TBD, Common Procedures.
- C. **Revocation.** Temporary Use Permit approval may be revoked pursuant to Section TBD, Revocation, if any of the conditions or terms of the approval are violated or if any law or ordinance is violated.

## Chapter 18.26 Modifications

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### 18.26.010 Purpose

The purpose of this Chapter is to establish a means of granting relief from locational, developmental, and operational standards where doing so would be consistent with this Code and the General Plan, and where it is not possible or practical to approve a Variance.

### 18.26.020 Applicability

Modifications may be granted as follows:

- A. **Dimensional Requirements.** Relief from requirements of property development standards specified in this Code, not to exceed 20 percent of the requirement.
- B. **Specific Allowances.** Modifications may be granted as specifically identified in any other section of this Code, as identified in that section.
- C. **Exclusions.** Modifications shall not be granted for use related standards or residential density.

Requests for variations that exceed the thresholds established for Modifications, or are not otherwise entitled to a Modification under these rules and regulations, may be considered through another mechanism, such as a Variance, Planned Development, Development Agreement, or re-zoning, provided the request meets the criteria to be considered under such mechanism.

### 18.26.030 Review Authority

The Community Development Director shall act as the review authority for Modification applications based on consideration of the requirements of this Chapter except in the case of concurrent processing pursuant to Subsection A, below.

- A. **Concurrent Processing.** If a request for a Modification is being submitted in conjunction with an application for another approval, permit, or entitlement that requires Planning Commission action, it shall be heard and acted upon at the same time and in the same manner as that application.

### 18.26.040 Procedures

- A. **Application.** An application for a Modification shall be filed to the Planning Division in accordance with Section TBD, Application Forms and Fees. The application shall state in writing the nature of the request and explain how the required findings are satisfied. The applicant shall also submit plans delineating the requested Modification.

- B. **Public Notice and Hearing.** Modifications do not require a public hearing or notice.

#### **18.26.050 Required Findings**

The review authority must make all of the following findings in order to approve a Modification application. The inability to make one or more of the findings is grounds for denial of an application.

- A. The proposed modification will be at least as effective in achieving the objectives of the base standard;
- B. There are no alternatives to the requested modification that could provide an equivalent level of benefit to the applicant with less potential detriment to surrounding owners and occupants or to the public;
- C. The modification is in keeping with the character of the surrounding built environment; and
- D. The granting of the requested modification would not be detrimental to the health or safety of the public or the occupants of the property or result in a change in land use or density that would be inconsistent with the requirements of this Code.

#### **18.26.060 Conditions of Approval**

In approving a Modification, the review authority may impose reasonable conditions or restrictions to achieve the following outcomes. The review authority may also require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

- A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies adopted by the City Council;
- B. Achieve the general purposes of this Code or the specific purposes of the zone in which the project is located;
- C. Achieve the findings for a Modification granted; or
- D. Mitigate any potentially significant impacts identified because of review conducted in compliance with the California Environmental Quality Act (CEQA).

#### **18.26.070 Appeals; Expiration, Extensions, and Revisions; Revocation**

- A. **Appeals.** Modification decisions are subject to the appeal provisions of Section TBD, Appeals.
- B. **Expiration, Extensions and Revisions.** Modification approval is effective and may only be extended or revised as provided for in Chapter TBD, Common Procedures.

- C. **Revocation.** Modification approval may be revoked pursuant to Section TBD, Revocation, if any of the conditions or terms of the approval are violated or if any law or ordinance is violated.

## Chapter 18.27 Reasonable Accommodation

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### 18.27.010 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 (“the Acts”) in the application of zoning law and other land use regulations, policies, procedures, and conditions of approval.

### 18.27.020 Applicability

- A. A request for Reasonable Accommodation may be made by any person with a disability, their representative, or any other entity, when the application of zoning law or other land use regulation, policy, or procedure acts as a barrier to fair housing opportunities. 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. This Chapter is intended to apply to those persons who are defined as disabled under the Acts.
- B. A request for Reasonable Accommodation may include a change 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.

### 18.27.030 Review Authority

The Community Development Director shall act as the review authority for Reasonable Accommodation applications based on consideration of the requirements of this Chapter. Requests submitted for concurrent review with another discretionary land use application shall be reviewed by the review authority for the discretionary land use application.

### 18.27.040 Procedures

- A. **Application.** Requests for Reasonable Accommodation shall be submitted on an application form provided by the Community Development Director, or in the form of a letter, to the Director and shall contain the following information:
  - 1. The applicant’s name, address and telephone number.
  - 2. Address of the property for which the request is being made.

3. The current actual use of the property.
  4. The basis for the claim that the individual is considered disabled under the Acts.
  5. The municipal code provision, zoning code provision, or other regulation or policy from which reasonable accommodation is being requested.
  6. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.
  7. Additional information necessary for City staff to facilitate proper consideration of the request, consistent with the Acts.
- B. **Public Noticing and Public Hearing Not Required.** No noticing or public hearing are required for a Reasonable Accommodation request.
- C. **Decision.** The Community Development Director shall make a written determination within 30 days of the application being deemed complete and either approve, modify, or deny a request for Reasonable Accommodation in compliance with Section TBD, Required Findings.

#### **18.27.050 Required Findings**

The Community Development Director must make all of the following findings in order to approve or conditionally approve request for Reasonable Accommodation that will be consistent with the Acts.

- A. The housing, which is the subject of the request, will be used by an individual defined as disabled under the Acts;
- B. The request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
- C. The conditions imposed, if any, are necessary to further a compelling public interest and represent the least restrictive means of furthering that interest; and
- D. The denial of the Reasonable Accommodation request would conflict with any State or federal statute requiring reasonable accommodation to provide access to housing.

#### **18.27.060 Conditions of Approval**

In granting a request for Reasonable Accommodation, the Community Development Director may impose any conditions of approval deemed reasonable and necessary to ensure that the Reasonable Accommodation would comply with the findings required herein. The conditions shall also state whether the accommodation granted shall terminate if the recipient of the accommodation was requested no longer resides on the property.

### **18.27.070 Appeals, Expiration, Extensions, and Revisions**

- A. **Appeals.** Reasonable Accommodation decisions may be appealed as provided for in Section TBD, Appeals.
- B. **Expiration, Extensions, and Revisions.** Reasonable Accommodations may only be expired, extended or revised as provided for in Chapter TBD, Common Procedures. A Reasonable Accommodation shall terminate if the accommodation is no longer required, or if the recipient of the accommodation no longer resides at the property.
- C. **Revocation.** Reasonable Accommodation approval may be revoked pursuant to Section TBD, Revocation, if any of the conditions or terms of the approval are violated or if any law or ordinance is violated.

## Chapter 18.28 Variances

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### 18.28.010 Purpose

This Chapter is intended to provide a mechanism for relief from the strict application of this Code where it would deprive the property owner of privileges enjoyed by similar properties because of the subject property's unique and special conditions.

### 18.28.020 Applicability

Variances may be granted to vary or modify dimensional and performance standards but may not be granted to allow uses or activities that this Code does not authorize for a specific lot or site.

### 18.28.030 Review Authority

The Planning Commission shall act as the review authority for Variance applications based on consideration of the requirements of this Chapter.

### 18.28.040 Procedures

- A. **Application.** Applications for a Variance shall be filed with the Planning Division on the prescribed application forms in accordance with the procedures in Section TBD, Application Forms and Fees. In addition to any other application requirements, the application for a Variance shall include evidence showing that the requested Variance conforms to the required findings set forth in Section TBD, Required Findings.
- B. **Public Notice and Hearing.** All applications for Variances require public notice and hearing before the Planning Commission pursuant to Chapter TBD, Common Procedures.

### 18.28.050 Required Findings

After conducting a public hearing, the Planning Commission must make all of the following findings in order to approve or conditionally approve a Variance application. The Commission shall deny an application for a Variance if it is unable to make any of the required findings, in which case it shall state the reasons for that determination.

- A. There are unique, exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to property in the vicinity and identical zone, and



that the granting of a Variance will not constitute a granting of a special privilege inconsistent with the limitations on the property in the vicinity and identical zone;

- B. The granting of the application is necessary to prevent a physical hardship which is not of the applicant's own actions or the actions of a predecessor in interest;
- C. The granting of the application will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare or convenience; and
- D. The granting of the Variance will be consistent with the general purposes and objectives of this Code, any applicable specific plans, and the General Plan.

#### **18.28.060 Conditions of Approval**

In approving a Variance, the review authority may impose reasonable conditions or restrictions to achieve the following outcomes. The review authority may also require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

- A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies adopted by the City Council;
- B. Achieve the general purposes of this Code or the specific purposes of the zone in which the project is located;
- C. Achieve the findings for a Variance granted; or
- D. Mitigate any potentially significant impacts identified because of review conducted in compliance with the California Environmental Quality Act (CEQA).

#### **18.28.070 Appeals; Expiration, Extensions, and Revisions; Revocation**

- A. **Appeals.** Variance decisions are subject to the appeal provisions of Section TBD, Appeals.
- B. **Expiration, Extensions and Revisions.** Variance approval is effective and may only be extended or revised as provided for in Chapter TBD, Common Procedures.
- C. **Revocation.** Variance approval may be revoked pursuant to Section TBD, Revocation, if any of the conditions or terms of the approval are violated or if any law or ordinance is violated.

## Chapter 18.29 Amendments

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### 18.29.010 Purpose

This Chapter establishes procedures by which changes may be made to the text of this Zoning Code and to the Zoning Map, whenever the public necessity, convenience, general welfare, or good practice justify such amendment, consistent with the General Plan.

### 18.29.020 Applicability

The procedures in this Chapter shall apply to all proposals to change the text of this Zoning Code or to revise a zone or boundary line shown on the Zoning Map.

### 18.29.030 Review Authority

The Planning Commission shall act as the advisory body for all amendments to the Zoning Code and Zoning Map and provide recommendations to the City Council. The City Council shall act as the review authority, and after receiving recommendations from the Planning Commission, may adopt, reject, or modify all amendments to the Zoning Code and Zoning Map.

### 18.29.040 Initiation of Amendment

An amendment to the Zoning Code or Zoning Map may be initiated by any qualified applicant identified in Section TBD, Application Forms and Fees, the Community Development Director, or by a motion of the City Council or Planning Commission.

### 18.29.050 Procedures

- A. **Application.** A qualified applicant shall submit an application accompanied by the required fee, pursuant to Chapter TBD, Common Procedures. The Planning Division may require an applicant to submit such additional information and supporting data as considered necessary to process the application. Amendments to the Zoning Code and Zoning Map to be processed concurrently with other applications.
- B. **Staff Report.** The Community Development Director shall prepare a report and recommendation to the Planning Commission on any amendment application. The report shall include, but is not limited to, a discussion of how the proposed amendment is consistent with the General Plan and an environmental document prepared in compliance with the California Environmental Quality Act (CEQA).

- C. **Public Hearing and Notice.** All amendments to the Zoning Code and Zoning Map shall be referred to the Planning Commission, which shall conduct at least one public hearing on any proposed amendment. At least 10 days before the date of any public hearing, the City shall provide notice as provided for in Section TBD, Public Notice.

#### **18.29.060 Planning Commission Hearing and Recommendation**

- A. **Planning Commission Hearing.** Before submitting a recommendation report to the City Council, the Planning Commission shall conduct at least one public hearing in accordance with Section TBD, Conduct of Public Hearings.
- B. **Recommendation to City Council.** Following the public hearing, the Planning Commission shall make a recommendation on the proposed amendment to the City Council. Such recommendation shall include the reasons for the recommendation, findings related to General Plan consistency, and a discussion of the relationship of the proposed amendment to other adopted documents. The recommendation shall be transmitted to the City Council with a copy of the approved minutes from the Planning Commission hearing.
  - 1. **Approval.** If the Planning Commission has recommended approval of the proposed amendment, the City Council is required to take final action pursuant to Section TBD, City Council Hearing and Action.
  - 2. **Denial.** If the Planning Commission has recommended against the proposed amendment, the City Council is not required to take any further action unless an appeal is filed in accordance with Section TBD, Appeals.

#### **18.29.070 City Council Hearing and Action**

- A. **City Council Hearing.** After receiving the recommendation from the Planning Commission, the City Council shall hold a hearing in accordance with Section TBD, Conduct of Public Hearings. The notice for the hearing shall include a summary of the Planning Commission recommendation.
- B. **City Council Action.** After the conclusion of the hearing, the City Council may approve, modify, or deny the proposed amendment. An approved amendment shall be adopted by ordinance. If the Council proposes any substantial revision not previously considered by the Planning Commission during its hearings, the proposed revision shall first be referred to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing. The failure of the Planning Commission to report within 40 days after the referral shall be deemed a recommendation for approval and the amendment shall be returned to Council for adoption.

### **18.29.080 General Plan Consistency Required for Zoning Amendments**

The Planning Commission shall not recommend and the City Council shall not approve a Zoning Amendment unless the proposed amendment is found to be consistent with the General Plan or concurrent General Plan amendment.

### **18.29.090 Annexed and Not Zoned Property**

All property which is annexed to the City or which is not zoned or becomes not zoned through abandonment of a public street or railroad right-of-way shall automatically and without public hearing be classified in the PF District or the zoning district of the adjacent property, unless otherwise zoned at the time of annexation or rezoned pursuant to Chapter TBD, Rezoning.

## **Chapter 18.30 Development Agreements**

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*Placeholder.* No changes to the recently adopted 18.32, Development Agreements, other than revisions for consistency with the updated Zoning Code are proposed. These provisions will be incorporated into the final Zoning Code.

## Chapter 18.31 Prezoning

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### 18.31.010 Purpose

The purpose of this Chapter is to establish a procedure for zoning property upon annexation.

### 18.31.020 Applicability

Unincorporated territory adjoining the City may be pre-zoned for the purpose of determining the zoning that will apply to such property upon annexation.

### 18.31.030 Procedure

Zoning of property to be annexed shall be established through initiation and processing according to the procedures established under Chapter TBD, Amendments.

### 18.31.040 Effective Date of Zoning and Time Limit

The zoning of the property to be annexed shall become effective at the time that annexation to the City becomes effective pursuant to Government Code Section 56000 et. seq. If the subject area has not been annexed to the City within five years of the date of zoning approval, the zoning approval is subject to reconsideration.

## Chapter 18.32 Planned Development

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### 18.32.010 Purpose

The purpose of this Chapter is to establish the procedures for the establishment of a Planned Development (PD) Overlay District and the review and approval of a PD Plan for development within a PD Overlay District.

### 18.32.020 Zoning Map Designation

A Planned Development (PD) Overlay District shall be noted on the Zoning Map by adding the designation “-PD” and Ordinance number to the base zoning district.

### 18.32.030 Procedures

- A. **Decision-Making Body.** A -PD Overlay District must be adopted by the City Council. A public hearing before the Planning Commission is required prior to City Council review; and the Planning Commission shall make a recommendation to the City Council.
- B. **Review Procedures.**
  - 1. **Zoning Amendment.** An application for a -PD Overlay District shall be processed as a Zoning Amendment, according to the procedures of Chapter TBD, Amendments, and shall include a PD Plan.
  - 2. **PD Plan.** The PD Plan shall be accepted and processed concurrently with the application for the PD, in the same manner as a Conditional Use Permit application, pursuant to Chapter TBD, Use Permits.
  - 3. **Tentative Subdivision Map.** When a PD requires the submission of a tentative subdivision map, this map and all supporting documents shall be prepared and submitted concurrently with the application of the PD.
- C. **Initiation.** An application for a -PD Overlay District may be initiated by any qualified applicant identified in Section TBD, Application Forms and Fees, or a motion of the City Council. If the property is not under a single ownership, all owners must join the application, and a map showing the extent of ownership shall be submitted with the application.
- D. **Application Content.** A qualified applicant shall submit an application for a -PD Overlay District on a form prescribed by the Planning Division accompanied by the required fee. The Planning Division may require an applicant to submit such additional information and supporting data as considered necessary to process the application.

### 18.32.040 Required Findings

A -PD Overlay District and PD Plan shall only be approved if all of the following findings are made:

- A. The proposed development is consistent with the General Plan and any applicable specific plan, including the density and intensity limitations that apply;
- B. The subject site is physically suitable for the type and intensity of the land use being proposed;
- C. Adequate transportation facilities and public services exist or will be provided in accord with the conditions of development plan approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare;
- D. The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area;
- E. The development generally complies with applicable design guidelines; and
- F. The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base zoning district, and will achieve superior community design, resource protection, and/or substantial public benefit.

### 18.32.050 Conditions

In approving a -PD Overlay District and PD Plan, the City Council may impose reasonable conditions deemed necessary to:

- A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies that the City has adopted;
- B. Achieve the general purposes of this Code or the specific purpose of the zoning district in which the project is located;
- C. Achieve the findings listed above; or
- D. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the requirements of the California Environmental Quality Act.

### 18.32.060 Expiration and Renewal

- A. **Expiration.** A PD Plan shall be effective on the same date as the ordinance creating the -PD Overlay District for which it was approved and shall expire two years after the effective date unless actions specified in the conditions of approval have been taken, or a building permit has been issued and construction diligently pursued, except as provided below.



1. **PD Plan Approval.** The approval of a specific PD Plan may specify an effective period or development phasing program exceeding two years. A PD Plan with a phasing program shall remain in effect so long as not more than one-year lapses between the end of one phase and the beginning of the next phase
  2. **Tentative Map.** Where a tentative map has been approved in conjunction with a PD Plan, the PD Plan shall expire upon the expiration of the tentative map.
  3. **Development Agreement.** Where a PD Plan has been approved in conjunction with a Development Agreement, the PD Plan shall be effective and expire pursuant to the terms of the Development Agreement.
- B. **Renewal.** An approved PD Plan that has not been inaugurated may be renewed for a single, maximum two-year period approved by the City Council after a duly-noticed public hearing. Application for renewal shall be made in writing between 30 and 120 days prior to expiration of the original approval. The City Council may renew a PD Plan if it finds the renewal consistent with the purposes of this Chapter.

#### **18.32.070 Amendments of Approved Plans**

- A. **Changed Plans.** Amendments to a -PD Overlay District or PD Plan may be requested by the applicant or its successors. Amendments to the approved Plan shall be classified as major or minor amendments. Upon receipt of an amendment application, the Director shall determine if the proposed amendment constitutes a major or minor amendment.
- B. **Major Amendments.** Major Amendments to an approved -PD Overlay District or PD Plan shall be considered by the City Council at a duly noticed public hearing. An amendment will be deemed major if it involves one or more of the following changes:
1. A change in the boundary of the -PD Overlay District;
  2. An increase or decrease in the number of dwelling units for the -PD Overlay District that is greater than the maximum or less than the minimum stated in the PD Plan;
  3. An increase or decrease in the floor area for any non-residential land use that results in the floor area less than the minimum or exceeding the maximum stated in the PD Plan;
  4. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the Public Works Director or Director of Engineering, as appropriate;
  5. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the -PD Overlay District or to the overall major street system, as determined by the Public Works Director or Director of Engineering, as appropriate; or

6. Any other proposed change to the PD Plan or the conditions of approval that substantively alters one or more of its components as determined by the Director.
- C. **Minor Amendments.** Amendments not meeting one or more of the criteria listed in Subsection B above shall be considered minor if they are consistent with and would not change any original condition of approval. Minor Amendments may be approved by the Director.

### **18.32.080 Project Review**

Plans for a project in a -PD Overlay District shall be accepted for planning and building permits or subdivisions only if they are consistent with an approved PD Plan and any conditions of approval or the PD Overlay District development standards. No project may be approved and no building permit issued unless the project, alteration or use is consistent with an approved PD Plan and -PD Overlay District.

## Chapter 18.33 Enforcement

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### 18.33.010 Purpose

The purpose of these provisions is to assure that all provisions of this Code are properly administered and complied with.

### 18.33.020 Conformity of Permits and Licenses

No official, department or employee of the City shall issue a permit, certificate, approval or license which conflicts with any provision of this Code. Any permit, certificate, approval or license issued which conflicts with any provision of this Code shall be void.

### 18.33.030 Duty of Enforcement

The Community Development Director shall be the official responsible for the enforcement of this Code. The Community Development Director may call upon the City Attorney to institute necessary legal proceedings to enforce the provisions of this Code and the City Attorney hereby is authorized to institute appropriate actions to that end. The Community Development Director may call upon the Chief of Police, law enforcement personnel, the Building Official and code enforcement personnel to assist in the enforcement of this Code.

### 18.33.040 Right of Entry

In the discharge of this duty, the Community Development Director, the Building Official and code enforcement personnel shall have the right to enter on any site or to enter any structure for the purpose of investigation and inspection in the following circumstances:

- A. With the permission of the owner or occupant;
- B. With the written order of a court of competent jurisdiction; or
- C. Where the occupant or owner has no reasonable expectation of privacy (e.g., an open lot or an abandoned building).

### 18.33.050 Notice of Violation

- A. The Community Development Director, Building Official or code enforcement personnel may serve a notice of violation on the owner or his agent, or a tenant, or on an architect, builder, contractor or any other person who commits or participates in any violation. The notice shall list the necessary

changes to remedy the violation(s) of this Code and may require the removal of any structure or termination of any use in violation of this Code. The notice shall state the time period allowed for making the necessary changes.

- B. If after receiving a notice of a violation the responsible party does not, in the opinion of the Community Development Director, Building Official, or code enforcement personnel, make the necessary corrections within the time period allowed, the Community Development Director, Building Official or code enforcement personnel may take one or more of the actions as provided in Section TBD, Remedies.

### 18.33.060 Remedies

- A. **Criminal Enforcement.** The violation of any provision of this Code shall be a misdemeanor unless, in the judgment of the City Attorney or other prosecuting attorney, the violation should be prosecuted as an infraction.
- B. **Civil Enforcement.** The City may bring a civil legal or equitable action to remedy any violation of this Code, including seeking injunctive relief.
- C. **Administrative Citations.** In addition to all other remedies, the Community Development Director, Building Official, code enforcement personnel and other personnel as designated by the City Council may issue administrative citations pursuant to Article VI of Chapter 9.01 DMC to any person, firm or corporation for violations of any provision of this Code.
- D. **Nuisance.** Any condition which is caused or permitted to exist in violation of this Code or which is a nuisance under Cal. Civ. Code § 3479 is hereby declared to be unlawful and a public nuisance and may be abated pursuant to Chapter 9.01 DMC.
- E. **Cumulative Remedies.** All remedies provided for herein shall be cumulative and not exclusive. In addition to remedies provided herein, the City may pursue any and all remedies provided under State or Federal laws, including, but not limited to, unfair business practice laws, building and housing laws, and the Drug Nuisance Abatement Act.