

City of Healdsburg

Land Use Code

Title 20 of the Healdsburg Municipal Code



March 21, 2011

Title 20
Land Use Code

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Title 20
LAND USE CODE

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Chapter 20.04
ENACTMENT AND APPLICABILITY

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Article I Purpose and Applicability

- 20.04.010 Objectives of the Land Use Code
20.04.020 Nature of the Land Use Code

Article II Interpretation

- 20.04.030 Interpretation

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- 20.04.040 Conformity required
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Article I Purpose and Applicability

20.04.010 Objectives of the Land Use Code

This Land Use Code has been adopted to protect and promote the public health, safety and general welfare of the community and to implement policies contained in the Healdsburg General Plan and any specific plans adopted pursuant to the General Plan. More specifically, the Land Use Code is intended to:

- A. Provide a precise guide to the physical development of the City in accord with the goals and policies expressed in the General Plan.
- B. Promote the economic stability of existing land uses that are consistent with the development policies of the General Plan and protect them from intrusions by inharmonious or harmful land uses.
- C. Prevent excessive population densities and overcrowding.
- D. Ensure the provision of adequate open space for light, air and fire safety.
- E. Reduce the risk of injury or exposure to hazards for people and property.
- F. Permit the development of office, commercial, industrial, and related land uses that are consistent with the General Plan in order to strengthen the City's economic base.
- G. Require the provision of adequate off-street parking facilities.
- H. Conserve and enhance the City's architectural and cultural resource base.
- I. Improve the design and aesthetic quality of new construction.
- J. Provide for the gradual elimination of land uses and structures that are inconsistent with the policies of the General Plan and which may adversely affect other property or uses.

- K. Provide mechanisms for the protection of heritage trees, in that heritage trees increase property values of the community, improve the quality of the environment, aid in the control of erosion, and support forms of life that are beneficial to the community interest. It is a matter of public concern that the unnecessary, heedless, or wanton destruction of heritage trees be avoided to the greatest extent possible.
- L. Establish a consistent, thorough and timely public review process to ensure conformity with the provisions of this Title.
- M. Promote a positive business climate by establishing consistent and logical land use regulations and requirements, permitting existing and prospective business establishments to understand such requirements.
- N. Provide protection from excessive, unnecessary and unreasonable noise for all residents from any and all sources within the community.
- O. Control the adverse effect of noise on the community.
- P. Promote the construction of housing within Healdsburg that is affordable to all economic segments of the population, including households of low and very low incomes.
- Q. Encourage affordable housing construction throughout the community, rather than concentrated within specific areas or neighborhoods.
- R. To protect the visual character of the city and the health and safety of its residents from the potential adverse effects of telecommunication facility development and installation.

20.04.020 Nature of the Land Use Code

The Land Use Code consists of a separate Zoning Map designating certain zoning districts on real property and a set of regulations known as the Land Use Code. The Land Use Code establishes regulations, requirements and standards including but not limited to: controlling the uses of land, the density of population, the uses and locations of structures, the height and bulk of structures, open spaces surrounding buildings, the areas and dimensions of lot areas and building sites, the location, size, and illumination of signs, and requiring the provision of usable open space, screening and landscaping, off-street parking and loading facilities. The Land Use Code also regulates inclusionary housing requirements, protection of heritage trees, riparian areas and the development of hillside properties.

Article II Interpretation

20.04.030 Interpretation

- A. In the interpretation and application, the provisions of this Title shall be held to be minimum requirements. No provision of this Title is intended to abrogate, repeal, annul, impair or interfere with any existing ordinance of the City of Healdsburg, except as is specifically repealed herein, provided that where this Title imposes a greater restriction on the use of land or structures or the height or bulk of structures, or requires greater open space about structures, or greater dimensions, than is imposed or required by an existing ordinance, this Title shall control.
- B. All words in the present tense shall include the future tense. All words in the singular number

shall include the plural number, and all words used in the plural number shall include the singular number, unless the natural construction of the wording indicates otherwise.

- C. The word “shall” is mandatory.
- D. The word “City” shall mean the City of Healdsburg, California. The words “City Council” shall mean the City Council of the City of Healdsburg. The words “Planning Commission” shall mean the Planning Commission duly appointed by the City Council. The words “City Clerk” shall mean the City Clerk of the City of Healdsburg. The words "Planning and Building Director" shall mean the Planning and Building Director of the City of Healdsburg. The term "Planning and Building Department” shall mean the Planning and Building Department of the City of Healdsburg. The word “Secretary” shall mean the Secretary of the Healdsburg Planning Commission.
- E. If a particular land use is not listed as either a permitted or conditionally-permitted use in the land use table for any of the zoning districts included in this Title, it is to be considered a use that is not allowed in that district, unless it is determined to be allowed under the provisions of Chapter 20.28, Article II – Determination of Unspecified Uses.
- F. The Planning and Building Director shall have the authority to interpret the meaning of the Land Use Code in the event of uncertainty.
- G. This Title is not intended to abrogate, annul, impair, interfere with any deed restriction, covenant, easement, or other agreement between parties, provided that where this Title imposes a greater restriction on the use of land or structures or the height or bulk of structures, or requires greater open spaces about structures or greater dimensions of sites than is imposed or required by deed restriction, covenant, easement or other agreement, this Title shall control.

Article III Compliance and Enforcement

20.04.040 Conformity required

- A. No site or structure shall be used or designated for use for any purpose or in any manner other than in conformity with the regulations for the zoning district in which the site or structure is located.
- B. No structure shall be erected and no existing structure or use shall be moved, altered, or enlarged except in conformity with the regulations for the zoning district in which the structure or use is located.
- C. No yard space provided in compliance with the regulations for the zoning district in which it is located shall be deemed to provide a yard space for any other structure, and no yard or usable open space on one site shall be deemed to provide a yard or usable open space for a structure on any other site.

- D. No yard, court, or usable open space shall be used, encroached upon, or reduced in any manner except in conformity with the regulations for the zoning district in which the yard, court, or open space is located, unless a variance is obtained pursuant to Article 28.
- E. No lot held in one ownership at the time of the adoption of this Title or at any time thereafter shall be reduced in any manner below the minimum area, frontage, width, or depth prescribed for the zoning district in which the lot is located, unless a variance is obtained pursuant to Article 28.

20.04.050 Compliance with California laws

The administration of this Title is subject to the requirements of the planning and zoning law of the State of California and the California Environmental Quality Act, including the State of California rules and regulations promulgated there under, and procedures established by resolution of the City Council.

20.04.060 Permits, certificates and licenses

All officials, departments, and employees of the City of Healdsburg vested with the authority or duty to issue permits, certificates, or licenses shall comply with the provisions of this Title and shall issue no permit, certificate, or license which conflicts with the provisions of this ordinance. Any permit, certificate, or license issued in conflict with the provisions of this Title shall be void.

20.04.070 Violations: penalties

Violation of any provision of the Land Use Code may be enforced in any manner authorized by the Municipal Code, or by any other applicable law, including without limitation, the following provisions:

- A. Any person, firm, corporation, or organization violating any provision of this Title shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than \$500 and by imprisonment for a term not exceeding 6 months, or by both a fine and imprisonment. A person, firm, corporation or organization shall be deemed guilty of a separate offense for each day during any portion of which a violation of this Title is committed, continued, or permitted by the person, firm, corporation or organization and shall be punishable as herein provided.
- B. Any structure or sign erected, moved, altered, enlarged, or maintained and any use of a site contrary to the provisions of this Title shall be and is hereby declared to be unlawful and a public nuisance, and the City Attorney shall immediately institute necessary legal proceedings for the abatement, removal, and injunction thereof in the manner provided by law, shall take such other steps as may be necessary to accomplish these ends, and shall apply to a court of competent jurisdiction to grant such relief as will remove or abate the structure, sign, or use and restrain or enjoin the person, firm, corporation or organization from erecting, moving, altering, or enlarging the structure or sign or using the site contrary to the provisions of this Title.

- C. The cutting down of established tree(s), the pruning, girdling, poisoning, or other act taken to kill or endanger the life of a tree(s), without a tree permit as required by Chapter 2024, Article II, is a misdemeanor, punishable otherwise provided in this code and, in addition to such penalty and separate there from, violators may be assessed a fee equal to the valuation of the tree as determined by a tree specialist, including the tree specialist's fee.

20.04.080 Voidable conveyances

Any deed of conveyance, sale or contract to sell made contrary to the provisions of this Title, shall be voidable at the sole option of the grantee, buyer, or person contracting to purchase, heirs, personal representative, or trustee in insolvency or bankruptcy, within one year after the date of execution of the deed of conveyance, sale or contract to sell, but the deed of conveyance, sale or contract to sell, but the deed of conveyance, sale, or contract to sell is binding upon any assignee or transferee of the grantee, buyer, or person contracting to purchase other than those above enumerated, and upon the grantor, vendor, or person contracting to sell the assignee, heir, or devisee.

Chapter 20.08
BASE ZONING DISTRICTS

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Article I Zoning Districts

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- 20.08.010 Zoning district boundaries

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Article I Zoning Districts

20.08.005 Zoning districts established

The following zoning districts are hereby established:

Table 1 Zoning Districts

Residential Districts	R-1-40,000	Single-Family Residential District, 40,000 sq. ft. minimum lot size (net)
	R-1-20,000	Single -Family Residential District, 20,000 sq. ft. minimum lot size (net)
	R-1-12,500	Single -Family Residential District, 12,500 sq. ft. minimum lot size (net)
	R-1-6,000	Single -Family Residential District, 6,000 sq. ft. minimum lot size (net) ⁽¹⁾
	R-1-3,500	Single -Family Residential District, 3,500 sq. ft. minimum lot size (net) ⁽¹⁾
	RM	Multi-Family Residential District
DR	Downtown Residential District	
Office Districts	ORM	Office and Multi-Family Residential District
	MP	Medical and Professional Office District
Commercial Districts	PR	Plaza Retail District
	CD	Downtown Commercial District
	CS	Commercial Service District
	MU	Mixed Use District
	GMU	Grove Street Mixed Use District
Industrial District	I	Industrial District
Other Districts	P	Public District
	O	Open Space District
Special Districts	RMP	Residential Master Plan District
	PD	Planned Development District

⁽¹⁾Except for small lot subdivisions, as provided for by Section 20.20.040

Note: "Net" means the area of a site or lot. It does not include site access corridors, streets or portions of a site within future street plan lines.

20.08.010 Zoning district boundaries

Wherever any uncertainty exists as to the boundary of a zoning district as shown on the Zoning Map, the following regulations shall control:

- A. Where a boundary line is indicated as following a street, alley, or watercourse, it shall be construed as following the centerline thereof.
- B. Where a boundary line follows or coincides approximately with a lot line or a property ownership line, it shall be construed as following the lot line or property ownership line.
- C. Where a boundary line is not indicated as following a street or alley and does not follow or coincide approximately with a lot line or property ownership line, the boundary line shall be determined by the use of the scale designated on the zoning map.

- D. Where further uncertainty exists, the Planning Commission, upon written application or on its own motion, shall determine the location of the boundary line in question, giving due consideration to the location indicated on the zoning map and the objectives of the Land Use Code set forth in the zoning district regulations.
- E. Where less than half the area of any single lot or parcel of land lies in a zoning district more restrictive than the district which includes the remainder, the Planning Commission may permit the regulations of the less restrictive district to be applied to the entire lot or parcel.

Article II Single-Family Residential (R-1) Districts

20.08.015 Purposes

In addition to the objectives contained in Section 20.04.010, the R-1 Districts are established to achieve the following purposes:

- A. Reserve appropriately located areas for family living at a reasonable range of population densities, consistent with sound standards of public health and safety.
- B. Ensure adequate light, air, privacy, and open space for each dwelling.
- C. Reserve space for public and quasi-public facilities needed to complement urban residential areas and institutions that require a residential environment.
- D. Minimize traffic congestion and avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them.
- E. Ensure that necessary off-street parking is provided for automobiles.

20.08.020 Special purposes of R-1-3,500 District

In addition to the general purposes and objectives of the R-1 District, the R-1-3,500 District is hereby established for the following purposes:

- A. To allow for innovative housing types and placement of such dwellings on lots such that each lot has the flexibility of optimizing the location of private open space on the lot;
- B. To assist in promoting affordable housing by allowing residential development on smaller lots in the community.

20.08.025 Permitted and conditionally-permitted uses

The following uses may be permitted or conditionally permitted in all R-1 districts. Chapter 20.28, Article V describes the procedures for obtaining a conditional use permit.

Table 2 Permitted (P) and conditionally-permitted (C) uses

Accessory structures located on the same site with a permitted or conditionally-permitted use, including private garages and carports, one guest house or accessory living quarter without a kitchen, storehouses, garden structures, non-commercial greenhouses, recreation rooms, and hobby areas within an enclosed structure	P
Boarding houses	C
Churches, convents, monasteries, parish houses, parsonages, rectories, and other religious institutions	C
Day care, large family, subject to Section 20.20.055	C
Day care, small family	P

Employee housing as defined in Cal. Health & Safety Code §17008 for six or fewer employees in accordance with Cal. Health & Safety Code §17000, et seq.	P
Golf courses and driving ranges	C
Home occupations, subject to Section 20.20.005	P
Neighborhood convenience retail stores, subject to Section 20.20.070	C
Private recreational parks and swim clubs	P
Private schools and colleges, not including art, craft, dancing, music, business, professional or trade schools and colleges	C
Private stables or areas for the keeping of one horse, cow, llama, goat or similar large farm or hobby animal on a site not less than 2 acres in net area, provided that one additional large animal may be kept for each additional acre of area of the site, and provided that no stable shall be located closer than 50 feet to any property line, closer than 50 feet to any dwelling unit on the site, or closer than 100 feet to any other dwelling on surrounding properties	P
Public utility and public service pumping stations, power stations, equipment buildings, installations, service yards, drainage ways and structures, storage tanks, reservoirs, and transmission lines found by the Planning Commission to be necessary for the public health, safety and welfare	C
Raising of fruit and nut trees, vegetables, and horticultural specialties (no on-site sales)	P
Raising for commercial purposes poultry (except roosters and crowing fowl), rabbits, chinchillas, pot bellied pigs and other similar small animals on a site at least 20,000 square feet in net size, provided that there shall be at least 1,000 square feet of site area for each fowl or animal. No structure housing poultry or small animals shall be located closer than 50 feet to any property line or closer than 25 feet to a dwelling on the site	C
Raising or keeping for educational, hobby or non-commercial purposes poultry (except roosters and crowing fowl), rabbits, chinchillas, guinea pigs and similar small animals limited to a total of ten (10) animals, not including dogs and cats. Animal pens or cages shall not be located in a required front yard or street side corner yard and shall be located a minimum of 20 feet from a property line	P
Residential care, general	C
Residential care, limited	P
Residential visitor lodging operations, subject to Section 20.20.060.	C
Secondary dwelling unit, one per lot, subject to Section 20.20.010	P
Single-family dwelling, detached, one per lot	P
Single-family dwelling, attached, one per lot, in the R-1-3,500 District and small lot subdivisions	P
Supportive housing	P
Swimming pools used solely by persons resident on the site and their guests, provided that no swimming pool or accessory mechanical equipment shall be located in a required front yard or less than five feet from a property line	P
Temporary subdivision sales offices, subject to Section 20.20.025	P
Transitional housing	P
Vacation rental homes	--
Vacation timeshares	--

-- = not permitted

20.08.030 Minimum development standards

The following standards apply to development within the R-1 Districts, except for small lot subdivisions as provided for by Section 20.20.040.

Table 3 Minimum development standards: R-1 Districts

Zoning District	Minimum Lot Area	Min. Lot Dimensions		Minimum Yards			Max. site coverage
		Width ⁽¹⁾	Depth ⁽²⁾	Front ⁽³⁾	Side	Rear	
R-1-3,500	3,500 sq. ft.	40 feet	None	Non-garage frontage: 10 feet Garage frontage: 20 feet	None, except 10 feet for street side of corner lot	None	50%
R-1-6,000	6,000 sq. ft.	50 feet	90 feet	20 feet	Structures ⁽⁴⁾ : 1 story: 5 feet 2 story: 10 feet 3 story: 15 feet Street side of corner lot: 10 ft.	20 feet	35%
R-1-12,500	12,500 sq. ft.	70 feet	100 feet	25 feet		25 feet	30%
R-1-20,000	20,000 sq. ft.	100 feet	120 feet	30 feet		30 feet	25%
R-1-40,000	40,000 sq. ft.	150 feet	150 feet	30 feet		30 feet	25%

- (1) The minimum width of corner lots shall be 10 percent greater than the minimum width for interior lots.
- (2) Minimum lot depth for lots adjoining a freeway or railroad right-of-way shall be 130 feet, unless adequate alternative noise mitigations are provided.
- (3) Refer to Section 20.16.005 regarding the averaging of front yards under specific conditions.
- (4) Second and third stories of dwellings shall be set back from side property lines in order to comply with side yard requirements.

20.08.035 Maximum building height

- A. The maximum building height for all primary structures in R-1 districts shall be 35 feet, except for small lot subdivisions, which shall be 25 feet.
- B. Section 20.16.065 allows exceptions for ancillary structures, including chimneys, antenna and similar architectural features.
- C. Secondary dwelling unit building heights are regulated in Section 20.20.010.
- D. Accessory building heights are regulated in Section 20.16.030.

20.08.040 Other development requirements

The following additional requirements apply to development in R-1 Districts, including small lot subdivisions:

- Accessory structures: Chapter 20.16, Article II.
- Inclusionary housing: Section 20.20.030.
- Off street parking: Chapter 20.16, Article VIII.
- Fences and walls: Chapter 20.16, Article III.
- Design review: Chapter 20.28, Article IV.
- Secondary dwelling units: Section 20.20.010.

Article III Multi-Family Residential (RM) District

20.08.045 Purposes

In addition to the objectives prescribed in Section 20.04.010, the Multi-Family Residential (RM) District is included in the Land Use Code to achieve the following purposes:

- A. Reserve appropriately located areas for family living in a variety of types of dwelling units at a reasonable range of population densities consistent with sound standards of public safety.
- B. Preserve as many as possible of the desirable characteristics of one family residential districts while permitting higher population densities.
- C. Ensure adequate light, air, privacy, and open space for each dwelling is provided.
- D. Provide space for public and quasi-public facilities needed to complement urban residential areas and space for institutions that require a residential environment.
- E. Minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them.
- F. Provide necessary space for off-street parking of automobiles.
- G. Protect residential properties from hazards, noise, and congestion caused by commercial and industrial traffic and land use activities.
- H. Protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare, and other objectionable influences.
- I. Protect residential properties from fire, explosion, noxious fumes and other hazards.

20.08.050 Permitted and conditionally-permitted uses

The following uses may be permitted and conditionally permitted in the RM District. Chapter 20.28, Article V describes the procedures for obtaining a conditional use permit.

Table 4 Permitted (P) and conditionally-permitted (C) uses: RM District

Accessory structures and uses located on the same site as a conditional use	P
Boarding houses	C
Churches, convents, monasteries, parish homes, rectories, parsonages and other religious institutions	C
Day care, general and day care, large family, subject to Section 20.20.055	C
Day care, limited and small family	P
Mobile home parks	C
Multi-family dwellings	P
Neighborhood convenience retail stores, subject to Section 20.20.070	C
Private recreation parks and swim clubs	C
Private schools and colleges, including elementary, junior high and high schools, but not including art, craft, music, dancing, business, professional, or trade schools and colleges	C
Private stables and raising of poultry (except roosters), rabbits, chinchillas and other small animals in accord with the provisions of Section 20.08.025	C
Public utility and public service pumping stations, power stations, equipment buildings, installations, service yards, drainage ways and structures, storage tanks, reservoirs, and transmission lines found by the Planning Commission to be necessary for the public health, safety and welfare	C
Residential care, general	C
Residential care, limited	P
Residential visitor lodging operations, subject to Section 20.20.060	C
Supportive housing	P

Swimming pools and spas	P
Transitional housing	P
Vacation rental homes	--
Vacation timeshares	--

-- = not permitted

20.08.055 Minimum development standards

The following standards apply to development within the RM District.

Table 5 Minimum development standards: RM District

Minimum lot area	6,000 square feet
Minimum lot width	50 feet, increased by 10 percent for corner lots
Minimum lot depth	90 feet. Minimum depth for lots backing onto a freeway or railroad right-of-way shall be 130 feet, unless alternative noise mitigation measures are provided.
Minimum front yard	20 feet
Minimum side yard - interior	1-story structure: 5 feet 2-story structure: 10 feet 3-story structure: 15 feet
Minimum side yard - street side	10 feet
Minimum rear yard	20 feet
Maximum site coverage	40 percent
Maximum building height	40 feet. Exceptions to this requirement are prescribed in Section 20.16.065. Accessory building heights are regulated in Section 20.16.030.
Usable open space per dwelling	300 square feet, subject to the location and design criteria of Section 20.20.015

20.08.060 Other development requirements

The following additional requirements apply to development in the RM District:

Accessory structures: Chapter 20.16, Article II.

Inclusionary housing: Section 20.20.030.

Off street parking: Chapter 20.16, Article VIII.

Fences and walls: Chapter 20.16, Article III.

Design review: Chapter 20.28, Article IV.

Signs: Chapter 20.16, Article IX.

Article IV Downtown Residential (DR) District

20.08.065 Purposes

In addition to the objectives described in Section 20.04.010, the Downtown Residential District is included in the Land Use Code to achieve the following purposes:

- A. Provide for a mixture of residential densities and housing types in and adjacent to Healdsburg's historic downtown area.
- B. Regulate the number and location of high density, multi-family residential dwelling units in the downtown area.
- C. Ensure that the overall small-scale character of residential streets in the downtown area is preserved.
- D. Minimize traffic congestion and overcrowded parking conditions on downtown streets.
- E. Provide a zoning district in which multi-family dwelling units have convenient access to downtown services and facilities.
- F. Protect the visual character of the downtown residential area.
- G. Protect residential properties from the hazards, noise, and congestion created by commercial and industrial traffic and land use activities.

20.08.070 Permitted and conditionally-permitted uses

The following uses may be permitted and conditionally permitted in the DR District. Chapter 20.28, Article V describes the procedures for obtaining a conditional use permit.

Table 6 Permitted (P) and conditionally-permitted (C) uses: DR District

Accessory structures and uses located on the same site as a permitted or conditional use	P
Boarding houses	C
Churches, convents, monasteries, parish homes, rectories, parsonages and other religious institutions	C
Day care, general and large family	C
Day care, limited and small family	P
Duplex dwelling, one per lot of record	C
Employee housing as defined in Cal. Health & Safety Code §17008 for six or fewer employees in accordance with Cal. Health & Safety Code §17000, et seq.	P
Home occupations, subject to Section 20.20.005	P
Multi-family dwellings	C
Neighborhood convenience retail stores, subject to Section 20.20.070	C
Private schools and colleges, not including art, craft, music, dancing, business, professional, or trade schools and colleges	C
Public utility and public service pumping stations, power stations, equipment buildings, installations, service yards, drainage ways and structures, storage tanks, reservoirs, and transmission lines found by the Planning Commission to be necessary for the public health, safety and welfare	C
Residential care, general	C
Residential care, limited	P
Residential visitor lodging operations, subject to Section 20.20.060	C
Single-family dwellings, detached, up to two per lot	P
Supportive housing	P
Swimming pools used solely by persons resident on the site and their guests, provided that no swimming pool or accessory mechanical equipment shall be in a required front yard or less than 5 feet from a property line.	P

Transitional housing	P
Vacation homes	--
Vacation timeshares	--

-- = not permitted

20.08.075 Minimum development standards

The following standards apply to development within the DR District, except for small lot subdivisions as provided by Section 20.20.040.

Table 7 Minimum development standards: DR District

Minimum lot area	6,000 square feet
Minimum site area per unit	4,500 square feet
Minimum lot width	50 feet, increased by 10 percent for corner lots
Minimum lot depth	90 feet. Minimum depth for lots backing onto a freeway or railroad right-of-way shall be 130 feet, unless alternative noise mitigation measures are provided.
Minimum front yard	20 feet
Minimum side yard - interior	1-story structure: 5 feet 2-story structure: 10 feet 3-story structure: 15 feet
Minimum side yard - street side	10 feet
Minimum rear yard	20 feet
Maximum site coverage	40 percent
Maximum building height	35 feet. Exceptions to this requirement are prescribed in Section 20.16.065. Accessory building heights are regulated in Section 20.16.030.
Usable open space per dwelling	300 square feet, subject to the location and design criteria of Section 20.20.015.

20.08.080 Design review

- A. All development is subject to design review as prescribed in Chapter 20.28, Article IV.
- B. Notwithstanding the above, single-family dwellings on existing lots of record are not subject to this requirement, provided that when an applicant applies for more than three (3) building permits for single-family dwellings on a block or on a block face within one year, the dwellings shall be subject to design review.

20.08.085 Other development requirements

The following additional requirements apply to development in the DR District:

Accessory structures: Chapter 20.16, Article II.

Inclusionary housing: Section 20.20.030.

Off street parking: Chapter 20.16, Article VIII.

Vehicles, boats, recreational vehicles, trailers and similar vehicles shall not be parked within required front yards or within the street side yards of corner lots.

Fences and walls: Chapter 20.16, Article III.
Design review: Chapter 20.28, Article IV.
Secondary dwelling units: Section 20.20.010.

Article V Office Districts

20.08.090 Special purposes of Office and Multi-Family Residential (ORM) District

In addition to the objectives prescribed in Section 20.04.010, the Office and Multi-Family Residential District is included in the Land Use Code to achieve the following purposes:

- A. Reserve appropriately-located areas for harmonious transitional uses to serve as buffers between residential districts and non-residential districts.
- B. Provide opportunities for offices of a semi-commercial character to be located outside of commercial districts.
- C. Create a suitable environment for office buildings especially designed for their purposes and located on sites large enough to provide room for landscaped open areas, off-street parking and, where appropriate, the off-street loading and maneuvering of trucks.
- D. Provide space for quasi-public facilities and institutions that appropriately may be located in the ORM District.
- E. Minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the ground around them.
- F. Protect offices and multi-family dwellings from the noise, disturbance, traffic hazards, safety hazards, and other objectionable influences incidental to commercial and industrial uses.
- G. Protect offices and multi-family dwellings from fire, explosion, noxious fumes and other hazards.
- H. Allow sites for well planned multi-family housing interspersed with office developments.

20.08.095 Special purposes of Medical and Professional Offices (MP) District

In addition to the objectives prescribed in Section 20.04.010, the Medical and Professional Offices District is included in the Land Use Code to achieve the following purposes:

- A. Allow the establishment of hospitals, medical offices, medical facilities, and professional offices related to the provision of health services and without the inclusion of residential uses among such uses.
- B. Provide the opportunity for the establishment of such uses without the intrusion into districts containing residential uses or primarily suited for residential uses.

20.08.100 Permitted and conditionally-permitted uses in ORM and MP Districts

The following permitted and conditionally permitted uses may be allowed in the ORM and MP Districts. Chapter 20.28, Article V describes the procedures for obtaining a conditional use permit.

Table 8 Permitted and conditionally-permitted uses: ORM and MP Districts

Permitted (P) and Conditionally-Permitted (C) Uses	ORM	MP
Any residential use permitted in Article IV, RM District, subject to the regulations of the RM District. Residential uses may be combined with non-residential uses on the same site.	P	--
Churches, convents, monasteries, parish houses, parsonages, and other religious institutions	C	--
Golf courses and driving ranges	C	--
Home occupations, subject to Section 20.20.005	P	--
Hospitals	--	P
Medical and dental laboratories	C	P
Offices - chiropractic care	P	P
Offices - professional, administrative and business, excluding medical and dental	P	--
Offices - professional and administrative, restricted to the provision of medical, dental, and other health care services	C	P
Parking lots	P	P
Pharmacies that do not carry general merchandise or dispense goods or merchandise unrelated to health care	C	P
Private non-commercial clubs and lodges	C	--
Private recreation parks and swim clubs	C	--
Private schools and colleges, not including art, craft, music, dancing business, professional, or trade schools and colleges	C	--
Psychologist, psychiatrist, counseling and therapist offices	P	P
Public utility and public service pumping stations, power stations, equipment buildings and installations, drainage ways and structures, storage tanks, and transmission lines found by the Planning Commission to be necessary for the public health, safety and welfare.	P	--
Residential visitor lodging	--	--
Sanitariums and nursing homes, not including mental, drug addict, or liquor addict patients	P	P
Spa, day	C	--
Vacation rental homes	--	--
Vacation timeshares	--	--
Veterinarian offices, clinics and animal hospitals	--	C

-- = not permitted

20.08.105 Minimum development standards

The following standards apply to development within the ORM and MP Districts.

Table 9 Minimum development standards: ORM and MP Districts

Minimum lot area	6,000 square feet
Minimum lot width	60 feet, except that the minimum lot width for corner lots in the ORM District shall be 70 feet.
Minimum lot depth	100 feet, except that residential lots created in the ORM District shall have a minimum lot depth of 130 feet adjacent to a freeway or railroad right-of-way unless alternative noise mitigation measures are provided.
Minimum front yard	20 feet

Minimum side yard - interior	1-story structure: 5 feet 2-story structure: 10 feet 3-story structure: 15 feet
Minimum side yard - street side	10 feet
Minimum rear yard	20 feet
Maximum floor area ratio	50 percent
Maximum site coverage	50 percent
Maximum building height	Within 100 feet of residentially-zoned property: 40 feet Other locations: 45 feet Exceptions to this requirement are prescribed in Section 20.16.065. Accessory building heights are regulated in Section 20.16.030.
Usable open space per dwelling	300 square feet, subject to the location and design criteria of Section 20.20.015.

20.08.110 Other development requirements

The following additional requirements apply to development in the ORM and MP Districts:

Accessory structures: Chapter 20.16, Article II.

Inclusionary housing requirements: Section 20.20.030.

Off street parking requirements: Chapter 20.16, Article VIII.

Signs: Chapter 20.16, Article IX.

Fences and walls: Chapter 20.16, Article III.

Riparian setbacks: Section 20.24.090.

Design review: Chapter 20.28, Article IV.

Article VI Commercial Districts

20.08.115 Purposes

In addition to the objectives prescribed in Section 20.04.010, commercial districts are included in the Land Use Code to achieve the following purposes:

- A. Provide appropriately located areas for retail stores, offices, service establishments, amusement establishments and wholesale businesses, offering commodities and services required by residents of the city and its surrounding market area.
- B. Provide opportunities for retail stores, offices, service establishments, and wholesale businesses to concentrate for the convenience of the public and in mutually beneficial relationship to one another.
- C. Provide space for community facilities and institutions that appropriately may be located in commercial areas.
- D. Provide adequate space to meet the needs of modern commercial development, including off-street parking and truck loading areas.
- E. Minimize traffic congestion and to avoid the overloading of utilities by preventing the

construction of buildings of excessive size in relation to the amount of land around them.

- F. Protect commercial properties from noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy truck traffic, and other objectionable influences incidental to adjacent industrial areas.
- G. Provide appropriate development standards within commercial zoning districts to protect adjacent residential neighborhoods.

20.08.120 Special purposes of Plaza Retail (PR) District

The following special purposes are intended to be achieved through the adoption and implementation of the PR District.

- A. Encourage ground floor retail uses and second floor commercial and office uses which are compatible with pedestrian oriented shopping.
- B. Promote uses that are harmonious with the special character of the Plaza, which are small scale in nature, and which would not function effectively in another commercial district.
- C. Promote special architectural and streetscape design elements that blend with other existing plaza design elements.

20.08.125 Special purposes of Downtown Commercial (CD) District

The following special purposes are intended to be achieved through the adoption and implementation of the CD District.

- A. Maximize the efficiency of the city's retail district by limiting or prohibiting uses that break the continuity of commercial frontage or are incompatible with an attractive pedestrian shopping area.
- B. Foster use of vacant buildings by permitting certain conditional uses.

20.08.130 Special purposes of Service Commercial (CS) District

The following special purposes are intended to be achieved through the adoption and implementation of the CS District.

- A. Provide appropriately located areas for service-oriented commercial uses that transition between residential and other commercial and industrial districts.
- B. Permit additional compatible development in existing mixed commercial areas containing both retail stores and commercial services.
- C. Foster use of vacant buildings by permitting certain light industries as conditional uses.

20.08.135 Special purposes of Mixed Use (MU) District

The following special purposes are intended to be achieved through the MU District.

- A. Implement the Mixed Use land use designation of the Healdsburg General Plan.
- B. Allow a range of commercial uses and limited food and beverage production that serve the day-to-day needs of residents, while providing uses and activities of interest to visitors to the community.
- C. Incorporate residential uses with commercial uses in appropriate locations.

D. Ensure that mixed use projects include a commercial component that is adequate in terms of functionality and providing a commercial appearance.

20.08.140 Special purposes of Grove Street Mixed Use (GMU) District

The following special purposes are intended to be achieved through the adoption and implementation of the GMU District.

- A. To preserve as many as possible of the desirable characteristics of one family residential districts while permitting certain limited commercial and office uses where deemed compatible with residential uses such as along Grove Street.
- B. To protect the historic character and setting of the surrounding neighborhood by providing special set back, building size, and design review requirements to ensure compatibility of new development with older development in the area.
- C. The City will allow new commercial and office only upon a finding that such uses will not adversely affect existing residential uses on adjoining properties, or result in the demolition of historically significant buildings.

20.08.145 Permitted and conditionally-permitted uses: PR, CD, and CS Districts

The following permitted and conditionally-permitted uses may be allowed in the PR, CD and CS Districts. Chapter 20.28, Article V describes the procedures for obtaining a conditional use permit.

Table 10 Permitted and conditionally-permitted uses: PR, CD and CS Districts

Permitted (P) and Conditionally-Permitted (C) Uses	PR	CD	CS
Residential Uses			
Day care, general	--	C	C
Day care, limited	--	P	P
Homeless shelters	--	--	P
Multi-family dwellings located on the same site as a commercial use – any floor	--	P	P
Multi-family dwellings located on the same site as a commercial use – above ground floor	C	P	P
Residential care, general	--	C	C
Residential care, limited	--	P	P
Single room occupancy dwellings located on the same site as a commercial use – any floor	--	P	P
Single room occupancy dwellings located on the same site as a commercial use – above ground floor	C	P	P
Supportive housing	--	P	P
Transitional housing	--	P	P
Vacation rental homes	--	C	--
Retail Trade and Services			
Ambulance service	--	--	P
Antique car display and sales	--	C	P
Antique sales - above ground floor	P	P	C
Antique sales - ground floor	C	P	C

Permitted (P) and Conditionally-Permitted (C) Uses	PR	CD	CS
Art galleries and picture framing with art sales	P	P	P
Arts and crafts schools	--	P	P
Arts, crafts and hobby stores, including instructional classes as an accessory use	P	P	P
Automobile rentals	--	--	P
Automobile washing (self-service)	--	--	P
Automotive repair	--	--	C
Automotive sales and service, new and used, with auto service	--	--	P
Automotive service stations, including smog testing, minor repair (tune-ups and brake repair only), towing services, vehicle storage and mini-markets	--	--	C
Automotive supply stores	--	P	P
Automotive upholstery shops	--	--	C
Bakeries, retail	P	P	P
Banks, savings and loans, thrift and loans, credit unions, including automated teller machines and drive through facilities	--	C	C
Banks, savings and loans, thrift and loans, credit unions, including automated teller machines (no drive through)	C	P	P
Barber shops/beauty shops - above ground floor	P	P	P
Barber shops/beauty shops - ground floor	--	P	P
Bars and cocktail lounges	C*	C*	C*
Beer and wine sales (off-premise consumption), ancillary to mini-market retail sales contained within a service station	--	--	C*
Bicycle sales and repair shops, including rentals	--	P	P
Blueprint and photo reproduction shops	--	P	P
Boat sales and service	--	--	P
Bookstores and newsstands - above ground floor	P	P	P
Bookstores and newsstands - ground floor	C	P	P
Bowling alleys	--	--	P
Broadcast and recording studios	--	C	C
Building material sales	--	--	C
Bus depots	C	C	C
Cabinet shops	--	--	C
Card and stationers stores	P	P	P
Carnivals and circuses, temporary	--	--	C
Catering shops (food to go only)	--	P	P
Christmas tree sales lots, temporary	P	P	P
Clothing and shoe establishments, including clothing sales (new merchandise only), tailor shops, and dressmaking establishments	P	P	P
Computer retail sales	--	P	P
Consignment sales with incidental sales of used goods and clothing	--	P	P
Contractors equipment rental yards & equipment rental yards	--	--	C

Permitted (P) and Conditionally-Permitted (C) Uses	PR	CD	CS
Contractors shops with no outdoor storage of heavy equipment	--	--	P
Delicatessens and gourmet food sales with incidental catering	P	P	C
Dental labs	--	P	P
Department stores	--	P	P
Dry cleaners and laundries	--	P	P
Electronic games centers (4 or more games)	--	C	C
Fabric shops	P	P	P
Farmers markets	C	C	C
Floor covering and drapery sales	--	C	P
Florists, including outdoor sales	P	P	P
Food and cold storage lockers	--	C	P
Food stores up to 3500 square feet in retail sales	C	P	P
Food stores over 3500 square feet in retail sales	--	P	P
Furniture repair	--	P	P
Furniture stores, retail	P	P	P
Gift shops	P	P	P
Glass shops (glaziers)	--	--	P
Gunsmith shops, sales and repair	--	P	P
Hardware, paint and wallpaper stores	--	P	P
Health clubs, gymnasiums and dance studios	--	C	P
Home electronics and household appliance stores, including television, stereo, radio, telephone, computer and related sales (includes repair and installation services)	--	P	P
Hotels, extended stay hotels and motels	P	P	--
Manufacturing/processing - light, provided that all of the conditions prescribed by Article 21 are met and provided that no motor power other than electrically operated motors shall be used. The horsepower of any single motor shall not exceed 5 horsepower and the total horsepower of all such motors on the site shall not exceed 25 total horsepower. This does not include air conditioning equipment.	--	C	C
Interior furnishings and accessories shops	P	P	P
Jewelry, watch and clock sales and repair	P	P	P
Kennels	--	--	C
Kitchenware shops	P	P	P
Laboratories	--	C	P
Laundries - self-service	--	P	P
Linen supply services	--	--	P
Liquor, beer and wine sales - off-premise consumption	C*	C*	C*
Live-work facilities	--	P	P
Locksmiths	--	P	P
Machinery sales, service, rental	--	--	P
Massage establishments – any floor	--	P	P

Permitted (P) and Conditionally-Permitted (C) Uses	PR	CD	CS
Massage establishments – above ground floor	P	P	P
Medical and dental clinics	--	--	P
Mortuaries	--	C	C
Motorcycle sales and service	--	C	P
Music and dance entertainment clubs	--	P	C
Musical instrument sales, repair and lessons; and recorded music sales - above ground floor	P	P	P
Musical instrument sales, repair and lessons; and recorded music sales - ground floor	C	P	P
Night clubs with live entertainment	C*	C*	C*
Nurseries and garden supply stores	--	C	P
Office equipment sales and service	--	P	P
Offices - professional, administrative and business, including chiropractor, insurance, real estate and financial offices, but excluding medical and dental offices – any floor	--	P	P
Offices - professional, administrative and business, including chiropractor, insurance, real estate and financial offices, but excluding medical and dental offices - above ground floor	P	P	P
Offices - psychologist, psychiatrist, counseling and therapy	--	P	P
Optician and optometrist shops	--	P	P
Parking lots and parking garages	C	P	P
Patio and garden furniture and accessories shops	--	P	P
Pet shops, including pet grooming	--	P	P
Pharmacies and drug stores	C	P	P
Photography shops, studios and photo supply stores	C	P	P
Picture framing shops	--	P	P
Plumbing supply shops	--	C	P
Pool and spa sales and service	--	--	P
Pool and billiards halls	--	C	P
Post office and mailing services	--	C	P
Pottery and woodworking shops	--	--	P
Printing, lithography and engraving	--	C	P
Public information centers - indoor	P	P	P
Public utility installations, including public service pumping stations, power stations and substations, equipment buildings and installations	--	C	C
Radio, television and stereo sales and service	--	P	P
Recreational equipment rental		--	P
Recreational vehicle sales, services, repair and storage	--	--	P
Residential visitor lodging	--	C	C
Restaurants, cafes and eating establishments, indoor and outdoor eating, including sale of alcoholic beverages as an ancillary use and indoor music with no sound amplification	P	P	P
• Amplified music	C	C	C
Restaurants, drive-in, walk-up and drive-through	--	--	C
Retail warehouses over 6,000 square feet of floor area	--	--	C

Permitted (P) and Conditionally-Permitted (C) Uses	PR	CD	CS
Retail warehouses under 6,000 square feet of floor area	--	--	P
Second hand stores and pawn shops	--	C	C
Shoe repair	--	P	P
Sign painting	--	C	P
Spa, day	--	P	P
• Any floor	--	P	P
• Above ground floor	P	P	P
Spa, overnight	P	P	--
Sporting goods sales, with rental as an accessory use	--	P	P
Supermarkets (over 3500 square feet of retail sales area)	--	P	P
Theaters and auditoriums within buildings	C	P	C
Tire sales, not including tire recapping	--	--	P
Tobacco and pipe shops	P	P	P
Travel agencies – ground floor	C	P	P
Travel agencies – above ground floor	P	P	P
Upholstery shops	--	C	C
Vacation timeshares	--	--	--
Variety stores and dry goods	--	P	P
Vending machine service	--	--	P
Veterinarian offices and small animal hospitals	--	--	C
Wine tasting	C*	C*	--
Recreation, Education and Public Assembly			
Churches and other religious institutions	--	C	C
Private clubs, fraternal lodges and meeting halls	C	C	C
Private museums	P	C	--
Accessory Uses			
Accessory structures and uses located on the same site as a permitted or conditional use	P	P	P

-- = not permitted

* Alcohol beverage establishments are subject to the requirements of Section 20.20.075.

20.08.150 Permitted and conditionally-permitted uses: GMU District

Table 11 identifies the permitted and conditionally-permitted uses for the Grove Street Mixed Use District. This table is to be used in conjunction with the definitions contained in Chapter 20.28, Article IX. Chapter 20.28, Article V describes the procedures for obtaining a conditional use permit.

Table 11 Permitted and conditionally-permitted uses: GMU District

Permitted (P) and Conditionally-Permitted (C) Uses		Specific Use Regulations
Residential Uses		
Boarding house	C	
Day care, large family	C	
Day care, small family	P	
Duplex dwelling, one building per lot of record	P	
Employee housing for six or fewer employees in accordance with Cal. Health & Safety Code §17000, et seq.	P	
Residential care, general	C	
Residential care, limited	P	
Single-family dwelling, detached	P	
Secondary dwelling unit	P	Sec. 20.20.010
Supportive housing	P	
Transitional housing	P	
Vacation rental home	--	
Retail Trade and Services		
Antique store	C	
Art gallery and picture framing with art sales	P	
Art and drafting supply store	C	
Arts, crafts and hobby stores, including instructional classes as an accessory use	C	
Barber shop/beauty shop	P	
Bicycle sales and repair, including rentals	C	
Florist (including outdoor sales)	C	
Neighborhood retail store	C	Sec. 20.20.070
Nursery, garden supply store	C	
Photography/photo supply store, photography studio	P	
Professional, administrative and business offices, including insurance, real estate and financial offices, but excluding medical and dental offices	P	
Professional and administrative offices related to health services	C	
Psychologist, psychiatrist, counseling and therapy offices	P	
Residential visitor lodging	C	
Spa, day use or overnight stay	C	
Vacation home	--	
Vacation timeshare	--	
Recreation, Education and Public Assembly		
Arts and crafts school	C	
Church, convent, monastery, other religious institution	C	
Golf course, driving range	C	

Permitted (P) and Conditionally-Permitted (C) Uses		Specific Use Regulations
Private club, fraternal lodge and meeting hall	C	
Private museum	C	
Private recreational parks and swim clubs	P	
Private schools and colleges, not including dancing, music, business, professional or trade schools and colleges	C	
Utilities		
Public utility and service uses	P	
Accessory Uses		
Accessory structures located on the same site with a permitted or conditionally-permitted use, including private garages and carports, one guest house or accessory living quarter without a kitchen, storehouses, garden structures, non-commercial greenhouses, recreation rooms, and hobby areas within an enclosed structure	P	
Private stables or areas for the keeping of one horse, cow, llama, goat or similar large farm or hobby animal on a site not less than 2 acres in net area, provided that one additional large animal may be kept for each additional acre of area of the site, and provided that no stable shall be located closer than 50 feet to any property line, closer than 50 feet to any dwelling unit on the site, or closer than 100 feet to any other dwelling on surrounding properties.	P	
Raising of fruit and nut trees, vegetables, and horticultural specialties (no on-site sales)	P	
Raising of poultry (except roosters and crowing fowl), rabbits, chinchillas, pot bellied pigs and other small animals for commercial purposes on a site at least 20,000 square feet in net size, provided that there shall be at least 1,000 square feet of site area for each fowl or animal, and provided that no structure housing poultry or small animals shall be closer than 50 feet to any property line or closer than 25 feet to a dwelling on the site	C	
Raising or keeping of poultry (except roosters and crowing fowl), rabbits, chinchillas, guinea pigs or similar small animals for educational, hobby or non-commercial purposes limited to a total of ten (10) animals. This shall not include dogs or cats. Animal pens or cages shall not be located in a required front yard or within a street side corner yard and shall be kept a minimum of 20 feet from a property line	P	
Temporary subdivision sales offices	P	Sec. 20.20.025

-- = not permitted

20.08.155 Permitted and conditionally-permitted uses - MU District

Table 12 identifies the permitted and conditionally-permitted uses for the Mixed Use District. This table to be used in conjunction with the definitions contained in Chapter 20.28, Article IX. Refer also to the specific use regulations as noted. Chapter 20.28, Article V describes the procedures for obtaining a conditional use permit.

Table 12 Permitted and conditional uses: MU District

Permitted (P) and Conditionally-Permitted (C) Uses		Specific Use Regulations
Residential Uses		
Home occupations	P	Sec. 20.20.005
Residential uses as part of a mixed use development	C	

Multi-family dwellings not part of a mixed use development	P	
Residential care, general	C	
Residential care, limited	P	
Single-family attached dwellings not part of a mixed use development	P	
Supportive housing	P	
Transitional housing	P	
Vacation rental homes	--	
Retail Trade		
Alcoholic beverages (off-sale)	C	Sec. 20.20.075
Artisan shop	P	
Convenience store	C	
• Beer and wine sales (off-sale), ancillary	C	Sec. 20.20.075
Grocery and specialty food sales		
• 3,500 square feet or less	P	
• More than 3,500 square feet	C	
Outdoor display and sales	P	Ch. 20.16, Art. V
Retail, general	P	
• Extended hours	C	
• Secondhand goods	C	
Services		
Bank, financial services	P	
Business support service	P	
Catering	P	
Instructional services	C	
Medical services, minor	C	
Personal services	P	
Recycling, small collection facility	C	
Specialty transportation rental, touring services	C	
Storage - indoor	C	
Vehicle services - service station	C	Sec. 20.20.065
• Beer and wine sales (off-sale), ancillary	C	Sec. 20.20.075
Visitor lodging	C	
Wine tasting facility	C	
Eating & Drinking Establishments, Entertainment		
Bar, night club	C	Sec. 20.20.075
Restaurant	P	Sec. 20.16.080
• Amplified music audible from outside the building	C	
• Extended hours	C	
Food and Beverage Production		
Food and beverage production - limited	C	

Utilities		
Public utility facility	P	
Telecommunication facility – minor	P	Sec. 20.20.080
Telecommunication facility – major	C	Sec. 20.20.080
Accessory Uses		
Accessory uses customarily associated with or essential to a permitted or conditionally-permitted use, and operated incidental to the principal use	P	
Drive through service	C	

20.08.160 Minimum development standards

The following standards apply to development within the commercial zoning districts.

Table 13 Minimum development standards for commercial districts

Zoning District	Minimum Lot Area	Min. Lot Dimensions		Minimum Yards			
		Width	Depth	Front	Side Yard Interior	Side Yard Corner	Rear
PR	none	none	none	none	none	none	none
CD	none	none	none	none	none	none	none
CS	10,000 sq. ft.	70 feet	100 feet	none	none	none	10 feet
GMU	12,500 sq. ft.	70 feet	100 feet	30 feet	1 story: 5 ft. 2 story: 10 ft.	10 feet	25 feet
MU	20,000 sq. ft.	100 feet	120 feet	none	none	10 feet for residential uses 0 feet for non-residential uses, except 10 feet required adjacent to residential district	10 feet for residential uses 0 feet for non-residential uses, except 10 feet required adjacent to residential district

20.08.165 Maximum floor area ratio and site coverage

The maximum floor area ratio and site coverage requirements for commercially-zoned parcels are as follows:

Table 14 Maximum floor area ratio and site coverage for commercial districts

Zoning District	Max. Floor Area Ratio (FAR)	Max. Site Coverage
PR	300%	100%
CD	200%	100%
MU	100%	60%
CS	50%	60%
GMU	--	30%

20.08.170 Maximum height of main structures

The following regulations shall apply to the heights of structures in the specified commercial districts. Section 20.16.065 allows exceptions for ancillary structures, including chimneys, antenna and similar architectural features.

A. PR, CD and CS Districts

1. Thirty-five (35) feet when a site abuts or is directly across a street or an alley from a site zoned R-1.
2. Forty (40) feet when a site abuts or is directly across a street or an alley from any zone that allows multi-family housing as a primary use, to include the RM, ORM, RMP and DR zoning districts.
3. Fifty (50) feet in all other instances.

B. MU District

1. Thirty-five (35) feet when abutting or directly across a street/alley from a site zoned for single-family housing as a permitted use.
2. Forty (40) feet when abutting or directly across a street/alley from a site zoned for multi-family housing as a permitted use.
3. Fifty (50) feet in all other instances.

Maximum heights may be reduced through the design review process in consideration of site-specific circumstances.

C. GMU District

Thirty-five (35) feet.

20.08.175 Residential development standards

Residential dwellings constructed on commercially-zoned property must conform to the following standards.

A. PR, CD and CS Districts

1. Site area per dwelling 2,700 square feet.
2. Residential unit location Upper floor or behind commercial or office use, if residential units or units are part of a mixed-use development.
3. Usable open space per dwelling 150 square feet, subject to the location and design criteria of Section 20.20.015.
4. Upper floors of existing buildings with ground floor commercial or office use can be changed to multi-family residential use without provision of off-street parking, provided a use permit is obtained.

B. MU District

A minimum of 200 square feet of usable open space shall be provided per dwelling, subject to the location and design criteria of Section 20.20.015, with the following exceptions:

1. The Planning Commission may reduce or waive this requirement in consideration of open space or recreational facilities that are available within reasonable proximity. Required open spaces may be either group (common) or private open space.
2. Private usable open space located at ground level shall have a minimum area of 120 square feet.
3. Up to 75 percent of ground level open space may be covered by an overhang or balcony.

C. GMU District

1. A minimum lot size of 12,500 square feet is required for duplexes or two dwelling units on a lot of record.
2. Boats, recreational vehicles, trailers and similar vehicles shall not be parked within the required front yards or within the street side of corner lots.

20.08.180 Commercial development standards

- A. With the exception of the uses listed in Chapter 20.16, Article V, all uses and operations located in commercial districts shall be within enclosed buildings.
- B. New buildings in the GMU District to be used for non-residential uses (i.e., commercial and office uses) shall not exceed 4,000 square feet in total square footage.

20.08.185 Other development requirements

The following additional requirements apply to development in commercial districts:

Accessory structures: Chapter 20.16, Article II.

Inclusionary housing: Section 20.20.030.

Secondary dwelling units: Section 20.20.010.

Off street parking and loading: Chapter 20.16, Article VIII.

Fences and walls: Chapter 20.16, Article III.

Riparian setbacks: Section 20.24.090.

Design review: Chapter 20.28, Article IV.

Signs, as prescribed in Chapter 20.16, Article IX.

Article VII Industrial District (I)**20.08.190 Purposes**

The following purposes are intended to be achieved through the Industrial District:

- A. Implement the Industrial land use designation of the Healdsburg General Plan.
- B. Accommodate a range of manufacturing, production, warehousing, wholesaling, distribution, maintenance and repair uses.

- C. Accommodate non-industrial uses whose operations require large amounts of floor and/or site areas.
- D. Accommodate on-site housing for employees.
- E. Control the operating characteristics of uses that may otherwise generate objectionable visual impacts, noise, odors, insect nuisance, dust, dirt, smoke, vibration, heat, cold or glare, and/or create a risk of fire, explosion, noxious fumes, radiation or other hazards.
- F. Protect areas of the city that are suitable for industrial and heavy commercial uses from encroachment by uses that could readily locate in commercial zoning districts.
- G. Promote a mix of uses that provides the city with a sound and diverse industrial base.

20.08.195 Permitted and conditionally-permitted uses

The following table identifies the permitted and conditionally-permitted uses for the Industrial District. This table is to be used in conjunction with the definitions contained in Chapter 20.28, Article IX. Chapter 20.28, Article V describes the procedures for obtaining a conditional use permit.

Table 15 Permitted (P) and conditionally-permitted (C) uses: Industrial District

Residential Uses	
Home-based business	P
Live/work facilities, including caretaker residence	C
Work force housing	C
Retail Trade	
Retail sales, bulky products	P
• Outdoor display and sales	C
Retail, general, of products manufactured, assembled or warehoused on the same premises, incidental to the primary use	P
Vehicle and agricultural equipment sales and related equipment and supplies sales	C
Wholesaling and distribution	P
Services	
Adult entertainment	C
Business support service	P
Catering	P
Commercial recreation	C
Equipment rental	P
• With outdoor storage and display	C
Equipment storage yard	C
Fitness center	P
Furniture repair, refinishing and re-upholstery	P

Instructional services	P
• Abutting a residential or office use or zoning district	C
Kennel, animal grooming and sales of related equipment and supplies	C
Maintenance/repair service	P
Mortuary	C
Offices, non-medical	C
Offices, medical, where medical, dental, mental health, surgical and/or other similar health care services are provided on an outpatient basis, and that accommodate no more than four licensed primary practitioners (such as medical doctors, dentists, chiropractors, psychologists) within a single office suite in a building specifically designed for office uses. This classification does not include hospitals, clinics, laboratories and dispensing opticians and optometrists.	C
Recycling facility	
• Small collection facility	C
• Medium collection facility	C
Restaurant	P
Storage – personal storage facility	P
Vehicle rental	C
Vehicle services	
• Major maintenance and repair	C
• Minor maintenance and repair	P
• Service station	P
Vehicle/boat storage	C
Veterinarian, small animal hospital	C
Industrial Uses	
Laboratory – medical, analytical	P
Manufacturing/processing – light	P
Manufacturing/processing – moderate	C
Research and development	P
Warehouse	P
Winery	P
Accessory Facilities and Uses	
Accessory uses customarily associated with or essential to a permitted use, and operated incidental to the principal use, including offices	P
Tasting of food and non-alcoholic beverage products produced on-site	P
Tasting of alcoholic beverage products produced on-site	C
Public & Quasi-Public Uses	
Transit station	P
Mail collection and distribution center	P

Utilities	
Public utility facility	P
Telecommunication facility – minor	P
Telecommunication facility – major	C

20.08.200 Minimum development standards

The following standards apply to development within the Industrial Zoning District.

Table 16 Minimum development standards: Industrial District

Minimum lot area	20,000 square feet
Minimum lot width	100 feet
Minimum lot depth	120 feet
Minimum front yard	15 feet
Minimum side yard (interior)	0 feet 10 feet for residential uses 10 feet for non-residential uses adjacent to residential district
Minimum side yard (street side)	15 feet
Minimum rear yard	10 feet
Maximum floor area ratio (FAR)	.50, excluding floor area associated exclusively with residential uses
Maximum building height – industrial buildings	35 feet when abutting or directly across a street/alley from a site zoned for single-family housing as a permitted use 40 feet when abutting or directly across a street/alley from a site zoned for multi-family housing as a permitted use 50 feet in all other instances These heights may be reduced through the design review process in consideration of site-specific circumstances.
Maximum building height – residential buildings	40 feet
Site area per dwelling	2,700 square feet
Usable open space per dwelling	150 square feet, subject to the location and design criteria of Section 20.20.015, except that up to 75 percent of ground level open space may be covered by an overhang or balcony.

20.08.205 Other development requirements

The following additional requirements apply to development in the Industrial District:

- Accessory structures: Chapter 20.16, Article II.
- Off street parking and loading: Chapter 20.16, Article VIII.
- Signs: Chapter 20.16, Article IX.
- Fences and walls: Chapter 20.16, Article III.
- Riparian setbacks: Chapter 20.24, Article III.
- Design review: Chapter 20.28, Article IV.

Article VIII Public (P) District**20.08.210 Purposes**

In addition to the objectives listed in Section 20.04.010, the Public District is included in the Land Use Code to provide a procedure for orderly establishment of public and quasi-public facilities, expansion of their operations, or change in the use of lands owned by governmental agencies.

20.08.215 Permitted uses

The following uses may be permitted:

- A. Existing uses on any parcel of land zoned “P” at the time of adoption of this Title.
- B. Parks, golf courses, playgrounds, municipal swim centers and other public recreational facilities with a floor area ratio of 0.15 or less.
- C. Public buildings and grounds which have a floor area ratio of 0.15 or less.
- D. Public schools, universities and colleges.
- E. Pumping stations, power stations, municipal electrical facilities, equipment buildings and installations, municipal corporation yards, drainage ways and structures, reservoirs and water storage tanks.
- F. Required off-street parking facilities located on a site separated from the use that the facilities serve.
- G. Concessionaires and commercial establishments ancillary to a permitted use, subject to issuance of necessary permits from the Healdsburg Parks and Recreation Department.
- H. Homeless shelters in accordance with Section 20.20.045.
- I. Emergency shelters.

20.08.220 Conditional uses

The following conditional uses may be permitted through the approval of a conditional use permit:

- A. Animal shelters.
- B. Caretaker and night watchman dwellings, limited to one dwelling unit.
- C. Hospitals.
- D. Public buildings, grounds and facilities where permanent structures have a floor area ratio greater than 0.15.
- E. Airports.

20.08.225 Other development requirements

The following additional requirements apply to development in the Public District:

Accessory structures: Chapter 20.16, Article II.

Off street parking and loading: Chapter 20.16, Article VIII.

- Signs: Chapter 20.16, Article IX.
Fences and walls: Chapter 20.16, Article III.
Riparian setbacks: Chapter 20.24, Article III.
Design review: Chapter 20.28, Article IV.

Article IX Open Space (O) District

20.08.230 Purposes

In addition to the purposes prescribed in Section 20.04.010, the Open Space District is hereby established to achieve the following objectives:

- A. Reserve appropriately located sites for agriculture and open space uses in accord with the General Plan.
- B. Encourage the preservation of areas of the city which are of agricultural, historic, cultural, recreational, social and aesthetic value.

20.08.235 Permitted uses

The following uses may be permitted in the Open Space District:

- A. Agricultural uses, including vineyards, field crops, truck gardening, bush and berry crops, orchards, flower culture and horticultural experimentation.
- B. Public open space lands and uses of permanent open spaces, including parks, playgrounds, and other types of public open space facilities.
- C. Riding, hiking and bicycle trails limited to non-motorized vehicles.
- D. Open space areas dedicated to the City or other public agency.
- E. Officially-designated historical sites, scenic areas, recreational areas and parkways.
- F. Open space areas conveyed to trustees by means of an indenture establishing an association of property owners or similar organization and subject to covenants running with the land which provide for the maintenance of the open space in a manner that assures its continuing use for its intended purposes and which provides the legal means to enforce provisions of the covenant.
- G. Concessionaires and commercial establishments ancillary to a permitted use, subject to the issuance of necessary permits from the City of Healdsburg.
- H. Pumping stations, power stations, municipal electrical facilities, equipment buildings and installations, drainage ways and structures, water wells, reservoirs and water storage tanks.
- I. Incidental and accessory uses and structures located on the same site.
- J. One-family residences, one secondary dwelling unit subject to Section 20.20.010, and home occupations subject to Section 20.20.005.
- K. Private stables or areas for the keeping of one horse, cow, llama, goat or similar large farm or hobby animal on a site not less than 2 acres in net area, provided that one additional large animal may be kept for each additional acre of area of the site, and provided that no stable

shall be located closer than 50 feet to any property line, closer than 50 feet to any dwelling unit on the site, or closer than 100 feet to any other dwelling on surrounding properties.

- L. Raising of poultry, rabbits, chinchillas, pot bellied pigs and other small animals for commercial purposes on a site at least 20,000 square feet in net size, provided that there shall be at least 1,000 square feet of site area for each fowl or animal, and provided that no structure housing poultry or small animals shall be closer than 50 feet to any property line or closer than 25 feet to a dwelling on the site.

20.08.240 Conditionally-permitted uses

The following uses are allowed in the Open Space District subject to the approval of a conditional use permit as provided for in Chapter 20.28 Article V.

- A. Wineries.
- B. Tasting of food and non-alcoholic beverage products produced on-site.
- C. Kennels.
- D. Riding academies and stables.

20.08.245 Development standards

The following standards shall govern development within the Open Space District.

- A. Minimum lot area: 5 acres
- B. Minimum yards: As determined by Planning Commission
- C. Maximum building height (primary structures): 35
- D. Off-street parking: As determined by Planning Commission
- E. Signs: As allowed by the Planning Commission
- F. Maximum site coverage: Ten percent (10%)

Article X Residential Master Plan (RMP) District

20.08.250 Purpose

Residential Master Plan (RMP) districts in Healdsburg are specifically envisioned as a mechanism to preserve and/or create distinctive, high quality, single- or multi-family residential developments that meet or exceed the goals of the General Plan. The provisions of this district are intended to encourage preservation of existing amenities and creation of new amenities; provide for a variety of housing types and densities; reduce environmental impacts; and achieve superior relationships among uses, both within and surrounding the district. Residential Master Plan districts are to be used where traditional zoning districts do not accommodate these goals.

20.08.255 Standards and requirements

The following regulations shall apply within RMP districts, which district shall also be subject to other provisions of this article, except that where conflict in regulation occurs, the requirements specified in the approved RMP plan shall apply.

- A. The minimum area on which a RMP district may be established is one (1) acre of contiguous

land. However, a RMP district may be established for an area of less than one contiguous acre upon a finding that the property is suitable as a RMP district by virtue of its relationship to adjacent parcels and their development plans (existing or proposed), unique historical character, topography, landscaping features, or by virtue of its qualification by a unique or isolated problem area.

- B. Standards for lot area, frontage and width, coverage, density, yards, building heights, landscaping and parking for uses in a RMP district shall be the standards of the zoning district governing uses most similar in nature and function to the uses proposed in the RMP district. Exceptions to these standards may be allowed by the Planning Commission and the City Council when it can be demonstrated that such modified standards would result in more desirable development and are warranted in terms of the relationship of the total proposed development or units thereof to the General Plan.
- C. All land designated as parks and/or open space shall be conveyed, at the option of the City, by one of the following:
 - 1. To trustees provided in an indenture establishing an association of property owners or similar organization, subject to covenants running with the land, satisfactory to the City Attorney, which restrict the open space in a manner that assures its continuing use for its intended purpose, and which provide a legal means for the City to enforce these provisions.
 - 2. To the City in a manner satisfactory to the City Council.
- D. The streets, bike paths and pedestrian ways within and bordering a RMP district shall be offered for dedication to the City. Standards for public improvements shall be governed by applicable ordinances and laws of the City or shall be as established by the City Public Works Department for the development under consideration.
- E. Departures from standards ordinarily required in other districts, and permitted in the initial approval of a RMP district, shall not be considered as precedent setting in terms of other applications that may be brought before the City.

20.08.260 Establishment of a RMP District

- A. Establishing a RMP District classification for any parcel or parcels of property within the City may be initiated by the Planning Commission or the City Council in accord with the procedures prescribed in Chapter 20.28, Article VII.
- B. An application for the establishment of a RMP district may be made by one or more private property owners. The application shall be submitted on prescribed forms signed by the owner(s) of every property within the boundaries of the proposed RMP District.

20.08.265 RMP district application requirements

An application for a RMP district classification shall be accompanied by the following.

- A. A written and/or diagrammatic Project Description that provides sufficient information to evaluate the merits of the proposed zoning. Application requirements shall be in accordance with the project application submittal requirements as determined by the Planning and Building Director. In addition, an application for a RMP district shall include the following items:

1. A site features map depicting the existing topography, structures, and natural features, including areas of significant vegetation. Properties within 300 feet of the site shall be included on the site features map.
 2. The description of the infrastructure necessary for each phase of the proposed project.
 3. A statement as to how a proposed residential project will comply with the City's Inclusionary Housing requirements.
 4. Any other information that the Planning and Building Director determines to be necessary to properly evaluate the project.
- B. A Policy Statement that sets forth the following items within each land use proposed in the Development Plan:
1. Principal permitted uses
 2. Accessory uses
 3. Uses permitted by conditional use permit
 4. A statement of provisions for ultimate ownership and maintenance of all parts of the development, including streets, structures, hillside areas (if such exist) and open spaces.
 5. District regulations including:
 - a. Minimum lot sizes
 - b. Minimum lot widths
 - c. Maximum density
 - d. Minimum setbacks, including yard setbacks from adjacent properties and between differing uses
 - e. Maximum building heights
 - f. Maximum lot coverage for structures
 - g. Accessory building requirements, including setbacks, height limits and location
 - h. Parking requirements
 - i. Design guidelines
 - j. A listing of district regulations or standards to be adopted by ordinance at the time of final approval.
- C. A Development Plan consistent with the Policy Statement, which identifies the following items:
1. Proposed land use by type, acreage, residential densities and non-residential uses, expressed in gross square footage of floor area; and
 2. The proposed circulation pattern, indicating both public and private vehicular and pedestrian ways, preliminary locations and widths of streets and alleys, and estimated traffic generation as it affects public streets within and adjacent to the project; and
 3. Site features that influence the development of the site.

4. A preliminary grading and drainage plan.
 5. Preliminary sketch evaluations of all proposed building and structures from all major vantage points.
 6. If a phased development, each phase shall be indicated including location, structures, infrastructure and timing.
- D. The required filing fee deposit. Such fee deposits and any related costs may be apportioned between landowners, as they may agree upon, or may be apportioned by the proportionate parcel sizes of the property ownerships.
- E. The Planning Commission or its appointed representative may waive any of the above required information items if, in the opinion of the representative, they are unnecessary or unreasonable under the circumstances.

20.08.270 Review

- A. In establishing the RMP district, the Planning Commission shall hold a public hearing on the proposed rezone and the Policy Statement and Development Plan if it is a property owner-initiated application. Following the hearing, the Commission may recommend to the City Council approval, approval subject to conditions and/or modifications, or the Commission may deny the zoning application. A denial of the application by the Commission shall be final unless its decision is appealed to the Council.
- B. A recommendation for approval or conditional approval may be made if the Planning Commission finds that the proposed RMP district will promote development or a distinctive project of the highest quality as evidenced by specific findings that may include the following:
1. The development proposed for a RMP district, or a given phase thereof, can be commenced within two years and substantially completed within four years of the establishment of the RMP district.
 2. Each individual phase of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurances will be provided that such objective will be obtained; that the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not adequately be achieved under other zoning districts.
 3. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the RMP district boundary.
 4. Any exception from standard zoning development requirements is warranted by the design and amenities incorporated in the Development Plan in accord with adopted policies of the Planning Commission and the City Council.
 5. The RMP district is in conformance with the General Plan and all other provisions of the Land Use Code.
 6. The existing or proposed utility services are adequate for the population densities and

non-residential components of the Development Plan.

7. Natural amenities such as creeks, hillsides and significant vegetation are preserved.
- C. Upon receipt of the Planning Commission's approval recommendation, the City Council shall proceed in accordance with the amendment procedure of Chapter 20.28, Article VII, and may approve, modify, or disapprove the Development Plan and Policy statement. Approval of the Development Plan and Policy Statement constitutes the City Council's adoption of the necessary amendment of the zoning district map(s) establishing a RMP district. In approving or conditionally approving the application, the City Council shall make the same findings as set forth in Section 20.08.270(B).

20.08.275 Conformance with policy statement and development plans

All development of property within a RMP district shall be in conformity with the approved Policy Statement and Development Plan. In the event an inconsistency is found between the Policy Statement and Development Plan, the regulations established in the Policy Statement shall govern development of the site. Any approved project shall be subject to Design Review in accordance with the requirements of Chapter 20.28, Article IV.

20.08.280 Modification

The adopted development plan and policy statement may be modified by submitting a request for such modification according to the same procedures as required in the initial review and approval process, except that minor modifications which do not increase the approved density of residential uses or change the approved land uses may be approved by the Planning Commission at the public hearing.

20.08.285 Termination of RMP districts

If within two years after the establishment of a RMP district and the approval of a development plan and policy statement by the City Council, the design review approvals have not been obtained and the construction specified in the development plan has not commenced, the Planning Commission shall review with the applicant(s) the reasons for not initiating the project development. The Planning Commission may initiate consideration of reclassification, hold a public hearing and make a recommendation to the City Council to reclassify all or part of the area to the original zoning district or other district(s) deemed appropriate by the Planning Commission.

Article XI Planned Development (PD) District**20.08.290 Purpose**

The purpose of the Planned Development (PD) District is to recognize the advantage that integrated community planning offers over conventional zoning techniques in implementing the General Plan goals through specific site developments. Planned Development Districts in Healdsburg are specifically envisioned as a mechanism to preserve and/or create distinctive, high quality, single or mixed-use developments that meet or exceed the goals of the General Plan. The provisions of this district are intended to encourage preservation of existing amenities and creation of new amenities; provide for a variety of housing types and densities; reduce environmental impacts; and achieve superior relationships among uses, both within and surrounding the district. Planned Development Districts are to be used where traditional zoning districts do not accommodate these goals.

20.08.295 Standards and requirements

The following regulations shall apply within PD Districts, which district shall also be subject to other provisions of this article, except that where conflict in regulation occurs, the requirements specified in the approved PD plan shall apply.

- A. The minimum area on which a PD District may be established is one (1) acre of contiguous land. However, a PD District may be established for an area of less than one contiguous acre upon a finding that the property is suitable as a PD District by virtue of its relationship to adjacent parcels and their development plans (existing or proposed), unique historical character, topography, landscaping features, or by virtue of its qualification by a unique or isolated problem area.
- B. Land uses permitted in any other district may be permitted in the PD District, provided such use or uses are in harmony with each other and serve to fulfill the function of the planned development, while complying with the General Plan.
- C. Standards for lot area, frontage and width, coverage, density, yards, building heights, landscaping and parking for uses in a PD District shall be the standards of the zoning district governing uses most similar in nature and function to the uses proposed in the PD district. Exceptions to these standards may be allowed by the Planning Commission and the City Council when it can be demonstrated that such modified standards would result in more desirable development and are warranted in terms of the relationship of the total proposed development or units thereof in the General Plan.
- D. Land designated as parks and/or open space may be conveyed, at the option of the City, to one of the following:
 1. Trustees provided in an indenture establishing an association of property owners or similar organization, subject to covenants running with the land, satisfactory to the City Attorney, which restrict the open space in a manner that assures its continuing use for its intended purpose, and which provide a legal means for the City to enforce these provisions.
 2. The City of Healdsburg in a manner satisfactory to the City Council.
- E. The streets, bike paths and pedestrian ways within and bordering a PD district shall be

offered for dedication to the City. Standards for public improvements shall be governed by applicable ordinances and laws of the City or shall be as established by the City Public Works Department for the development under consideration.

- F. Departures from standards ordinarily required in other districts, and permitted in the initial approval of a PD district, shall not be considered as precedent setting in terms of other applications that may be brought before the City.

20.08.300 Initiation of process

- A. A PD district may be established by a City-initiated zoning process or by application to the Planning Commission by one or more property owners. If the City initiates the zoning process, the PD zoning classification shall be established prior to the approval of a development plan and policy statement. If the owner or owners initiate the zoning process, the PD zoning classification shall not be established until the preliminary review, development plan and policy statement is also submitted and approved.
- B. Establishing a PD district classification for any parcel or parcels of property within the City may be initiated by the Planning Commission or the City Council in accord with the procedures prescribed in Chapter 20.28, Article VII.
- C. An application for the establishment of a PD District may be made by one or more private property owners. The application shall be submitted on prescribed forms and shall be accompanied by the required filing fee deposit. Such fee deposits and any related costs may be apportioned between landowners, as they may agree upon, or may be apportioned by the proportionate parcel sizes of the property ownerships. The application shall be signed by the owner(s) of every property within the boundaries of the proposed PD district.
- D. In the event that an owner of a parcel of property in a PD district, which district encompasses additional lands under different ownership, desires to submit a development plan and policy statement for his or her property independently of other properties within the district, said owner may apply for an exception permit prior to or concurrently with the filing. The granting of an exception permit shall exempt the applicant from the requirement of submitting a coordinated preliminary development plan for all of the land within the district and shall allow said applicant to include only his or her property within such plan submission. Otherwise, said applicant shall be bound by all of the provisions of the PD district.

Application for said exception permit may be made to the Planning Commission. The Planning Commission shall grant such exception only if all of the following findings are made. Any action taken by the Planning Commission in granting such an exception may be appealed to the City Council pursuant to the provisions of Section 20.28.085.

1. An undue hardship exists for the applicant.
2. The granting of the exception is necessary for the preservation and enjoyment of substantial property rights of the applicant.
3. The granting of the exception, under the circumstances of the particular case, will not adversely affect the health, safety or welfare or be detrimental to persons, property, or improvements in the vicinity.

20.08.305 Preliminary development plan review

Prior to accepting an application for a PD District or development plan and policy statement, the applicant shall submit a preliminary development plan for conceptual review and comment by the Planning and Building Director.

20.08.310 Application requirements

An application for a PD District classification shall be accompanied by:

- A. A written and/or diagrammatic Project Description that provides sufficient information to evaluate the merits of the proposed zoning. Application requirements shall be in accordance with the project application submittal requirements as determined by the Planning and Building Director. In addition, an application for a PD district shall include the following items:
 1. A site features map depicting the existing topography, structures, and natural features, including areas of significant vegetation. Properties within 300 feet of the site shall be included on the site features map.
 2. The description of the infrastructure necessary for each phase of the proposed project.
 3. A statement as to how a proposed residential project will comply with the City's Inclusionary Housing requirements, if it includes residential land uses.
 4. Any other information that the Planning and Building Director determines to be necessary to properly evaluate the project.
- B. A Policy Statement which sets forth the following items within each land use proposed in the Development Plan:
 1. Principal permitted uses
 2. Accessory uses
 3. Uses permitted by conditional use permit
 4. A statement of provisions for ultimate ownership and maintenance of all parts of the development, including streets, structures, hillside areas (if such exist) and open spaces.
 5. District regulations including:
 - a. Minimum lot sizes
 - b. Minimum lot widths
 - c. Maximum density
 - d. Minimum setbacks, including yard setbacks from adjacent properties and between differing uses
 - e. Maximum building heights
 - f. Maximum lot coverage for structures (structures include paved areas except for those on single family detached residential lots)
 - g. Accessory building requirements, including setbacks, height limits and location

- h. Parking requirements
 - i. Design guidelines
 - j. A listing of district regulations or standards to be adopted by Ordinance at the time of final approval.
- C. A Development Plan consistent with the Policy Statement, which identifies the following items:
- 1. Proposed land use by type, acreage, residential densities and non-residential uses, expressed in gross square footage of floor area; and
 - 2. The proposed circulation pattern, indicating both public and private vehicular and pedestrian ways, preliminary locations and widths of streets and alleys, and estimated traffic generation as it affects public streets within and adjacent to the project; and
 - 3. Site features that influence the development of the site.
 - 4. A preliminary grading and drainage plan.
 - 5. Preliminary sketch evaluations of all proposed building and structures from all major vantage points.
 - 6. If a phased development, each phase shall be indicated including location, structures, infrastructure and timing.
- D. The Planning Commission or its appointed representative may waive any of the above required information items if, in the opinion of the representative, they are unnecessary or unreasonable under the circumstances.

20.08.315 Review

- A. In establishing a PD District, the Planning Commission shall hold a public hearing on the proposed rezone and Policy Statement and Development Plan if it is a property owner-initiated application. Following the hearing, the Commission may recommend to the City Council approval, approval subject to conditions and/or modifications, or the Commission may deny the zoning application. A denial of the application by the Commission shall be final unless its decision is appealed to the Council.
- B. A recommendation for approval or conditional approval may be made if the Planning Commission finds that the proposed PD district will promote development or a distinctive project of the highest quality as evidenced by specific findings that may include the following:
- 1. The development proposed for a PD district, or a given phase thereof, can be commenced within two years and substantially completed within four years of the establishment of the PD district.
 - 2. Each individual phase of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurances will be provided that such objective will be obtained; that the uses proposed will not be detrimental to present and potential surrounding uses,

- but will have a beneficial effect which could not adequately be achieved under other zoning districts.
3. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the PD district boundary.
 4. Any proposed commercial development could be justified in terms of economic demand at the locations proposed.
 5. Any exception from standard zoning development requirements is warranted by the design and amenities incorporated in the Development Plan in accord with adopted policies of the Planning Commission and the City Council.
 6. The PD district is in conformance with the General Plan and all other provisions of the Land Use Code.
 7. The existing or proposed utility services are adequate for the population densities and non-residential components of the Development Plan.
 8. Natural amenities such as creeks, hillsides, and significant vegetation have been preserved.
- C. Upon receipt of the Planning Commission's approval recommendation, the City Council shall proceed in accordance with the amendment procedure of Chapter 20.28, Article VII, and may approve, modify, or disapprove the Development Plan and Policy statement. Approval of the Development Plan and Policy Statement constitutes the City Council's adoption of the necessary amendment of the zoning district map(s) establishing a PD District. In approving or conditionally approving the application, the City Council shall make the same findings as set forth in Section 20.08.315(B).

20.08.320 Status of policy statement and development plans

All development of property within a PD District shall be in conformity with the approved Policy Statement and Development Plan. In the event an inconsistency is found between the Policy Statement and Development Plan, the regulations established in the Policy Statement shall govern development of the site. Any approved project shall be subject to Design Review in accordance with the requirements of Chapter 20.28, Article IV.

20.08.325 Modification

The adopted development plan and policy statement may be modified by submitting a request for such modification according to the same procedures as required in the initial review and approval process, except that minor modifications which do not increase the approved density of residential uses or change the approved land uses may be approved by the Planning Commission at a public hearing.

20.08.330 Termination of PD Districts

If within two years after the establishment of a PD District and the approval of a development plan and policy statement by the City Council, the design review approvals have not been obtained and the construction specified in the development plan has not commenced, the Planning Commission shall review with the applicant(s) the reasons for not initiating the project development. The Planning Commission may initiate consideration of reclassification, hold public hearings and make recommendation to the City Council to reclassify all or part of the area to the original zoning district or other district(s) deemed appropriate by the Planning Commission.

Chapter 20.12
ZONING DISTRICT OVERLAYS

Sections:

Article I Hillside (H) Overlay

- 20.12.005 Purpose
- 20.12.010 Applicability
- 20.12.015 Required lot area and width increases

Article II Development Cluster (DC) Overlay

- 20.12.020 Purpose and intent
- 20.12.025 General provisions and requirements
- 20.12.030 Uses
- 20.12.035 Density ranges
- 20.12.040 Development standards
- 20.12.045 Submittal requirements for density clustering
- 20.12.050 Approval of development clustering

Article III Historic District (HD) Overlay

- 20.12.055 Purpose
- 20.12.060 Uses permitted
- 20.12.065 Permits required
- 20.12.070 Design, materials and exterior appearance
- 20.12.075 Safety
- 20.12.080 Exceptions
- 20.12.085 Maintenance and repair required
- 20.12.090 Historic Committee
- 20.12.095 Establishment of historic districts
- 20.12.100 Designation of historic structures

Article I Hillside (H) Overlay

20.12.005 Purpose

In addition to the objectives prescribed in Section 20.04.010, the Hillside Overlay is included in the Land Use Code to achieve the following purposes:

- A. Preserve the natural beauty of the hillsides and avoid storm drainage problems by encouraging the retention of natural vegetation and discouraging mass grading.
- B. Allow adequate spaces for driveway access to steep sites.
- C. Prevent loss of views, privacy, sunlight that would occur if dwellings on hillsides were located as close together as dwellings on level terrain.

20.12.010 Applicability

A Hillside Overlay may be combined with any residential district. All regulations for the residential district shall apply except as provided by this article.

20.12.015 Required lot area and width increases

For each one foot of difference in elevation greater than ten (10) feet between points A and B described in this section, the minimum required lot area and lot width for a lot within a Hillside Overlay shall be increased three (3) percent over the minimum area and minimum width prescribed in the base residential zoning district.

Point A is the point at which a projected side lot line intersects the edge of the existing roadway. Point B is the point on the site one hundred (100) feet distant from Point A with the greatest difference in elevation.

Article II Development Cluster (DC) Overlay**20.12.020 Purpose and intent**

The purposes of the Development Cluster Overlay are to:

- A. Permit implementation of General Plan policies encouraging clustering of development to allow preservation of open spaces and sensitive environmental features;
- B. Allow innovative design for residential developments, including variability in lot size, design and configuration.
- C. Facilitate development for each property in accord with General Plan residential densities and with applicable specific plans;

20.12.025 General provisions and requirements

Use of the Development Cluster Overlay shall be restricted as follows:

- A. The Development Cluster Overlay shall be applied only to the R-1-40,000 District.
- B. Requests for application of the Development Cluster Overlay to specific properties shall be limited to properties governed by adopted specific plans or a Planning Development (PD) or Residential Master Plan (RMP) ordinance.
- C. The total number of dwelling units allowed pursuant to the Development Cluster Overlay shall not exceed that allowed by the specific plan, PD or RMP.
- D. No subdivisions or development plans will be approved pursuant to the Development Cluster Overlay for the same site or property after the maximum density permitted by either the applicable specific plan, PD or RMP has been achieved.

20.12.030 Uses

- A. Permitted uses in the Development Cluster Overlay shall be as follows:
 1. All uses permitted in the base zoning district.

2. Other residential dwelling types, including zero lot line and attached dwellings, so long as such other dwelling types are consistent in terms of density and configuration with an applicable Specific Plan or a Residential Master Plan Ordinance.
- B. Conditionally-permitted uses in the Development Cluster Overlay shall be the same as the base zoning district.

20.12.035 Density ranges

Density ranges in any contiguous Development Cluster Overlay area shall be between 0 and 1.3 dwelling units per acre, including adjacent public rights-of-way.

20.12.040 Development standards

The following minimum development standards shall be applicable to properties within the Development Cluster Overlay and shall supersede the requirements of Article 1, Hillside Overlay.

- A. Minimum lot area: 6,000 square feet
- B. Minimum lot width: 60 feet
- C. Minimum lot depth: 90 feet
- D. Minimum yards
 1. Front: 20 feet
 2. Interior side: Single-story structures: 5 feet, two-story structures: 10 feet
 3. Street side: 10 feet
 4. Rear: 20 feet
- E. Floor area coverage: 45% (excludes garages)
- F. Maximum site coverage: 35% (includes garages)
- G. Maximum height main structure: 35 feet

20.12.045 Submittal requirements for density clustering

The following information shall be submitted for approval of density clustering pursuant to the Development Cluster Overlay:

- A. Affidavits from all affected property owners involved in the density transfer on a form specified by the Planning and Building Department consenting to the transfer of densities, if applicable to overlay zones involving more than one ownership.
- B. Exhibits delineating the boundaries of the property proposed for density clustering also showing the proposed location of residential dwellings and lots, roads, recreational trails, and related improvements. Exhibits shall also be submitted depicting areas of proposed permanent open spaces, sensitive environment features, including wetlands, areas of slope instability and geologic hazard areas, sensitive ridgelines as identified in the General Plan, and other portions of the site which will not be built upon.
- C. Calculations indicating the following:

1. Total site area, expressed in acres, involved in the proposed density transfer, including both buildable and non-buildable areas.
 2. The number of dwellings normally permitted pursuant to the Specific Plan or RMP without density transfer.
 3. The number of acres proposed for development as part of the density transfer, including roads and other improvements.
 4. The total number of dwellings proposed for construction.
 5. The area, expressed in acres, proposed to remain as non-buildable, if applicable.
- D. Proposed methods by which the non-buildable area will be permanently reserved from building and indicating proposed mechanisms for maintenance of such open space.
- E. Required review and processing fees, as specified by resolution of the City Council.
- F. Other relevant information that may be required by the Planning and Building Director to review the proposed density cluster.

20.12.050 Approval of development clustering

Clustering of residential development may be approved or conditionally approved pursuant to the Development Cluster Overlay by the Planning Commission or City Council, as applicable, when the following findings can be made:

- A. The design and improvement of the proposed density cluster is consistent with the Healdsburg General Plan and applicable specific plans or residential master plans.
- B. The site is physically suitable for the type and intensity of development proposed.
- C. The design of the proposed density cluster development will not result in substantial environmental impacts.

Article III Historic District (HD) Overlay

20.12.055 Purpose

The purpose of the Historic District (HD) Overlay is to preserve, maintain and enhance the historic integrity of designated areas within the City that are of historic significance or contain significant historic structures. The Historic District Overlay provides a process for review of proposed alterations and/or restorations of historic significant structures. It also provides encouragement of public and private enhancement of historic districts through placement of compatible street furnishings, restorations of privately owned buildings and public landmarks. The Historic Committee, formed hereunder, shall have final approval of projects undertaken pursuant to Title 24 of the California Architectural Code and Historic Building Code.

20.12.060 Uses permitted

All uses permitted in the base zoning district; conditional uses in base zoning districts may be conditionally permitted. However, no advertisements, billboards, or signs may be permitted in a Historic District except for signs advertising activities or sales conducted on the premises.

20.12.065 Review required

Approval by the Historic Committee is required for the following:

- A. Construction of buildings and structures within a HD Overlay area, including accessory buildings over 400 square feet in floor area
- B. Demolition of any designated historic building and any building or structure within a HD Overlay area that contributes to the historic character of the area
- C. Any alteration to an existing building within a HD Overlay area that results in a permanent physical change in such a manner as to increase the floor area more than 25% over a 24 month period of time

20.12.070 Design, materials and exterior appearance

All designs for any construction, repair, or replacement purposes within a HD Overlay area shall be in harmony with the general architectural characteristics of the area, including windows and doors and associated trim, use of exterior building materials, roof types and profiles and general size and massing of the building.

20.12.075 Safety

Fire prevention, safety ordinances and other applicable ordinances establishing structural regulations for the safety of the public or the users of the building shall be fully in force and applicable. The Historic Building Code may be applied to any designated historic structure.

20.12.080 Exceptions

Whenever the strict application of the provisions of this article would result in the prevention of a proposed change because of requirements not possible to fulfill, the applicant may apply for an exception to the strict terms of this article. If the exception is of minor character and does not affect the general character of the Historic District, permission to vary from the provisions of this Title may be granted by the Historic Committee.

20.12.085 Maintenance and repair required

Neither the owner nor the person in charge of a designated historic building or of a designated landmark shall permit the structure or landmark to fall into a state of disrepair, which may result in the deterioration of any exterior appurtenance or architectural feature so as to produce or tend to produce in the judgment of the Historic Committee, a detrimental effect upon the character of the district as a whole or the life and character of the landmark or structure in question, including but not limited to:

- A. The deterioration of exterior walls or other vertical supports.
- B. The deterioration of roofs or other horizontal members.
- C. The deterioration of exterior chimneys.
- D. The deterioration or crumbling of exterior plaster or mortar.
- E. The ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.
- F. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition.

20.12.090 Historic Committee

- A. The Planning Commission is hereby designated as the Historic Committee for the purpose of enforcing the provisions of this article.
- B. The functions of the Historic Committee shall be as follows:
 - 1. Recommend the placement of properties within a historic district.
 - 2. Undertake and complete architectural heritage studies and, upon the completion of such studies, establish and maintain a list of structures, objects and areas having a special historic architectural value. This list may include single structures or sites, portions of structures, groups or structures, man-made or natural landscape elements, works of art, or integrated combinations thereof.
 - 3. Designate certain structures, sites, portions of structures and similar features as landmarks.
 - 4. Recommend to the City Council as to the placement of historic monuments, acquisition of historic sites or structures or the development rights thereof by the City. Monuments may be placed on individual sites, structures, or phenomena that are of historic importance but which stand alone and are suitable for such monumentation.
- C. The Historic Committee shall meet upon the call of the chair and action shall be by majority of the quorum and a quorum shall consist of a majority of the members. A lesser number than a quorum may meet for discussions and for any action that may be appropriate, but not for the recommendation of additional parcels to be placed in the HD Overlay or for the approval of specific applications made under this article.
- D. The Historic Committee may make such investigations and studies of matters relating to the protection, enhancement, perpetuation or use of landmarks as historic districts, and to the restoration of landmarks, as the Committee may, from time to time, deem necessary or appropriate and may submit reports and recommendations to the City Council and other agencies of the City. In making such investigations and studies, the Historic Committee may hold such public hearings as it may deem necessary.
- E. Decisions of the Historic Committee may be appealed to the City Council in a manner specified in Section 20.28.085.

20.12.095 Establishment of historic districts

- A. Historic districts shall be established in the manner specified in Chapter 20.28, Article VII.
- B. The following areas are hereby incorporated into the Historic District Overlay:
 - Johnson Street, both sides, between Piper Street and Powell Avenue.
 - Matheson Street, both sides, between East Street and First Street.

20.12.100 Designation of historic structures

- A. Historic structures may be so designated by adoption of an ordinance by the City Council upon recommendations of the Historic Committee in a manner as specified in Chapter 20.28, Article VII.
- B. The following are designated as historic structures and places:
- Gobbi Building: 310-316 Center Street
 - Carnegie Library Building: 221 Matheson Street
 - Ransom Powell House: 211 North Street
 - First Christian Church: 321 East Street
 - George Alexander House: 413 Matheson Street
 - John Miller House: 25 W. Grant Street
 - Sunset Manor (Patchett House): 410 Matheson Street
 - Villa Chanticleer: 1248 Fitch Mountain Road
 - Swisher Mansion: 642 Johnson Street
 - 726 Fitch Street
 - Healdsburg Plaza

Chapter 20.16
GENERAL DEVELOPMENT STANDARDS

Sections:

Article I Yard Requirements

- 20.16.005 General yard requirements
- 20.16.010 Projections into required yards
- 20.16.015 Required court between walls with legally required windows on same lot

Article II Accessory Structures

- 20.16.020 Minimum setbacks
- 20.16.025 Maximum yard coverage
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Article I Yard Requirements

20.16.005 General yard requirements

A. Measurement of yard areas

1. Required yards shall be measured as the minimum horizontal distance from the property line of the site or street line parallel thereto on the site; provided that where a street plan has been adopted by the City Council, site area and required yards shall be measured from the plan line, and no provision of this Title shall be construed to permit a structure or use to extend beyond such line; provided further that where a site abuts on a street having only a portion of its required width dedicated or reserved for street purposes, site area and required yards shall be measured from a line drawn on the boundary of the additional width required for street purposes abutting the site.
2. On a lot that is not rectangular or approximately rectangular in shape, required yard areas shall be measured in a manner prescribed by the Planning Commission.
3. On a flag lot with an average width that exceeds its average depth, the longer dimension may be considered the depth for purposes of measuring front, side and rear yards.
4. Front yard setbacks for interior lots fronting on a cul-de-sac, which are not generally rectangular in shape, shall be a line parallel with the curve of the cul-de-sac. The two

lines which are tangent to the curved front yard setback shall be considered the side property lines and all other property lines shall be considered rear property lines.

B. Minimum front yard exceptions

1. On a lot situated between lots improved with buildings, the minimum front yard may be the average depth of the front yards on the improved sites adjoining the sidelines of the site.
2. Where a lot is not situated between lots improved with buildings but where lots comprising 40 percent of the frontage on a block are improved with buildings, the minimum front yard may be the average of the existing front yard depths on the block.
3. Where the elevation of a lot at the front property line is five (5) feet or more above or below the established street elevation at the edge of the existing or proposed pavement, or where a lot has an average natural slope of 20 percent or more measured from the existing or proposed pavement to the rear line of the required front yard, a garage or carport may be constructed not less than fifteen (15) feet from the edge of the existing or proposed pavement, provided that in no case shall a garage or carport have a front yard of less than three (3) feet. Where the front yard setback to a garage measures less than eighteen (18) feet, the garage shall be provided with an automatic pull up door opener.

C. Side yards abutting front or rear entrances of dwellings

Where dwellings are arranged so that their front or rear entrances abut on a side yard, the required side yard abutting the front entrances shall be increased by two (2) feet. The required side yard abutting the rear entrances shall be increased by one (1) foot.

D. Increased side yard opposite living room windows

On lots containing two or more dwelling units, where a legally required window or windows of a living room faces an interior side yard, the width of the side yard within twenty (20) feet of the centerline of the window shall be not less than twenty (20) percent of the width of the site, provided that a width of less than twelve (12) feet shall not be permitted and an width of more than eighteen (18) feet shall not be required. Such side yard shall be provided at and above the floor level of the first story containing a legally required living room window.

E. Vision clearance, corner lots

On corner lots, within a triangular area formed by the street property lines and a line connecting points on the street property lines thirty (30) feet from the street intersection, no fence, wall, hedge, or other obstruction, except the natural grade of a site, shall exceed a height of 2.5 feet (30 inches) above established grade at the edge of the existing or proposed pavement, provided that trees pruned up to 8 feet above street grade shall be permitted.

F. Building setbacks adjoining a freeway or railroad

No lot adjacent to a freeway or railroad right-of-way shall be allowed to have buildings constructed within 130 feet of said rights-of-way until noise mitigation is provided along with project development such that the sound level standards are not exceeded for that zoning district as set forth in Ordinance No. 1011 (Regulation of Excessive Noise).

20.16.010 Projections into required yards

- A. Except as otherwise provided in this Title, projections from exterior building walls of main structures into required yards shall be permitted as follows. Uncovered patios, decks, and similar elements having a height of not more than eighteen (18) inches above natural or finished grade, whichever is more restrictive, shall be exempt from these provisions and shall be permitted anywhere in a side or rear yard.
- B. Eaves, cornices, bay windows, utility closets, fireplace chimneys, and similar projections may extend up to two (2) feet into any required front, rear or side yard.
- C. Porches, decks, exterior stairs, landings, and similar covered or uncovered elements may extend up to five (5) feet into any required front or rear yard and up to two (2) feet into any required side yard, provided such structures are open on three sides.
- D. Uncovered porches, decks, exterior stairs, landings, and similar elements may encroach up to seventy-five (75) percent into a required side or rear yard, provided the element has a finished floor elevation of no more than thirty (30) inches in height above natural or finished grade, whichever is more restrictive.
- E. An element with a finished floor of more than thirty (30) inches in height above natural or finished grade that encroaches into a required side or rear yard may be approved provided the Planning and Building Director finds that the structure design would be compatible with the character and pattern of other structures on the site and within the surrounding neighborhood, and that the structure would not be injurious to the privacy views or access to sunlight of adjacent neighbors, or create a visual intrusion on the public right-of-way.
- F. Covered patios, porches, decks, balconies, exterior stairs, and similar elements may extend into a required rear yard provided the element is at least ten (10) feet from the rear property line and the Planning and Building Director finds that the element's design is compatible with the character and pattern of other structures on the site and within the surrounding neighborhood, and that it would not be injurious to the privacy, views or access to sunlight of adjacent neighbors, or create a visual intrusion on the public right-of-way.

20.16.015 Required court between walls with legally required windows on same lot

- A. Where two exterior walls of the same or separate structures on the same lot, one or both of which contain a legally required window of a habitable room, are directly opposite one another, a court shall be provided between such walls with a minimum size as indicated below. A wall shall be deemed to be directly opposite another wall whenever a line drawn perpendicularly in a horizontal plane from the wall on the same story within 15 feet in either direction from the center of the legally required window, intersects the other wall. The required court shall be provided at and above the floor level of the first story containing the legally required window for not less than fifteen (15) feet in both directions from the centerline of the window. The required minimum size of the court shall be calculated on the basis of the height of the walls above floor level.
- B. Where there is a legally-required window of a habitable room in two directly opposite walls, the required dimension of the court between the walls shall be 150 percent of the average height of the two walls, provided that the maximum separation shall not exceed 60 (sixty) feet. Where there is a legally required window of a habitable room in one of two directly

opposite walls, the required size of the court between the walls shall be the height of the wall without the legally required window, with a minimum distance of twelve (12) feet and a maximum distance of 40 (forty) feet.

Article II Accessory Structures

Accessory structures are governed by the following requirements.

20.16.020 Minimum setbacks

A. Minimum front yard and street side yard setbacks

Accessory structures shall not be located within the front yard or street side yard of a corner lot required for the primary structure, except that arbors, arches and similar structures are permitted within these areas provided they are located at a walkway and provided that they do not exceed eight (8) feet in height, five (5) feet in width along the frontage and three (3) feet in depth. The maximum number of such structures shall not exceed two (2) per street frontage and in no case shall not exceed three (3) such structures per lot.

B. Minimum interior side yard setbacks

O District: Fifteen (15) feet

R-1-40,000, R-1-20,000, R-1-12,500 and GMU Districts: Six (6) feet

R-1-6,000, DR, RM, MP and ORM Districts: Three (3) feet

R-1-3,500 District: None

MU District: None, unless the lot is adjacent to an R District, in which case a minimum side yard of ten (10) feet shall be provided and maintained.

I District: None, unless the lot is adjacent to an R District, in which case a minimum side yard of ten (10) feet shall be provided and maintained.

C. Minimum rear yard setbacks

O District: Fifteen (15) feet

R-1-40,000, R-1-20,000, R-1-12,500 and GMU Districts: Six (6) feet

R-1-6,000, DR, RM, MP and ORM Districts: Three (3) feet

R-1-3,500 District: None

CS District: Ten (10) feet

MU District: None, unless the lot is adjacent to an R District, in which case a minimum side yard of ten (10) feet shall be provided and maintained.

I District: None, unless the lot is adjacent to an R District, in which case a minimum side yard of ten (10) feet shall be provided and maintained.

D. Notwithstanding the above, no accessory structure used for human habitation, and no swimming pool, or structure containing machinery or other fixed equipment capable of creating noise audible outside of the structure shall be located closer than five (5) feet to a side or rear property line and shall not exceed the sound level standards as set forth in Ordinance No. 1011 (Regulation of Excessive Noise).

E. Notwithstanding the above, on reversed corner lots, an accessory structure shall not be

located closer to the rear property line than the required side yard on the adjoining key lot.

F. Notwithstanding the above, detached covered parking setbacks shall be governed by Section 20.16.170 (D).

20.16.025 Maximum yard coverage

In the aggregate, no more than five hundred (500) square feet or ten (10) percent of the combined area of the primary structure's required side and rear yards, whichever is greater, shall be covered by accessory structures, except that up to 400 square feet of detached garage may be located in the required side and rear yard and not count toward the aggregate accessory structure area, provided the lot contains no other feasible location for the garage.

20.16.030 Maximum height

- A. Accessory structures shall not exceed a height of twelve (12) feet above finished grade, as measured according to Section 20.16.060.
- B. Notwithstanding the above, the Planning and Building Director may allow heights of accessory structures to extend to a maximum of eighteen (18) feet when the following findings can be made in writing:
1. The additional height is necessary to allow architectural integrity and harmony between the accessory structure and the main structure.
 2. An accessory structure height of eighteen (18) feet will not result in adverse conditions to adjoining properties nor will it prove injurious to public health or safety.
 3. All other requirements of the Land Use Code and Building Code have been or will be met.

20.16.035 Storage containers prohibited

Metal cargo, freight or van box type containers, trailers and other similar structures that were constructed and used primarily for commercial or industrial storage, transport or shipping are not permitted in residential, commercial and mixed use zoning districts.

Article III Fences, Walls and Hedges

Fences, walls and hedges are governed by the following requirements.

20.16.040 Height measurement

The height of a fence, wall or hedge is measured vertically from the natural or approved finished grade to the top of the fence, wall or hedge, immediately above. Where the fence, wall or hedge is located within three (3) feet of a retaining wall, embankment or other grade separation facing a street or adjoining property, the measurement is from the base of the retaining wall, embankment or other grade separation.

20.16.045 Maximum height of fences and walls

- A. The maximum height of fences and walls allowed within required yards shall not exceed the following:
1. Required front yard within all zoning districts except R-1-20,000 and R-1-40,000

Districts Four (4) feet, except as restricted for vision clearance per Section 20.16.005(E). For corridor (i.e., flag) lots, this subsection shall apply to the portion of the access corridor (a.k.a. “flag”) that adjoins the required front yard of the adjoining lot(s).

2. Required front yard in R-1-20,000 and R-1-40,000 Districts Six (6) feet, except as restricted for vision clearance per Section 20.16.005(E) and provided further that the location and design of the fence complies with all of the following requirements:
 - a. The street frontage of the lot is not developed with a sidewalk nor is it designated by the General Plan for sidewalk development.
 - b. The fence is located ten (10) feet or more behind the property line fronting the street or the edge of the road, whichever is closer.
 - c. The fence is transparent, as defined in Chapter 20.28, Article IX.

Otherwise, walls or fences with opaque siding material (e.g., solid boards) exceeding four (4) feet in height are not allowed within a required yard fronting a street.

3. Required rear yard and interior side yard Six (6) feet.
4. Required side yard fronting a street Six (6) feet if located fifteen (15) feet or more behind the front wall of the main building. Otherwise, the maximum height of a fence or wall located within a side yard fronting a street shall not exceed four (4) feet, except as further restricted for vision clearance per Section 20.16.005(E).

- B. The maximum height of fences and walls allowed outside of required yards shall not exceed 12 feet.

20.16.050 Maximum height of hedges and other screening vegetation

- A. Within required front yards Four (4) feet, except as further restricted for vision clearance per 20.16.002(E). For corridor (i.e., flag) lots, this subsection shall apply to the portion of the access corridor (a.k.a. “flag”) that adjoins the required front yard of the adjoining lot(s).
- B. Within required side yard fronting a street Six (6) feet if located fifteen (15) feet or more behind the front wall of the main building. Otherwise, the maximum height of a hedge and other screening vegetation located within a side yard fronting a street shall not exceed four (4) feet, except as further restricted for vision clearance per Section 20.16.005(E).

20.16.055 Fences, walls and hedges exceeding allowed height

Fences, walls, hedges and other screening vegetation may exceed the maximum height allowed by Section 20.16.045 under the following circumstances:

- A. The Planning and Building Director determines that a grade separation exists such that a property owner is denied private use of a lot.
- B. The Planning and Building Director approves a minor conditional use permit, subject to Chapter 20.28 Article V.

Article IV Building Height

20.16.060 Measurement

The height of a structure shall be measured vertically from the average elevation of the natural grade of the ground covered by the structure to the mean (average) height between eaves and ridges for a hip, gable, or gambrel roof. For flat-roofed buildings, the measurement shall be taken at the highest point of the structure and, for a mansard-roofed structure, to the deck line of a mansard roof.

20.16.065 Height exceptions

Chimneys, cupolas, flag poles, monuments, storage tanks, water tanks and similar structures and appurtenances may be permitted in excess of height limits provided that a conditional use permit is first obtained. Notwithstanding, minor antennas and major and minor telecommunications facilities are governed by Section 20.20.080.

Article V Outdoor Storage and Uses

The following regulations shall govern outdoor storage, display of merchandise and outdoor activities in commercial and industrial districts.

20.16.070 Refuse and recycling storage areas

- A. Except as exempted by the Planning and Building Director, a refuse storage area shall be screened on all sides by a six foot solid wood fence or masonry wall, or located within a building.
- B. Refuse and recycling storage areas shall be provided prior to occupancy for all multi-family (three units or greater), commercial and industrial uses.
- C. Precise locations, dimensions, and general design parameters for refuse and recycling storage areas shall be in accord with standard City specifications.
- D. The Planning and Building Director may waive screening requirements for refuse storage areas when said area is not visible from a public street or from any residential district. Solid waste refuse area shall contain sufficient room for storage of materials to be recycled.

20.16.075 Prohibited outdoor storage and display areas

Outdoor storage and display shall not occur within required parking or landscaped areas or on public sidewalks. Private sidewalks or pathways shall maintain a clear walkway of at least four and one-half (4½) feet.

20.16.080 Outdoor eating establishments

Sidewalk cafes and outdoor eating establishments may be permitted in the PR and CD Districts when it can be found that all applicable Building Codes are met and that public rights-of-way will not be obstructed.

20.16.085 Temporary displays and sales

Temporary displays and related temporary outdoor retail sales may be allowed on a limited basis with the written approval of the Planning and Building Director, including but not limited to Christmas tree sales, pumpkin sales, sidewalk sales and other special events of a similar nature.

20.16.090 Screening requirements

- A. Except for the following uses, outdoor storage and display areas shall be screened from view by a solid fence or wall as required by Section 20.16.110:
1. Plant nurseries and garden supply shops, provided that outdoor storage and display is limited to plant materials and outdoor furniture only.
 2. Vehicle sales and service, provided that outdoor storage and display shall be limited to vehicles and equipment offered for sale.
 3. Lumber yards, building material supply stores and equipment rental yards.
 4. Farmers markets.
 5. Automotive service stations.
 6. Outdoor eating establishments.
 7. Bus depots.
 8. Utility substations.
 9. Other similar uses which customarily and ordinarily display goods and material out of doors, as approved by the Planning and Building Director.
- B. The height of any merchandise, materials, and equipment stored and displayed shall not exceed the height of the screening fence or wall.
- C. Exterior mechanical equipment placed on the roof of commercial and industrial buildings, including heating, ventilation, air conditioning, chip blowers and similar equipment, shall be fully screened from public view. Appropriate screening methods shall include use of complementary view obscuring screening structures and recessing such equipment into equipment wells.

Article VI Landscaping and Screening**20.16.095 General landscaping standards**

- A. All visible portions of a required yard adjoining a public or private street shall be planted or landscaped with trees, shrubs, groundcover, or may be treated with ornamental gravel, crushed rock or similar landscape material. Driveways and walkways may be constructed within these areas.
- B. The scale and nature of landscape material shall be appropriate with the size of the site and proposed structure. Large-scale buildings shall be complemented with large-scale landscaping as appropriate.

- C. Landscaped areas shall be maintained in a neat and weed-free fashion and shall be provided with a permanent underground irrigation system equipped with an automatic irrigation timer or controller.

20.16.100 Parking lot landscaping

Parking lots located in office, commercial, mixed use and industrial zoning districts shall be landscaped in accordance with the following standards:

- A. A minimum of twelve (12) percent of a vehicle accommodation area shall be landscaped. A vehicle accommodation area shall include the area of a lot used by vehicles for access, circulation, parking, loading and unloading areas; it does not include space provided for display purposes or enclosed vehicle storage areas.
- B. A landscaped planter with a minimum width of five (5) feet shall be provided adjacent to any public or private street wherever parking or circulation is generally located adjacent to such rights-of-way. The planter area shall be credited towards the minimum landscaped area required for the site as set forth in the above provision.
- C. A minimum of one (1) tree shall be provided for every ten (10) parking spaces not located on the perimeter of the parking area and shall be located so as to provide visual relief to long rows of parked vehicles. Canopy-type trees should be used to provide a relatively consistent tree cover that will shade vehicles and pavement. Trees shall also be provided at appropriate intervals between perimeter parking spaces.
- D. Landscaped areas are to be distributed throughout the entire vehicle parking and circulation area as evenly as possible and as required by the Planning and Building Director. In larger parking areas (two or more maneuvering aisles) interior landscaping shall be provided to additionally screen parking areas and to visually separate the parking area into smaller spaces.
- E. A vision triangle shall be reserved at all driveways as a public safety feature. Within this area, no vegetation shall exceed a height of three (3) feet, except for trees that are pruned and maintained so as not to block the visibility of vehicles entering and exiting sites. The design and extent of the vision triangle shall be approved by the Planning and Building Director.
- F. Where parking areas abut or overhang landscaped planters, the landscaping shall be protected by a curb not less than six (6) inches high, concrete bumpers or an alternative material approved by the Planning and Building Director.

20.16.105 Water-efficient landscaping

- A. Purpose

The following regulations shall promote the efficient use of water for landscaped areas. Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable method of use. These water efficient landscape standards protect local water supplies through the implementation of a whole systems approach to design, construction, installation and maintenance of the landscape resulting in water conserving climate-appropriate landscapes, improved water quality and the minimization of natural resource inputs.

B. Definitions

The following terms as used in this section shall have the following meanings.

Backflow prevention device. An approved device installed to City standards which will prevent backflow or back-siphonage into the City's potable water system.

Booster pump. A pump used where the normal water system pressure is low and needs to be increased.

Check valve. A valve located under a sprinkler head or other location in the irrigation system to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.

Compost. The decayed remains of organic matter that has rotted into a natural fertilizer.

Ecological restoration project. A project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

Effective precipitation. The portion of total precipitation which becomes available for plant growth and that is used by the plants.

Emitter. A drip irrigation fittings emission device that delivers water slowly from the system to the soil.

Estimated total water use. The total irrigation water projected to be used for a project's irrigated landscape area in gallons per day. The estimated total water use shall not exceed the project's maximum applied water allowance.

Evapotranspiration (ET) adjustment factor. A factor of 0.7, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape.

Evapotranspiration rate. The quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specific specified time.

Flow rate. The rate at which water flows through pipes, and valves and emission devices, measured in (gallons per minute, gallons per hour, or cubic feet per second).

Hardscapes. Any durable material (pervious and non-pervious).

Head to head coverage. Full coverage from one sprinkler head to the next.

High-flow sensor. A device for sensing the rate of fluid flow.

High water use plants. Turf, annuals, container plantings, and other plants recognized as high water use by the California Department of Water Resources 2000 publication Water Use Classification of Landscape Species (WUCOLS), as it currently exists or may be amended in the future.

Hydrozone. A portion of the landscaped area having plants with similar water needs that are served by a valve or set of valves with the same schedule.

Hydrozone table. A table that identifies each hydrozone, the plant types in the hydrozone, the plant factor from the California Department of Water Resources 2000 publication Water Use Classification of Landscape Species (WUCOLS) and the area in square feet that is

included in the hydrozone.

Invasive plant species. Species of plants not historically found in California and/or that spread outside cultivated areas and can damage environmental or economic resources as determined by the California Invasive Plant Council.

Irrigation efficiency (IE). The measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of the water efficient landscape requirements is 0.71.

Irrigation meter. A separate meter that measures the amount of water used for items such as lawns, washing exterior surfaces, washing vehicles, filling pools, etc.

Isolation valves. Irrigation valves used to isolate a portion of the piping system.

Landscape area. The entire parcel less the building footprint, driveways, and non-irrigated portions of parking lots, hardscapes such as decks and patios, and other non-porous areas. Water features are included in the calculation of the landscaped area. Areas dedicated to edible plants, such as orchards or vegetable gardens are not included. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

Low water use plants. "Mediterranean Region" and native trees, shrubs and groundcovers, juniper, most native oaks, and other plants recognized as low-water-use by the California Department of Water Resources 2000 publication Water Use Classification of Landscape Species (WUCOLS), as it currently exists or may be amended in the future.

Maximum applied water allowance (MAWA). The upper limit of the annual applied water allowed for a project's established landscaping, based upon the city's reference evapotranspiration, the evapotranspiration (ET) adjustment factor and the size of the landscape area.

Microclimate. The climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density or proximity to reflective surfaces.

Mined land reclamation projects. Any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

Moderate water use plants. Ornamental trees, shrubs, ground covers, and perennials and other plants recognized as moderate water use by the Water Use Classification of Landscape Species document, as it currently exists or may be amended in the future.

Mulch. Any organic material such as leaves, bark, straw, compost or other inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature and preventing soil erosion.

Operating pressure. The pressure when water is flowing through the irrigation system.

Overhead irrigation. Those systems that deliver water through the air (e.g., pop-ups, impulse sprinklers, spray heads, rotors, micro-sprays).

Overspray. The irrigation water which is delivered beyond the landscaped target area, wetting pavements, walks, structures, or other non-landscaped areas.

Pervious. Any surface or material that allows the passage of water through the material and into the underlying soil.

Plant factor. A factor that, when multiplied by the reference evapotranspiration (ET_o), estimates the amount of water used by needed plants. Plant factors are derived from the *Water Use Classification of Landscape Species* (WUCOLS) publication.

Point of connection. The point at which an irrigation system taps into the main water supply line.

Point source irrigation. Any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

Precipitation rate. The rate of application of water measured in inches per hour.

Pressure regulator. A valve that automatically reduces the pressure in a pipe.

Rain sensor. A system component which automatically shuts off and suspends the irrigation system when it rains.

Recycled water. Tertiary-treated water that results from the treatment of wastewater, is suitable for direct beneficial use, and conforms to the definition of disinfected tertiary recycled water in accordance with state law.

Reference evapotranspiration (ET_o). A standard measurement of environmental parameters which affect the water use of plants and is an estimate of the evapotranspiration of a large field of four- (4) to seven- (7) inch tall, cool-season grass that is well watered.

Runoff. Water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area.

Soils laboratory report. The analysis of a soil sample to determine nutrient content, composition and other characteristics, including contaminants.

Sprinkler head. A device that delivers to the landscape water through a spray nozzle.

Static water pressure. The pipeline or municipal water supply pressure when water is not flowing.

Station. An area served by one valve or by a set of valves that operate simultaneously.

Submeter. A separate meter that is located on the private side of the water system and is plumbed to measure all water that flows only through the irrigation system. This meter is to be used by the property owner to monitor irrigation water use and will not be read by the City.

Swing joint. An irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

Valve. A device used to control the flow of water in the irrigation system.

Valve manifold. A one-piece manifold for use in a sprinkler valve assembly that includes an intake pipe having a water inlet and a plurality of ports adapted for fluid connection to inlets.

Water feature. A design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscape area.

Water Use Classification of Landscape Species (WUCOLS). A document published by the University of California Cooperative Extension, the Department of Water Resources and the Bureau of Reclamation, 2000, as may be amended.

Weather-based or sensor-based irrigation control technology. An irrigation system that uses local weather and landscape conditions to tailor irrigation schedules to actual conditions on the site or historical weather data.

C. Applicability

These requirements apply to the following projects:

1. New residential, commercial, office, industrial, public or quasi-public construction that requires design review and/or a building or grading permit.
2. Additions or remodels to existing residential, commercial, office, industrial, public or quasi-public development that require design review and/or a building or grading permit and that have associated new or replaced landscaped areas equal to or exceeding two thousand five hundred (2,500) square feet of contractor-installed landscaping.
3. Additions or remodels to existing residential, commercial, office, industrial, public or quasi-public development that require design review and/or a building or grading permit and that have associated new or replaced landscaped areas equal to or exceeding five thousand (5,000) square feet of property owner-installed landscaping.
4. Where the regulations contained in this section conflict with or are otherwise less restrictive than provided in the State's Model Water Efficient Landscape Ordinance, as contained in the California Code of Regulations, Title 23, the State's Model Ordinance shall apply.

D. Exemptions

These requirements shall not apply to the following projects:

1. Registered local, state or federal historical landscape area.
2. Ecological restoration or mined-land reclamation projects that do not require a permanent irrigation system.
3. Plant collections as part of botanical gardens and arboretums open to the public.
4. New secondary dwelling units

5. Accessory structures

E. Required plans

For projects subject to this section, the following plans shall be submitted.

1. Landscape design plan A landscape design plan shall be submitted that includes the following:
 - a. Soil amendments, mulching and soil conditioning
 - i. A minimum of eight (8) inches of non-mechanically compacted soil shall be available for water absorption and root growth in planted areas.
 - ii. Compost or natural fertilizer incorporated into the soil to a minimum depth of eight (8) inches at a minimum rate of six (6) cubic yards per one thousand (1000) square feet or per specific amendment recommendations from a soils laboratory report, except within the driplines of trees that are to be preserved.
 - iii. A minimum three (3) inches layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers or direct seeding applications.
 - b. Plants
 - i. Selected plants shall not cause the project's estimated total water use to exceed the project's maximum applied water allowance.
 - ii. Plants with similar water use needs shall be grouped together in distinct hydrozones and where irrigation is required the distinct hydrozones shall be irrigated with separate valves.
 - iii. Low and moderate water use plants can be mixed, but the entire hydrozone will be classified as moderate water use for maximum applied water allowance calculations.
 - iv. High water use plants shall not be mixed with low or moderate water use plants.
 - v. All non-turf plants shall be selected, spaced and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site.
 - vi. Turf shall not be planted on slopes exceeding fifteen (15) percent, planting areas eight (8) feet wide or less and in street medians, traffic islands, planter strips or bulb-outs of any size.
 - vii. Invasive plants as listed by the California Invasive Plant Council are prohibited.
 - c. Water features
 - i. Recirculating water systems shall be used for water features
 - ii. Recycled water shall be used when available onsite
2. Irrigation design plan An irrigation design plan shall be submitted that is designed and installed to meet irrigation efficiency criteria as described in the maximum applied water allowance and in accordance with the following:

- a. Dedicated irrigation meter or submeter must be installed and specified.
- b. Irrigation systems with meters one and one-half (1½) inches or greater require a high-flow sensor that can detect high flow conditions and have the capabilities to shut off the system.
- c. Isolation valves shall be installed at the point of connection and before each valve or valve manifold.
- d. Weather-based or other sensor based self-adjusting irrigation controllers shall be required.
- e. Rain sensors shall be installed for each irrigation controller.
- f. Pressure regulation and/or booster pumps shall be installed so that all components of the irrigation system operate at the manufacturer's recommended optimal pressure.
- g. The irrigation system shall be designed to prevent runoff or overspray onto non-targeted areas.
- h. Point source irrigation is required where plant height at maturity will affect the uniformity of an overhead system.
- i. A minimum twenty-four (24) inch setback of overhead irrigation is required where turf is directly adjacent to a continuous hardscape that flows into the curb and gutter.
- j. Slopes steeper than fifteen percent (15%) shall be irrigated with point source or other low-volume irrigation technology.
- k. A single valve shall not irrigate hydrozones that mix high water use plants with moderate or low water use plants.
- l. Trees shall be placed on separate valves except when planted in turf areas.
- m. Sprinkler heads, rotors and other emission devices on a valve shall have matched precipitation rates.
- n. Head-to-head coverage is required unless otherwise directed by the manufacturer's specifications.
- o. Swing joints or other riser protection components are required on all risers.
- p. Check valves shall be installed to prevent low-head drainage.

F. Review process

The following documentation shall be presented to the Planning and Building Director or his/her designee for a landscape design plan and irrigation design plan associated with a project for which design review and/or a grading or building permit is required. Landscape planting design and conceptual irrigation design plans shall be designed by and include the signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design a landscape plan and irrigation system.

1. Project requiring design review The following documentation shall be presented for projects requiring design review:
 - a. Calculation of the project's maximum applied water allowance.

- b. A landscape planting design plan that accurately and clearly identifies and depicts:
 - i. new and existing trees, shrubs, groundcovers, turf, and any other planting areas, including any existing landscaping that is to be retained.
 - ii. plants by botanical name and common name.
 - iii. plant sizes and quantities.
 - iv. property lines, new and existing building footprints, streets, driveways, sidewalks and other hardscape features.
 - v. pools, fountains and similar water features.
 - c. A conceptual irrigation design plan or statement that describes irrigation methods and design actions that will be employed to meet the irrigation specifications of this section.
2. Project requiring a grading or building permit The following documentation shall be presented for projects requiring a grading or building permit:
- a. Calculation of the project's Maximum Applied Water Allowance.
 - b. A landscape planting design plan that accurately and clearly identifies and depicts:
 - i. new and existing trees, shrubs, groundcovers, turf, and any other planting areas, including any existing landscaping that is to be retained.
 - ii. plants by botanical name and common name.
 - iii. plant sizes and quantities.
 - iv. property lines, new and existing building footprints, streets, driveways, sidewalks and other hardscape features.
 - v. pools, fountains and similar water features.
 - c. An irrigation design plan drawn at the same scale as the planting plan that:
 - i. accurately and clearly identifies and depicts the irrigation system point of connection.
 - ii. accurately and clearly identifies and depicts irrigation system components, e.g. controller, pipe, remote-control valves, sprinklers and other application devices, rain shut-off device, check valves, pressure regulating devices, backflow prevention devices.
 - iii. includes a Hydrozone Table.
 - d. Where slopes exceed ten (10) percent, a grading plan drawn at the same scale as the planting design plan that accurately and clearly identifies:
 - i. existing and finished grades
 - ii. drainage patterns
 - iii. pad elevations
 - iv. spot elevations

- v. storm water retention improvements.
- vi. The grading plan shall include the following statement: “I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the grading design plan” and shall bear the signature of a licensed professional.

G. Approval process

A landscape planting design plan and irrigation design plan prepared in compliance with the submittal requirements provided in this section shall be determined to be complete and shall be approved provided the plans do not exceed the project’s maximum applied water allowance and are in compliance with the General Plan, Land Use Code and Design Review Manual. The Planning and Building Director’s or his/her designee’s authority to approve these plans is limited to those projects that are not otherwise subject to review by the Planning Commission or City Council.

H. Certification of completion

Upon installation and completion of the landscaping and irrigation system, and prior to issuance of a building or grading permit final, the property owner or his/her designee shall submit a certificate of completion that certifies that they have been installed in accordance with the project’s approved landscape and irrigation design plans and the recommendations of the project’s soil management report, if any, have been implemented. The Certificate of Completion shall be signed by a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized by the Planning and Building Director or his/her designee to design and inspect a landscape plan and irrigation system.

The certificate of completion shall be accompanied by an irrigation audit that contains the following:

1. Operating pressure of the irrigating system.
2. Distribution uniformity of overhead irrigation.
3. Precipitation rate of overhead irrigation.
4. Report of any overspray or broken irrigation equipment.
5. Irrigation schedule including:
 - a. Plant establishment irrigation schedule.
 - b. Regular irrigation schedule by month based on plant type, root depth, soil type, slope factor and shade factor, and that specifies irrigation interval (days per week), irrigation runtimes, number of start times per irrigation day, gallons per minute for each valve, precipitation rate, distribution uniformity and monthly estimated water use calculations.
6. An irrigation maintenance schedule timeline shall be attached to the certificate of completion that includes:
 - a. Routine inspections
 - b. Adjustment and repairs to the irrigation system, aerating and dethatching turf areas,

replenishing mulch, fertilizing, pruning and weeding.

I. Permit extensions

An extension of the building or grading permit to complete the landscape planting design plan and irrigation design plan and/or temporary occupancy may be approved by the Building Official upon written request subject to City receipt of cash security for the complete cost of the improvements, including administrative fees. This security will be returned to the applicant, except for any administrative fees, upon completion of the work.

J. Modifications to requirements

1. The Planning and Building Director or his/her designee will consider and may allow the substitution of design alternatives and innovation which may equally reduce water consumption for any of these requirements.
2. The Planning and Building Director or his/her designee will accept documentation methods, water allowance determination, and landscape and irrigation design requirements of the State of California Model Water Efficient Landscape Ordinance in lieu of the submittal requirements provided in this section where it can be demonstrated that the State procedure will more effectively address the design requirements of the project.

K. Fees

A fee may be established by City Council resolution to offset the cost of implementing the water efficient landscape regulations.

L. Appeals

The applicant or any affected person may appeal the final decision of the Planning and Building Director or his/her designee by filing an appeal in writing to the Planning Commission within ten (10) City working days of the date of the decision. A decision by the Planning Commission may be appealed by filing an appeal in writing to the City Council within ten (10) City working days of the decision.

20.16.110 Screening standards

- A. Where a lot in an office, commercial or industrial zoning district adjoins a residential zoning district, a solid wall or fence, vine-covered fence, or compact evergreen fence shall be located adjoining the property line except in required front yards. These provisions shall not apply to the site of a dwelling adjoining another dwelling.
- B. The following uses shall be screened by a solid wall or fence, vine-covered fence, or compact evergreen hedge not less than six (6) feet in height (with solid gates where necessary) and not located within a required front yard.
 1. In office, commercial and industrial zoning districts, a use not conducted entirely within a completely enclosed structure if on a lot directly adjacent to or across a street or alley from a residential district.
 2. In office, commercial and industrial zoning districts, a use not conducted entirely within a completely enclosed structure if on a lot directly across a street or alley from an office, commercial or industrial district, and if found by the Planning Commission to be

unsightly.

- C. Where a parking or loading area in an office or residential zoning district adjoins a street, or where a parking and loading area is located directly adjacent to or across a street or alley from a residential district, a solid wall or fence, vine covered fence, or compact hedge not less than four (4) feet in height shall be located along the property line.

Article VII Property Maintenance Standards

The following standards shall govern the maintenance of private property.

20.16.115 Purpose

The purpose of these regulations is to provide standards for the maintenance of private property within the city in a manner that protects the public health, safety and general welfare of the entire community by preserving the appearance and condition of private property. These regulations address conditions that degrade the appearance of property and detract from the quality of life for residents and visitors in the city. Nothing in this article shall be construed to prevent or supersede the ability to pursue enforcement of remedies for private nuisance conditions.

20.16.120 Prohibited property conditions

- A. It shall be unlawful for any person owning, leasing, occupying or having charge or possession of any property in the city to maintain or permit such property to be maintained in a manner that degrades the appearance of surrounding property or obstructs or causes damage to public right-of-way to a level of magnitude as to be injurious to the public health, safety and welfare.
- B. The following conditions are determined to degrade the appearance of surrounding properties and such conditions are hereby declared to be a public nuisance, subject to abatement by the City of Healdsburg.
1. Accumulation of garbage, debris, rubbish or trash in any yard visible from the public right-of-way or where such accumulation constitutes a health or fire hazard.
 2. Stagnant water conducive to the breeding or harboring of mosquitoes or other insects in swimming pools, spas or any other structures capable of holding water.
 3. Storage visible from a public right-of-way of any of the following:
 - a. Abandoned, inoperative, wrecked or dismantled trailers, boats, campers or motor vehicles of any kind, except when a motor vehicle is stored in a garage or other building or otherwise stored consistent with the exceptions provided below
 - b. Broken or discarded household furnishings, fixtures, appliances, boxes or cartons or similar materials
 - c. Discarded, wrecked or inoperable machinery or tools
 - d. Salvage materials, scrap metal or construction materials, including but not limited to dirt, sand, gravel, concrete, tile, rocks, bricks and similar materials, except when associated with ongoing excavation, construction or demolition operations on the same property or when associated with ongoing construction, agricultural or

landscaping activities on the site.

4. Garbage containers regularly stored or kept on private property in a manner that is visible from the public right-of-way or otherwise creates a public nuisance because of its location.
5. Garbage, debris, rubbish or trash that is infested with animals or rodents.
6. Conditions which, due to their accessibility to the public right-of-way, are hazardous or dangerous, including but not limited to the following:
 - a. Abandoned wells
 - b. Hazardous or unprotected pools, pits, ponds or excavations
 - c. Driveways or sidewalks that hinder free access to public sidewalks or other public facilities.

20.16.125 Prohibited parking conditions

In addition to all other regulations set forth in the City's Municipal Code or otherwise provided by law, parking of vehicles on private property in the following manner is prohibited.

- A. Parking or storing of trucks of more than two ton capacity, semi-trailers, equipment or machinery on residential property, except in the following circumstances:
 1. Trucks of more than two ton capacity are parked or stored for 72 hours or less and are for use by persons residing on the same property.
 2. Trucks of more than two ton capacity, equipment or machinery are associated with ongoing excavation, construction or demolition operations on the property where stored.
 3. Trucks of more than two ton capacity, equipment or machinery are associated with ongoing agricultural or landscaping activities on the property where stored.
- B. Parking or storing of any passenger vehicle on residential property within a required front yard or street side yard setback of a corner lot where such areas are not paved or otherwise surfaced to allow parking or storing, including but not limited to on lawns and other landscaped areas.
- C. Parking or storing of any recreational vehicle, trailer, camper or boat on residential property within a required front yard or street side yard setback of a corner lot.
- D. Parking or storing of any motor vehicle, including a recreational vehicle, trailer, camper or boat, on any vacant property.

20.16.130 Exceptions

Nothing contained in these regulations shall be construed to apply to:

- A. Stored vehicles, or parts of vehicles, located within areas that are properly zoned, as defined in the Land Use Code.
- B. Stored vehicles that are screened by natural objects, plantings, fences or other appropriate means so as not to be visible from the public right-of-way.
- C. Use of standard containers or dumpsters for the temporary containment of garbage, debris, rubbish or trash placed at the street or in other approved locations for pickup by the City's licensed refuse hauler and/or other commercial disposal service operating in conformance with City codes and regulations.
- D. Use of standard containers or dumpsters for the temporary containment of garbage, debris, rubbish or trash placed in an approved trash enclosure or placed behind the front wall plane of a building located on the same property.
- E. Firewood stacked in a side or rear yard for use on the premises.

20.16.135 Enforcement

A violation of any provision of this Title shall constitute a public nuisance and, as such, may be subject to code enforcement procedures.

Article VIII Off-Street Parking and Loading**20.16.140 Purpose**

In order to alleviate and to prevent traffic congestion and the shortage of curb space, off-street parking and loading facilities shall be provided incidental to new land uses and major alterations and enlargements of existing uses. The number of parking and loading spaces prescribed in this article or to be prescribed by the Planning Commission shall be based on land use. Off-street parking and loading areas shall be laid out in a manner that will ensure their usefulness, protect the public safety, and, where appropriate, insulate surrounding uses from parking impacts.

20.16.145 Basic requirements

- A. At the time of initial occupancy, major alteration, or enlargement of a site or use, or of completion of construction of a structure or of major alteration or enlargement of a structure, there shall be provided off-street parking spaces and loading berths in accord with this article. For the purpose of this section, "major alteration" or "enlargement" shall mean a change of use or an addition which would increase the number of parking spaces or loading berths required by ten percent or more of the total number required.
- B. No existing use of land or structure shall be deemed to be non-conforming solely because of the lack of off-street parking facilities prescribed in this article, provided that facilities being used for off-street parking existing as of September 2, 1998 shall not be reduced.
- C. If a use existing as of September 2, 1998 does not meet the parking requirements set forth in this article converts or changes to a use substantially the same as the previous use in terms of

parking characteristics (as determined by the Planning and Building Director), the new use shall not be required to increase the amount of off-street parking to comply with this article.

20.16.150 Number of required vehicular parking spaces

A. General requirements

1. Off-street parking spaces shall be provided based on the gross floor areas set forth in Table 17, except as provided in subsection (b).
2. If, in the application of the requirements of this article, a fractional number is obtained, one parking space shall be provided for a fraction of one-half or more, and no parking space shall be required for a fraction of less than one-half space.
3. For a use not specified in Table 17, the same number of off-street parking spaces shall be provided as required for the most similar specified use.

Table 17 Required number of vehicular parking spaces

Land Use	Parking Requirement
Residential uses	
Single-family dwellings and other types of ownership dwellings	2 spaces per unit, 1 of which is located in a garage or carport
Multi-family rental dwellings	1.5 spaces per unit, 1 of which is located in a garage or carport
Multi-family dwellings, rental and ownership	1 uncovered guest space per 3 units
Residential care, general	1 space per 2 beds
Day care - large family	3 spaces, no more than one of which may be provided in a garage or carport. These may include spaces already provided to fulfill residential parking requirements. Parking may be on street if contiguous to property.
Homeless shelters	1 space per residential family, .35 spaces per bed plus 1 space per maximum number of staff on site
Trailer and mobile home parks	1 space per unit, plus 1 guest space per 3 units
Commercial uses	
Hotels, motels, boarding houses, residential visitor lodging, overnight stay units for spas, private residential clubs	1 space for each guest room or for 2 beds, whichever is greater, plus 1 space for each 2 employees or owner/occupants
Banks	1 space per 200 sq. ft. of gross floor area
Food stores	1 space per 200 sq. ft. of gross floor area
Neighborhood convenience retail stores	1 space per 150 sq. ft. of gross floor area
Retail, general and retail, secondhand	1 space per 300 sq. ft. of gross floor area, except for floor area devoted to storage and truck loading

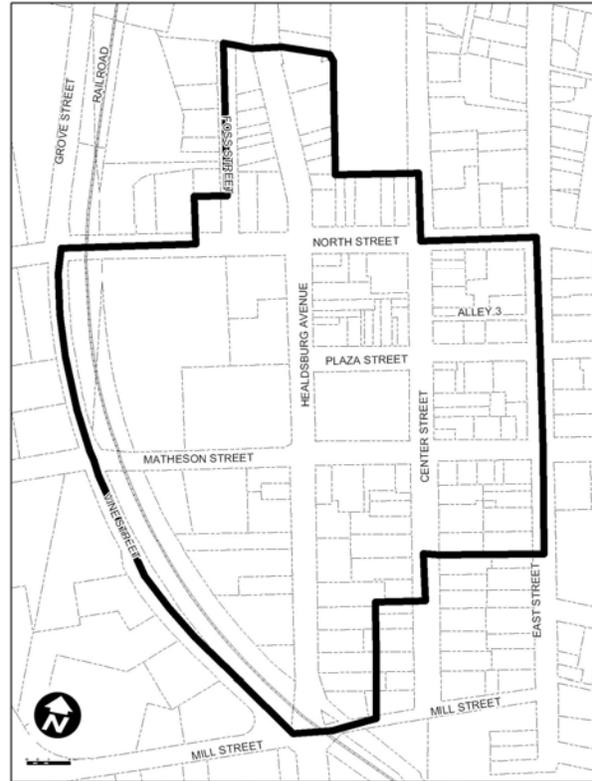
Land Use	Parking Requirement
Personal services	1 space per 300 sq. ft. of gross floor area, except for floor area devoted to storage and truck loading
Retail warehouses and retail stores principally handling bulky merchandise such as furniture, major household appliances, hardware sales and machinery	1 space per 600 sq. ft. of gross floor area, except for floor area devoted to storage and truck loading
Commercial service establishments, including repair shops	1 space per 600 sq. ft. of gross floor area, except for floor area devoted to storage and truck loading
Health clubs, spas, dance studios, gymnastic schools/studios	1 space per 300 sq. ft. of gross floor area
Offices - administrative, business and professional	1 space per 300 sq. ft. of gross floor area
Offices - medical and dental	1 space per 200 sq. ft. of gross floor area, or 5 spaces per doctor, whichever is greater
Personal storage facilities	1 space per 10,000 sq. ft. of gross floor area, plus 2 covered spaces for onsite caretaker quarters, if required
Restaurants, bars, and other establishments for the sale and on-site consumption of food and beverages	1 space per 3 seats
Restaurants and other eating establishments having drive-in, drive-up or walk-up service as a primary use	1 space per 100 sq. ft. of gross floor area, including outdoor seating area. Credit may be granted for drive-through based on 1 space for each 24 linear feet of painted drive-through lane to a maximum of 4 spaces
Service stations	1 space for each 250 sq. ft. of floor area, plus 3 spaces for each service bay.
Industrial uses	
Manufacturing plants and other industrial uses in an enclosed building	1 space per 500 sq. ft. of gross floor area, or 1 space per employee on the largest shift, whichever is greater
Warehouse and storage uses	1 space per 1000 sq. ft. of gross floor area up to 10,000 sq. ft., plus 1 space per 2,500 sq. ft. above 10,000 sq. ft.
Wholesale automotive and truck supply stores, with retail sales comprising no more than twenty-five (25) percent of the floor area	1 space per 500 sq. ft. of gross floor area
Places of public assembly and institutional uses	
Auditoriums, churches, private clubs, lodges, halls, community centers, mortuaries, sports areas and stadia, theaters, and other places of public assembly	1 space per 4 fixed seats or 1 space per 40 sq. ft. of floor area for usable seating if seats not fixed, plus 1 space per 2 employees
Hospitals, sanitariums, nursing homes	1 space per 3 beds, plus 1 space per 3 employees on largest shift, plus 1 space per staff doctor
Bowling alleys	5 spaces per lane

Land Use	Parking Requirement
Nightclubs	1 space per 50 sq. ft. of gross floor area used for dancing
Libraries, museums, art galleries	1 space per 600 sq. ft. of gross floor area, plus 1 space per 2 employees
Post offices	1 space per 1,000 sq. ft. of gross floor area, plus 1 space per 2 employees on largest shift
Cemeteries, columbariums, crematories	1 space per 2 employees, plus additional spaces as may be required by Planning Commission
Public buildings and grounds	1 space per 2 employees, plus additional spaces as may be required by Planning Commission
Public utility structures and installations	1 space per 2 employees on largest shift, plus additional spaces as may be required by Planning Commission
Bus depots, railroad stations and yards, airports and heliports and other transportation terminal facilities	1 space per 2 employees on largest shift, plus additional spaces as may be required by Planning Commission
Educational Facilities	
Schools and colleges, including private kindergartens, elementary and high schools and limited/general day care facilities	1 space for each employee, including all staff members and 1 space for each 3 students in grade 10 and above
Business, professional, trade, art, craft, music and dancing schools and colleges	1 space for each employee plus 1 space for each student on the premises at one time

B. Vehicular parking exceptions

1. Covered parking The Planning Commission may waive the requirement for covered parking for senior or affordable housing developments and mixed use residential and commercial or industrial projects if this will facilitate reduced costs or improve the design of the project.
2. Senior housing The Planning Commission may reduce the parking requirements for senior housing developments.
3. Shared parking The number of required parking spaces for multiple land uses on a site may be reduced by the Planning and Building Director in the event it is determined that shared use of the same parking facilities can occur at differing times of the day and/or days of the week. Requests for shared parking reductions may be made to the Planning and Building Department in writing and shall be accompanied by a shared parking analysis completed and signed by a registered traffic engineer indicating that no adverse effects would result from the shared use of parking spaces.

4. Downtown parking exemptions Uses and structures located within the downtown area depicted below are not required to provide on-site parking, since new parking will be largely provided by the Healdsburg Redevelopment Agency, except as follows:



Downtown Parking Exemption Area

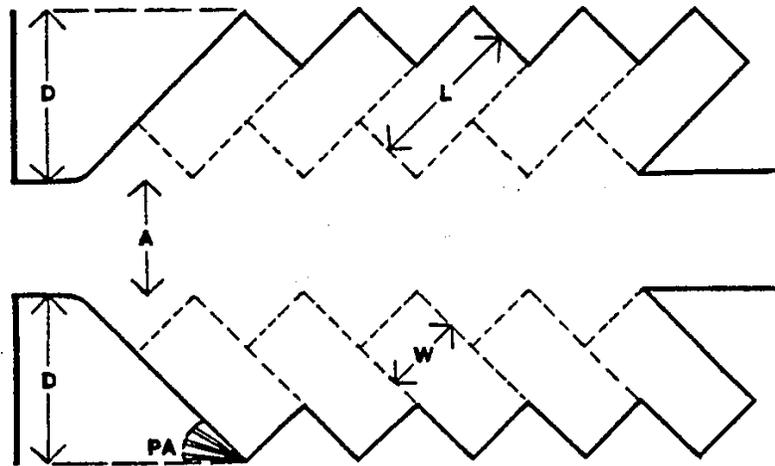
- a. On sites that contain a net lot area of 15,000 square feet or more and which are fifty (50) percent developed or less, based upon the maximum building intensity established by the Land Use Code, any new uses and structures commenced after the effective date of this Title shall provide a minimum of fifty (50) percent of the non-retail parking required by Section 20.16.150, or parking shall be provided within three hundred (300) feet of the site.
- b. One parking space per new residential unit shall be provided.
- c. No existing city-required parking spaces in place as of September 2, 1998 shall be removed within the downtown area, except where there are five or fewer such spaces located at the front of a site between the sidewalk and building.

20.16.155 Dimensional standards for vehicular parking facilities

A. Parking space dimensions and required back up and maneuvering areas shall comply with the standards set forth in Table 18.

Table 18 Minimum parking space and aisle dimensions

Parking Angle	Width (W)	Depth (D)	Length (L)	1-Way Drive (A)	2-Way Drive (A)
parallel	9'	--	22'	18.5'	20'
30°	9'	16'	18'	12'	--
45°	9'	19'	18'	13'	--
60°	9'	20'	18'	18'	--
90°	9'	18'	18'	24'	--



- B. Increased width Parking spaces located adjacent to and parallel to a wall or other solid barrier shall be widened by an additional two (2) feet.

20.16.160 Handicapped parking

All parking lots accessible to the public shall provide parking spaces designated for use by handicapped persons, as required by other city requirements as well as state and federal law. Handicapped spaces shall be included as part of the total number of parking spaces required for each land use as specified in Section 20.16.150.

20.16.165 Design criteria for vehicular parking

The following standards and criteria shall govern the design and improvement of off-street vehicular parking.

A. Access criteria to parking areas

1. Parking areas in commercial, office, industrial, public and multi-family residential projects shall be provided with suitable maneuvering room so that all vehicles therein may enter an abutting street in a forward direction without backing onto a street.
2. If more than two (2) parking spaces are located on a site, backing a vehicle across a property line abutting a street is prohibited.
3. Use of a required parking space shall not require more than two (2) vehicle maneuverings, except for parallel parking spaces.
4. Parking spaces shall be located to preclude vehicular maneuvering or back up within ten (10) feet of a vehicular entrance to the property.
5. Except for single-family residences, duplexes and affordable housing projects, each parking space shall have unobstructed access from a street or alley or from an aisle or drive connecting with a street or an alley, nor shall the moving of one vehicle be required in order to gain access to a parking space.
6. Entrances from and exits to streets shall be provided at locations approved by the Public Works Director.

B. On-site circulation criteria

1. Parking and circulation shall be designed so that emergency and other public service vehicles can provide service without backing unreasonable distances or making other dangerous or hazardous turning movements.
2. Separate vehicular and pedestrian circulation systems should be provided within a parking area, where possible. Pedestrian linkages between uses in commercial developments should be emphasized, including distinct pedestrian access from parking areas in large commercial developments.

C. Parking lot surfacing

1. Parking areas, aisles, and access drives shall be paved so as to provide a durable, dustless surface and shall be so graded and drained as to dispose of surface water without damage to private or public properties, streets or alleys.
2. All parking and loading areas shall be surfaced with a minimum thickness of two (2) inches of asphalt concrete (Type A) over a minimum thickness of six (6) inches of Class II aggregate base material or a minimum thickness of six (6) inches of Portland cement concrete. Such surfacing shall be permanently maintained free of structural defects. The Planning and Building Director or Planning Commission may approve the use of pervious paving to reduce post-construction stormwater runoff where maintenance is guaranteed to ensure the long-term permeability of the paving.
3. Notwithstanding the above, parking lots with ten (10) or fewer required parking spaces, at the discretion of the Planning and Building Director or Planning Commission, may make use of alternate overlay material such as pavers, chip-seal and rock material provided it is affixed with an underlying seal coat. However, within ten (10) feet of a sidewalk or roadway, the driveway shall meet the asphalt or concrete requirements of this subsection.

D. Bumper rails or guards shall be provided at locations prescribed by the Public Works Director where needed for safety and to protect property.

E. Lighting of parking areas

1. Parking areas designed to accommodate three or more vehicles in other than vehicle sales areas shall have lighting facilities capable of providing sufficient illumination at every point of the parking area.
2. Free-standing light fixtures shall be limited to a maximum height of fourteen (14) feet above finished grade.
3. All illumination, including security lighting, shall be arranged so as to reflect away from adjoining properties and rights-of-way.

F. Landscaping and screening

1. Landscaping and screening for parking areas shall be installed as required in Section 20.16.100.
2. Walls, dense landscaping and other opaque screens within parking areas shall have a maximum height of thirty (30) inches to allow for maximum visibility.

G. Slope and drainage criteria

1. Parking areas designed exclusively for parking and vehicle maneuvering shall be designed and improved with grades not to exceed a five (5) percent slope.
2. Driveways used exclusively for ingress and egress or interior parking lot circulation shall be designed and improved with grades not to exceed ten (10) percent slope.
3. All off-street parking and loading facilities shall be so designed that surface water will not drain over any sidewalk.

H. Marking of parking stalls

1. All parking spaces shall be demarcated in a manner clearly showing the layout of the intended parking stalls. Such striping shall be maintained in a clear and visible manner.
2. All pavement markings shall be white, with the exception of handicapped parking markings.

I. No repair work or servicing of vehicles shall be conducted in a parking area.

20.16.170 Location of vehicular parking

Required vehicular parking shall be located as follows.

- A. Except as provided below, off-street parking facilities required by this article shall be located on the same site as the use for which the spaces are required or on an adjoining site or a site separated by an alley, from the use for which the spaces are required.
- B. When off-street parking facilities are provided in compliance with the requirements of this article on a site other than the site on which the use to be served by the parking facilities is located, an indenture shall be recorded in the office of the County Recorder designating the off-street facility and the use to be served, with legal descriptions of all sites involved, and certifying that the off-street parking facility shall not be used for any other purpose unless the restriction is removed by a resolution of the City Council. An attested copy of the recorded indenture shall be filed with the Planning and Building Director and Building Official. Upon submission of satisfactory evidence that other off-street parking facilities have been provided in compliance with the requirements of this article or that the use has ceased or been altered so as to no longer require the off-street parking facility, the Council may, by resolution, remove the restriction.
- C. In the Downtown Commercial and Public Zoning Districts, a conditional use permit may be granted to permit off-street vehicular parking spaces to be separated if located within 300 feet of the use for which the spaces are required, measured by the shortest distance of pedestrian access.
- D. Location in required residential yards
 1. In residential zoning districts, required off-street vehicular parking spaces shall not be located within a required front yard or within the street side yard of a corner lot.
 2. On a corner side street, required parking spaces shall be located at least twenty (20) feet distant from the back of sidewalk, excepting covered parking, which may be located five (5) feet from the back of sidewalk. If no sidewalk exists, the front of the structure shall be located five (5) feet or at least twenty (20) feet from the edge of pavement.

3. In the Grove Street Mixed Use Zoning District, an accessory structure used as a garage or carport and accessed by a rear alley shall be located five (5) feet or at least twenty (20) feet from the edge of the alley pavement.

20.16.175 Bicycle parking

- A. Lockable bicycle parking shall be provided for commercial and industrial projects with buildings greater than 5,000 square feet in size and for multi-family residential projects of ten (10) or more units.
- B. Required bicycle parking shall be located in highly visible locations.

20.16.180 Pedestrian and transit access

Project designs shall accommodate nearby transit and pedestrian uses and corridors.

20.16.185 Off-street loading

A. Number of loading berths

1. Off-street loading berths shall be provided in the following numbers.
 - a. Commercial and industrial establishments including retail stores, eating and drinking establishments, personal service establishments, commercial service enterprises, warehouses, storage facilities, manufacturing plants and other industrial uses:
 - i. No berths for less than 4,000 square feet of gross floor area
 - ii. One berth for 4,000 to 30,000 square feet of gross floor area
 - iii. Two berths for 30,000 to 70,000 square feet of gross floor area
 - iv. Three berths for 70,000 to 120,000 square feet of gross floor area
 - v. One additional berth for each 100,000 square feet of additional floor area
 2. Public and private administrative, business and, professional offices, hospitals, nursing homes, sanitariums, institutions, hotels and motels:
 - a. No berths for less than 10,000 square feet of gross floor area
 - b. One berth for 10,001 to 100,000 square feet of gross floor area
 - c. Two berths for 100,001 to 200,000 square feet of gross floor area
 - d. Three berths for 200,001 square feet of gross floor area and greater
 3. Mortuaries: One berth for up to 500 square feet of gross floor area, plus one additional berth for each additional 10,000 square feet of gross floor area.
 4. Day care facilities: One loading and unloading zone generally located near the front entrance of the facility.
 5. Any other use that requires the recurring receipt or distribution of goods or equipment by truck One berth plus the number of additional berths as prescribed by the Planning Commission.
 6. If more than one use is located on a site, the number of off-street loading berths provided shall be equal to the sum of the loading requirements prescribed in this article for each

use. If more than one use is located on a site and the gross floor area of each of the use is less than the minimum for one loading berth, but the aggregate gross floor area is greater than the minimum for which loading berths are required, off-street loading berths shall be provided based on the aggregate gross floor area for all uses on the site.

7. If, in the application of the requirements of this section, a fractional number is obtained, one loading berth shall be provided for a fraction of one-half or more, and no loading berth shall be required for a fraction of less than one-half.
8. Off-street loading berths in addition to those prescribed above shall be provided if the Planning Commission finds that such additional berths are necessary to ensure that trucks will not be loaded, unloaded or stored on public streets. The Commission finding shall be based on an investigation of the anticipated frequency of truck pick-ups and deliveries and of the truck storage requirements of the use for which off-street loading berths are required.

B. Design criteria for loading facilities

All off-street loading facilities, whether provided in compliance with this article or not, shall conform to the provisions prescribed in Chapter 20.16, Article VI, Landscaping and Screening, and with the following standards:

1. Each loading berth shall not be less than forty-five (45) feet in length and twelve (12) feet in width and shall have an overhead clearance of not less than fourteen (14) feet, except that for mortuaries, cemeteries, columbariums, and crematories, a loading berth used exclusively for hearses shall be not less than twenty-four (24) feet in length and ten (10) feet in width and shall have an overhead clearance of not less than eight (8) feet. Loading berths for general day care facilities may also be reduced in size to twenty-four (24) feet in length and ten (10) feet in width.
2. Sufficient room for turning and maneuvering vehicles shall be provided on the site, except that not more than one loading space per site may be located so as to necessitate backing a vehicle across a property line abutting a street.
3. Each loading berth shall have unobstructed access from a street or an alley or from an aisle or drive connecting with a street or alley.
4. Entrances from and exits to streets shall be provided at locations approved by the Public Works Director.
5. The loading area, aisles, and access drives are to be paved so as to provide a durable, dustless surface and shall be so graded and drained as to dispose of surface water without damage to public or private properties, streets, or alleys.
6. Bumper rails or guards shall be provided at locations prescribed by the Public Works Director where needed for safety or to protect property.
7. If the loading area is illuminated, lighting is to be directed away from abutting residential sites.
8. A loading area shall not occupy a required front, rear or side yard.
9. No repair work or servicing of vehicles shall be conducted in a loading area.

C. Location of loading facilities

1. Off-street loading facilities prescribed by this article shall be located on the same site with the use for which the berths are required or on an adjoining site, unless alternative arrangements are approved by the Planning and Building Director, pursuant to subsection (2) below.
2. When off-street loading facilities are provided on a site other than the site on which the use to be served by the loading facilities is located, an indenture shall be recorded in the office of the County Recorder designating the off-street loading area facility and the use to be served, with legal descriptions of all sites involved, and certifying that the off-street loading facility shall not be used for any other purpose unless the restriction is removed by resolution of the City Council. An attested copy of the recorded indenture shall be filed with the Planning and Building Director and Building Official. Upon submission of satisfactory evidence that other off-street loading facilities have been provided in compliance with the requirements of this article or that the use has ceased or has been altered so as to no longer require the off-street loading facility, the Council shall, by resolution, remove the restriction.

Article IX Signs

20.16.190 Purpose

Regulations addressing the number, location, size, placement of signs and other similar provisions are included in order to maintain the attractiveness and orderliness of the community, promote the City's appearance, and protect the public welfare and safety.

20.16.195 General provisions

Signs may be permitted in conformity with the following regulations:

- A. All signs and displays shall be located on the same site as the use they identify or advertise, except subdivision directional signs and billboards, as provided for in this article.
- B. In all districts except the CD, CS and PR District, no blade sign shall project more than thirty-six (36) inches over a public sidewalk, street or alley. Encroachment permits for such signs may be required from the Public Works Department.
- C. There shall not be less than eight (8) feet of clearance between the bottom of an overhanging sign and ground level, or as may be required by the Uniform Building Code, whichever is more restrictive.
- D. A sign not attached to a building shall not exceed eight (8) feet in height.
- E. No sign shall be of such brightness or shall flash, scintillate, or move so as to create an annoying glare or hazardous condition.
- F. Signs located within one hundred (100) feet of a residential zoning district shall not exceed twenty (20) square feet in area.
- G. An illuminated sign within three hundred (300) feet of a residential zoning district, measured along the radius of a 180 degree arc in front of a face of the sign, shall not flash, blink, move, or scintillate or be directly lighted, but may be indirectly lighted or may have semi-indirect or

diffused lighting, provided that the surface brightness shall not be greater than one hundred (100) foot-lamberts. This regulation shall not apply to a sign that is not visible from a residential zoning district.

- H. All illuminated signs shall have an opaque background, allowing only lettering and logos to be illuminated to the degree that it does not become an annoying glare or hazardous condition as determined by the Planning and Building Director.
- I. Signs in the PD and RMP Districts shall comply with the regulations prescribed in the applicable project policy statement.
- J. No sign shall be erected at or near the intersection of any street in such a manner as to obstruct free and clear vision, or in any location where by reason of the position, shade, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words “stop,” “go,” “caution,” “look,” “danger,” or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse vehicular traffic.
- K. Signs or structures which are built in distinctive or unusual manner so as to constitute insignias or trademarks, which are not measurable by the standards contained in the article for the measurement of conventional types of signs, shall be permitted only as special uses appurtenant to the property on which it is located shall be permitted under the provisions for design review. In no event shall such insignias or trademarks be of such size or luminosity, design or other feature so as to constitute a hazard to motor vehicle traffic, or so as to clash or conflict with other architectural features or improvements to the subject property and surrounding properties, in a manner or to a degree that would depreciate or threaten to depreciate surrounding or neighboring properties, or otherwise constitute a structure inconsistent with the general objectives of the Land Use Code.
- L. Roof-mounted signs are prohibited.
- M. Sign area is defined as the area of a sign being an integral part of a building, awning, canopy, or marquee as its background shall be the area within the shortest line drawn to include all of the letters, designs, and tubing which are a part of the largest cross-sectional area of the sign including the background and tubing but excluding supporting posts without attached lighting. Only one side of a two-faced sign shall be counted in determining the amount of sign area.
- N. All signs attached to a vehicle for advertising purposes for the benefit of any business located in the City of Healdsburg shall have the area of the vehicle sign added to the area of existing or proposed signs located on the business premises, to calculate the total sign area allowed the business premises under this Title. Vehicles with painted identification signs and used in the normal course of business shall not be subject to this section.
- O. All signs, together with their supports, braces, and anchors, shall be properly maintained with respect to appearance, structural and electrical components, if any.
- P. Non-conforming signs are subject to the regulations prescribed in Chapter 20.28, Article I.

20.16.200 Exempt signs

The following types of signs are exempt from this article.

- A. Signs used exclusively for the posting or display of an official notice by a public agency or official, or by a person giving legal notice, and signs erected or maintained by a public agency or official or required by law to be displayed by a public utility for directional, warning, or informational purposes.
- B. One unlighted real estate sign, advertising the sale or lease of a parcel of property or structure located on the same site as the property or structure being advertised for sale or lease. Said sign shall not exceed a maximum area of eight (8) square feet in any residential or office district and twenty (20) square feet in any commercial or industrial district.
- C. Signs directing and guiding traffic in parking facilities, including directional markings painted on pavement.
- D. Public convenience and information signs, including location of public restrooms, phones, presence of historic markers and similar signs, not exceeding two (2) square feet in total size.
- E. Menu boards, not exceeding twenty-four (24) square feet in area and five (5) feet in height for drive-in, drive-through, or walk up restaurants, limited to two (2) menu boards per restaurant.
- F. National and state flags, when appropriately displayed.
- G. Numerical street addresses, including dwelling unit address and master directory signs that are required by the Fire Department.
- H. Temporary signs located in the interior of a building or on the windows of said buildings or within an enclosed lobby or court of any building or group of buildings where such signs are designed and located to be viewed exclusively by patrons of such use or uses.
- I. One non-illuminated, temporary construction sign, not more than six (6) square feet in area, on the site of a structure under construction.

20.16.205 Temporary signs

A. Definition

“Temporary sign” shall mean and include signs and posters relating to an event, occurrence, or matter of temporary nature, limited duration or present interest only.

B. General temporary signs

1. Temporary signs which will not endanger the public safety or welfare may be erected on private property for a period of not to exceed thirty (30) days upon obtaining a temporary sign permit from the Planning and Building Director and shall be removed fifteen (15) days after this time period.
2. Temporary signs shall have the same location, height and size restrictions as required for permanent signs in the district within which the temporary sign is to be located; therefore, in no case shall they exceed fifty (50) square feet.
3. A cash deposit of \$100 for each sign shall be posted with the City to ensure the removal of the temporary sign. The deposit shall be refundable when the signs have been removed.
4. A plan showing the location of all signs shall be submitted to the Planning and Building

Director.

C. Political signs

Political or campaign signs may be approved as temporary signs on private property in commercial and industrial districts in accord with the following provisions, provided that such signs shall be subject to all regular sign restrictions relating to temporary signs.

1. Any such sign shall be erected not earlier than ninety (90) days prior to the election and shall be removed fifteen (15) days after such election.
2. The total area of such sign or signs on any one parcel shall not exceed fifty (50) square feet, except that larger signs may be placed on any existing sign structure.
3. If such signs are not removed within fifteen (15) days after such election, they may be summarily abated in accordance with applicable law.
4. Signs on behalf of political candidates who are successful in a primary election may be retained for general election purposes to fifteen (15) days following the date of such general election, provided they are maintained in good condition.
5. A map showing the number and location of all signs shall be submitted to the Planning and Building Director.

D. Subdivision signs

Temporary subdivision signs that indicate the directions to, or advertises the location, existence, or sale of a subdivision or any home, lot, or part thereof, are permitted in conformance with the following regulations:

1. One non-illuminated sign pertaining to a subdivision and not exceeding twenty four (24) square feet in area may be erected or displayed for each ten (10) acres contained in the subdivision. If a subdivision contains less than 10 acres, one sign may be displayed.
2. The total number of signs, other than model home signs and directional signs as permitted in this article, shall not exceed four (4).
3. One non-illuminated sign pertaining to a model home and not exceeding six (6) square feet in area may be erected or displayed on the site for each model home in the subdivision.
4. A maximum of two (2) non-illuminated directional signs, each not more than 6 square feet in area, may be erected or displayed for each 10 acres contained in a subdivision, and may be located off of the site of the subdivision. If a subdivision contains less than ten (10) acres, two (2) such signs may be erected or displayed.
5. A sign permit shall be required for each temporary subdivision sign. A permit may be issued by the Planning and Building Director at any time after recordation of the subdivision map and shall become void one year following the date on which the permit was issued. A sign shall then be removed, unless prior to the expiration of one year, renewal of the permit for a period of one year is approved by the Planning Commission.

20.16.210 Viticultural area signs

Viticultural area signs may be allowed subject to the approval of a sign permit by the Planning and Building Director after City Council approval of the location of the sign pole(s).

A. Location

1. The City Engineer and Planning and Building Director shall advise the City Council about the appropriateness of the proposed viticultural area sign location.
2. Viticultural area signs shall be located only in the rights-of-way of Healdsburg Avenue, Dry Creek Road and Grove Street.
3. Viticultural area signs shall not cause a visual obstruction, as defined in the state's outdoor advertising act or Section 20.16.195 (General provisions) pertaining to signs.

B. Design

1. Panels with winery names shall be placed on a six (6) inch by six (6) inch white post and painted white.
2. The maximum height of the sign post shall be twenty (20) feet above road grade, including the header.
3. No more than fifteen (15) winery name panels shall be placed on a post. The panels shall not be more than one (1) inch by six (6) inches by thirty-six (36) inches.
4. An oval header panel not more than one (1) inch by thirty (30) inches by fifteen (15) inches shall be located on top of a post, with the name "Healdsburg," the name of the grape growing area and a grape logo. The header panel shall be similar in construction to the winery name panel.

C. Approval of all viticultural area signs shall be conditioned on maintenance of the sign by the applicants of the sign permit.

D. The sign post and panel signs may be removed by the City without notice, hearing or compensation.

E. A site license agreement for viticultural area signs may be required by the City Engineer.

20.16.215 Permanent signs: O District, ORM District and residential districts

The following signs may be permitted in the Open Space District, the Office and Multi-Family Residential District and residential districts:

- A. One nameplate affixed to the building, not directly lighted and not exceeding one square foot in area, on the site of a one-family or two-family dwelling.
- B. One identification sign, not directly lighted and not exceeding six (6) square feet in area, located on the site of a multi-family dwelling, multi-family complex, lodging house or residential visitor lodging in a residential district or the ORM District, or a permitted use in the O District.
- C. One identification sign, not directly lighted and not exceeding twelve (12) square feet in area on the site of a public building or grounds, a private institution, a church, a club or lodge, or a professional office, clinic, or laboratory. In addition, one (1) monument sign not exceeding eight feet in height and twenty-four square feet in area for one side may be allowed. However, it shall not be internally illuminated. This sign shall be located no closer than five

(5) feet to the back of sidewalk or public right-of-way whichever is furthest.

- D. In addition to an identification sign, one bulletin board, not directly lighted, and not exceeding sixteen (16) square feet in area, on the site of a church.
- E. One non-illuminated sign not exceeding four (4) square feet in area on the site of a parking lot.
- F. Signs pertaining to a conditional use in the O District if authorized by the conditional use permit.
- G. Signs pertaining to mobile home and travel trailer parks in accord with the provisions of Section 20.16.215.
- H. Mobile home parks may have one identification sign per park entrance, which may consist of one of the following:
 - 1. A ground sign, not exceeding a height of forty-two (42) inches and a display area of twenty four (24) square feet.
 - 2. A wall sign, which may be affixed to a screen wall, with a maximum area of twenty four (24) square feet.

20.16.220 Permanent signs: MP District

The following signs may be permitted in the MP District:

- A. One (1) main identification sign per building, not exceeding an area of twenty (20) square feet. The sign may be either a wall sign or a ground sign and may be non-illuminated or indirectly illuminated.
- B. In addition to (A.), one (1) identification wall, canopy or awning sign shall be allowed per occupant or tenant of a multi-tenant building, not exceeding six (6) square feet in area.

20.16.225 Permanent signs: GMU District

Signs for commercial and office uses may be permitted in the GMU District subject to the following regulations:

- A. Free-standing signs shall be monument signs with a maximum height of five (5) feet, shall be set back at least ten (10) feet from the street right-of-way and shall be non-illuminated.
- B. Signs shall be no more than sixteen (16) square feet in area.
- C. Sandwich board signs are prohibited.

20.16.230 Permanent signs: commercial and industrial districts

- A. The maximum sign area identified in Table 19 may be permitted for buildings and uses in a commercial or industrial district, except as provided for the GMU District in Section 20.16.225.

Table 19 Maximum sign area in commercial* and industrial districts

Maximum total sign area		
Per foot of width of building frontage, or front and street side elevations of building on corner lot, or,	Per foot of property line adjoining street, or,	Interior lot with frontage less than 50 feet
1 square foot	1/2 square foot	50 square feet

*except GMU District

B. The maximum aggregate area of all signs shall be 200 feet.

20.16.235 Master sign programs

As an alternative to the sign provisions set forth in this article, property owners, developers and/or tenants may elect to prepare and submit a master sign program to the City. The Planning and Building Director shall establish submittal requirements for master sign programs.

- A. Master sign programs may only be submitted on parcels of two (2) acres or greater and involving five (5) or more uses or activities on the site.
- B. The maximum sign area may increase by a factor of thirty (30) percent over normal maximums, as set forth in this article.
- C. Master sign programs may be approved by the Planning Commission when the following findings can be made:
 - 1. Approval of a master sign program will not be detrimental to the public health, safety or welfare.
 - 2. All signs to be constructed pursuant to the master sign program shall be in architectural harmony and scale with the development project for which the master sign program is proposed.

20.16.240 Design review

Design review as prescribed in Chapter 20.28, Article IV is required for all signs to determine if they are compatible with the building or site on which the signs are proposed and with the surrounding neighborhood.

Chapter 20.20
STANDARDS FOR SPECIFIC LAND USES

Sections:

Article 1 Residential-Related Regulations

20.20.005	Home occupations
20.20.010	Secondary dwelling units
20.20.015	Usable open space
20.20.020	Mobile homes and manufactured housing
20.20.025	Temporary subdivision sales offices
20.20.030	Inclusionary housing
20.20.035	Affordable housing incentives
20.20.040	Small lot subdivisions
20.20.045	Homeless shelters
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Article II Commercial-Related Regulations

20.20.065	Automotive service stations
20.20.070	Neighborhood retail stores
20.20.075	Alcoholic beverage establishments
20.20.080	Telecommunication facilities
20.20.085	Adult businesses

Article 1 Residential-Related Regulations

20.20.005 Home occupations

Home occupations are allowed in association with residential uses, subject to the following regulations.

- A. Articles offered for sale shall be limited to those produced on the premises or sale of items considered by the Planning and Building Director to be accessory and incidental to an allowed home occupation. A person conducting an allowed home occupation in which he or she serves as an agent or intermediary between off-site suppliers and off-site customers may have sales from the residence where all articles, except samples, shall be received, stored and sold to the customers at off-premises locations.
- B. Home occupations shall be conducted either within a dwelling or in a detached accessory structure on the same property by a resident thereof. Home occupations shall be clearly incidental to the use of the structure as a dwelling.
- C. Any external alteration to the dwelling to accommodate the home occupation shall conform to the residential appearance of the building and the existence of a home occupation shall not be apparent beyond the boundaries of a lot, except for a small name plate, not directly lighted and not exceeding one square foot in area.

- D. The home occupation may utilize the services of a maximum of two non-resident employees or independent contractors.
- E. No motor power other than electrically-operated motors shall be used in conjunction with a home occupation. The horsepower of any single motor shall not exceed three horsepower and the total horsepower of all such motors shall not exceed five horsepower.
- F. A home occupation shall not create any radio waves, television interference or similar electronic interference on adjacent properties. Noise audible beyond the boundaries of the lot shall not exceed the sound level standards as set forth in Ordinance No. 1011 (Regulation of Excessive Noise) for the zoning district in which the use is located.
- G. No odor, liquid or solid waste, other than normally associated with a residential use, shall be emitted.
- H. Not more than one truck of not more than one and one-half ton capacity and no semi-trailers incidental to a home occupation shall be kept on site.
- I. A home occupation shall not create pedestrian, automobile, or truck traffic in excess of the normal amount typical of the zoning district, with no more than two non-occupant vehicles present on the street at any given time.
- J. Prior to Planning and Building Director approval of an application for a home occupation under this section, the applicant shall be required to review a good neighbor policy and show evidence by signature that he or she has agreed to abide by these regulations.
- K. The specified uses below shall not be permitted as home occupations because of their nature that have one or more of the following characteristics: equipment or machinery of a type or quantity not typically found in the house; need for outside storage; parking needs greater than what can be provided on-site; need for special permits from other agencies; and need for extensive alteration to the residence or lot.
 - 1. No motorized vehicle or trailer repair or tune-up shall be operated as a home occupation.
 - 2. Doctors, dentists, osteopaths, chiropractors and other practitioners of the medical arts are not permitted as home occupations in residential zoning districts.
 - 3. On-site painting services (auto, boat, appliances, etc.).
 - 4. Care, treatment, breeding or boarding of cats, dogs and other animals for a fee or barter.
 - 5. Gun repair, sale of guns or ammunition where the materials are maintained at the site (sale of five or fewer guns a year is exempt from this section).
 - 6. Activities involving substantial amounts of dangerous or hazardous materials, including but not limited to pesticides, herbicides, poisons and highly flammable materials as determined by the Fire Chief.

20.20.010 Secondary dwelling units

The purpose of this section is to comply with state law, which provides for cities to set standards for the development of secondary dwelling units so as to increase the supply of small and affordable housing while ensuring that they remain compatible with existing primary structures and neighborhoods.

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- A. Secondary dwelling units shall not be counted when calculating the permitted density requirements of the General Plan, but shall otherwise be consistent with the General Plan text and diagrams.
 - B. Only one secondary dwelling unit shall be allowed on a lot of record and it shall be built either simultaneous or subsequent to the primary dwelling unit.
 - C. The owner of the property does not have to live on a lot where a secondary dwelling unit is located.
 - D. In the PD and RMP Districts, secondary dwelling units that meet the standards of this section shall be allowed in accordance with the development plan and policy statement approved for the subject property.
 - E. A mobile home or manufactured housing unit may be used as a secondary dwelling unit so long as it conforms to all provisions relating to secondary dwelling units and to all provisions of Section 20.20.020.
 - F. Secondary dwelling units may be either attached to the primary dwelling unit or detached.
 - G. Maximum size
 - 1. A secondary dwelling unit may not exceed 640 square feet on lots between 4,500 and 6,000 square feet in size. For lots exceeding 6,000 square feet, the allowable area for a secondary dwelling unit may increase by the total square feet that the lot exceeds 6,000 square feet multiplied by 5%, but in no case shall exceed 850 square feet.
 - 2. The size of the unit shall be measured from the side of the exterior wall of the dwelling. Carports, covered porches and patios, chimneys, stairwells and mechanical rooms are not counted toward the determination of floor area of the secondary dwelling unit.
 - 3. In dwellings where proposed or existing habitable space is under a sloping roof, any area where the wall height is 5 feet or less is not counted as floor area.
 - H. Secondary dwelling units up to 640 square feet in size shall not exceed one bedroom. Secondary dwelling units greater than 640 square feet in size may have up to two bedrooms.
 - I. One-story secondary dwelling units exceeding 640 square feet in size shall be designed as adaptable for persons with disabilities in accordance with the California Building Code.
 - J. In cases where an existing primary dwelling structure is to be converted to a secondary dwelling unit or partially converted to create a secondary dwelling unit within the structure, the area designated for the secondary dwelling unit must be brought up to current structural, electrical and plumbing codes, subject to the review and approval of the Building Official.
 - K. A secondary dwelling unit created by internal conversion of an existing single-family dwelling shall not occupy more than 45 percent of the habitable floor area of the building, excluding the garage area. However, in no case shall the portion of the primary dwelling structure converted to a secondary dwelling unit exceed 850 square feet in size.
 - L. A separate entrance to a secondary dwelling unit shall be provided.

- M. Parking shall be provided for secondary dwelling units as follows.
1. One paved, off-street parking space shall be provided in addition to those for the primary unit.
 2. The parking space may be covered or uncovered.
 3. The parking space may be tandem to a required parking space for the primary dwelling unit, provided the tandem parking space is located outside of the required front yard setback.
- N. A secondary dwelling unit may not exceed two stories and a height of twenty-five (25) feet.
- O. The following setbacks shall apply to secondary dwelling units.
1. One-story secondary unit
 - a. Minimum interior side yard and rear yard setbacks: Five (5) feet; except that it shall be ten (10) feet in the R-1-40,000, R-1-20,000 and R-1-12,500 Districts.
 - b. Street side yard of a corner lot: Ten (10) feet.
 - c. Front yard: Same as the required front yard setback for the zoning district in which the property is located.
 2. Two-story secondary unit
 - a. Minimum interior side yard and rear yard setbacks: Ten (10) feet, except that it shall be fifteen (15) feet in the R-1-40,000 and R-1-20,000 Districts.
 - b. Street side yard of a corner lot: Ten (10) feet; except that it shall be fifteen (15) feet in the R-1-40,000 and R-1-20,000 Districts.
 - c. Front yard: Same as the required front yard setback for the zoning district in which the property is located.
- P. The minimum size of a parcel on which a secondary dwelling unit can be located is 4,500 square feet.
- Q. The secondary dwelling unit shall incorporate the same or similar architectural features, building materials and colors as the primary dwelling located on the property. Compatibility with the existing primary structure includes coordination of colors, materials, roofing and other architectural features, and landscaping designed so that the appearance of the site remains that of a single family residence.
- R. Any window or door of a second story secondary dwelling unit shall utilize techniques to lessen the privacy impacts onto adjacent properties. These techniques may include use of obscured glazing, window placement above eye level, windows and doors located toward the existing on-site residence or screening treatments.
- S. Before issuing a building permit for a secondary dwelling unit, the property owner shall file with the County Recorder a declaration or agreement of restrictions, which has been approved by the City Attorney as to its form and content, containing a reference to the deed under which the property was acquired by the owner and stating that:

1. The secondary dwelling unit shall not be sold separately;
 2. The secondary dwelling unit is restricted to the maximum size allowed per the development standards of Section 20.20.010(G).
 3. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance shall result in legal action against the property owner.
- T. Illegal, nonconforming secondary dwelling units shall not qualify as legally recognized secondary dwelling unit unless all the development standards and regulations of this section are satisfied.

20.20.015 Usable open space

Where required by this Title, usable open space shall be provided for each dwelling in accordance with the provisions listed below.

- A. Required open spaces may be either group (common) and/or private open space.
- B. Each square foot of private open space shall be considered the equivalent of two square feet of group open space and may be so substituted.
- C. Private open space located at ground level shall have a minimum area of 150 square feet.
- D. Private open space shall be adjacent to the dwelling unit being served.
- E. The minimum dimension in any one direction for any group open space shall be 15 feet.
- F. Up to 20 percent of the required open space may be a garden, balcony, deck, or similar usable open space feature located on the roof of a building other than an attached garage or carport. Above ground level, open space shall have at least one exterior side open, except for railings.
- G. Up to 50 percent of ground level open space may be covered by an overhang or balcony.
- H. All required open space shall be planted or shall have a dust free surface, such as concrete, landscape pavers or similar material.
- I. No required open space shall be located in a parking area, driveway, service area, or required front yard area,
- J. No required open space shall have a slope greater than eight (8) percent.

20.20.020 Mobile homes and manufactured housing

- A. Mobile homes and manufactured homes used as a dwelling shall be certified under the standards set forth in the National Manufactured Housing Construction and Safety Act (42 USC 5401 et. seq.), or as amended at the time of any application for the placement of such mobile home and provided further that the mobile home or manufactured house is placed on a permanent foundation system.
- B. The mobile home or manufactured home shall be covered with an exterior material similar in appearance to new conventionally built residential structures in the surrounding area
- C. The exterior covering material shall extend to the ground, if a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of

the foundation. Alternative skirting materials commonly found on conventionally built residential structures would normally be considered compatible.

- D. The roofing material shall be of a type commonly found on conventionally built residential structures in the surrounding area.
- E. The mobile home or manufactured home electrical, natural gas service, water service, and drain connections shall be made permanent in a manner applicable to permanent buildings. Gas shut-off valves, meters, and regulators shall not be located beneath a mobile home.
- F. The mobile home or manufactured home shall have an enclosed garage (either attached or detached) or carport as required in Chapter 20.16, Article VIII and similar to conventionally built residential structures in the surrounding area. This shall not apply to mobile housing or a manufactured home that qualify as secondary dwelling units under Section 20.20.010.
- G. The exterior covering and roofing materials of the garage or carport shall be of the same type as the covering and roofing material of the mobile home.
- H. Prior to occupancy, the mobile home owner shall request a certification from the Building Department that a certificate of occupancy be issued pursuant to Chapter 20.28, Article VIII of the California Health and Safety Code, or successor sections, as applicable. Thereafter, for an existing mobile home any vehicle license plate, certificate of ownership and certificate of registration issued by a State Agency is to be surrendered to the appropriate state agencies via the Planning Department.
- I. A mobile home or manufactured home to be used as a secondary dwelling unit shall also adhere to the requirements of Section 20.20.010.

20.20.025 Temporary subdivision sales offices

- A. One temporary sales office in a subdivision of not less than five acres located not less than 200 feet from any existing dwelling outside of the subdivision measured along street lines shall be permitted subject to the granting of a subdivision sales office permit.
- B. A permit for a subdivision sales office may be issued by the Planning and Building Director at any time after the subdivision is recorded and shall become void one year following the date on which the permit was issued, and the office shall be removed unless prior to the expiration of one year. Renewal of the permit for a period of not more than one year may be approved by the Planning Commission. A public hearing shall be required for any extension.

20.20.030 Inclusionary housing

The following standards shall govern the provision of inclusionary housing.

A. Applicability

The provisions of this section shall apply to any discretionary or ministerial approvals for new residential development projects. The following shall not be subject to the provisions of this section:

1. Existing residences that are altered, improved, restored, repaired, expanded or extended, provided that the number of dwelling units is not increased or that the exterior floor area of the dwelling is not increased by 1,300 square feet or more;

2. The construction of a new residential structure which replaces a residential structure that was destroyed or demolished within two years prior to the application for a building permit for the new residential structure, provided that the number of residential units is not increased from the number of residential units of the previously destroyed or demolished residential structure or that the replacement dwelling is not more than 1,299 square feet larger than the original dwelling;
3. Secondary dwelling units constructed pursuant to Section 20.20.010.
4. Residential development projects which are to be developed pursuant to the terms of a development agreement or vesting subdivision map executed prior to December 18, 1996.
5. Residential subdivisions and multi-family housing projects that received tentative map or other discretionary approval by the City Council prior to December 18, 1996.

B. Projects with seven (7) or more dwelling units

The inclusionary housing obligation of residential development projects with seven (7) or more dwelling units are set forth below:

1. Unless otherwise provided for in this section, at least fifteen (15) percent of the total number of new dwelling units or lots within a residential development project shall be made available to moderate-, low-, or very low-income households. Of these units, at least ten (10) percent shall be for very low- and low-income households and at least five (5) percent shall be for moderate-income households.

In determining the number of inclusionary units required, fractional units that may result from the application of these requirements may be satisfied by one of the two following methods, at the discretion of the applicant:

- a. Fractional numbers of inclusionary units may be "rounded up" to the nearest whole integer and treated as a whole inclusionary unit.
 - b. Payment of a portion of the in-lieu fee allowed pursuant to subsection (C)(1) below in an amount equivalent to the remaining fractional portion of the inclusionary unit requirement.
2. The requirements of this Subsection may be met in the following ways, or combinations thereof:
 - a. Actual construction of inclusionary dwellings within the project.
 - b. Construction of inclusionary units on another site or sites within the city, pursuant to subsection (C) below.
 3. Upon a finding by the Planning Commission or City Council, as appropriate, that the construction of required inclusionary units is not feasible or appropriate as part of a residential development at the project site or elsewhere within the City, the applicant shall meet the inclusionary requirement as required in subsection (C) below.

C. Projects with six (6) or fewer dwelling units.

The inclusionary housing obligation of residential development projects with six (6) or fewer

dwelling units shall be satisfied in one or more of the following ways:

1. Payment of in-lieu fees for each above-moderate unit in the project. The amount of the fee shall be set by resolution of the City Council and may be periodically updated to reflect changing housing conditions within the community, including the actual costs of providing affordable housing. Fees collected for this purpose shall be deposited by the City into an Affordable Housing Trust Fund for the purpose of providing affordable housing in the community. Fees shall be payable at the time of building permit issuance.
2. In-lieu dedication of land for affordable housing purposes, pursuant to subsection (D).
3. Other equivalent methods which meet the intent of the Housing Element as determined acceptable by the final decision-making body for the project.

D. In-lieu land dedications

1. Where provided for, residential builders and applicants for residential projects may satisfy inclusionary housing requirements by an irrevocable offer of dedication of land for construction of affordable housing within city limits. Identification of the land to be dedicated shall be accomplished prior to approval of the discretionary permit for the residential development project.
2. In addition to any other findings required by statute, ordinance, or otherwise, any project approval for an in-lieu land dedication shall include a finding that the land to be dedicated is not subject to liens, is served or proposed to be served by municipal services, including water, sewer, roads, electricity, telephone and other similar customary services, and contains no unusual planning or development constraints.
3. Land for affordable housing projects shall be dedicated to either for-profit or non-profit affordable housing builders only. The amount of land shall be as much as necessary to be one and one-half (1½) times the equivalent number for the required inclusionary units in accord with subsection (B)(1) above. The City Council may approve, conditionally approve or reject such offer of dedication. If the City Council rejects such offer of dedication, the applicant or developer shall be required to meet the inclusionary housing requirement by other means set forth in this section.

E. Off-site inclusionary units

1. Some or all of the inclusionary units associated with one residential development project may be constructed on another site or sites within the City. The resultant linked project sites shall be considered a single combined inclusionary housing project and shall be reviewed concurrently by the City. Inclusionary housing units not built on the site of the proposed original project shall be constructed simultaneously with market-rate dwellings constructed on the original site, unless alternative arrangements are approved as part of the project approval.
2. In addition to any other findings required by statute, ordinance or otherwise, any approval of the linked projects shall include the following findings that must be made prior to the approval of off-site units:
 - a. Practical difficulties exist with providing required inclusionary units on the original development site.

- b. The proposed off-site location for inclusionary units will not result in an unreasonable concentration of inclusionary units in one geographic location of the city;
 - c. All other provisions of this section have been or will be complied with, as guaranteed through the imposition of conditions of approval.
3. Where inclusionary units are permitted off-site, such units do not count as affordable units for the purposes of the receiving site qualifying for a density bonus.

F. Inclusionary dwelling unit standards

In addition to other development standards and requirements set forth in this Title, the following standards shall be met for the construction of inclusionary dwelling units:

1. Required inclusionary units shall be constructed concurrently with the construction of market rate units, unless an alternative schedule based on extenuating circumstances is adopted as part of project approval.
2. Inclusionary units shall be built on the project site unless alternative arrangements are made pursuant to subsections (C), (D) or (E), and, to the fullest extent practicable, distributed throughout the residential project site.
3. For those residential development projects that are required to provide ten or more inclusionary units, at least ten (10) percent of the inclusionary units shall have three or more bedrooms.
4. The size (square footage) and amenities of inclusionary units may be reduced from the overall quality of the market rate units provided that all other zoning and building codes are met. However, the exterior design of the inclusionary units shall be reasonably consistent and compatible with the total project design in terms of appearance, materials and finished quality, as determined through the Design Review process.
5. Residents of inclusionary units shall not be denied access to common open spaces or recreational amenities.
6. Second dwelling units shall not be counted toward inclusionary housing requirements.

G. Submittal of inclusionary housing information.

1. Any application submitted to the City for residential development projects shall include the proposed method of satisfying inclusionary housing requirements, which proposal shall be reviewed as part of the development permit process. This shall include information as to the total number of units being requested for City approval, the number of inclusionary housing units included within the application, proposed sales prices of both market-rate and inclusionary units, proposed methods for income screening of prospective residents and other information deemed necessary by the City.
2. The City shall identify and periodically update the housing prices that qualify as affordable for very low, low, moderate and above-moderate incomes.

H. Inclusionary housing occupancy and resale agreements

The following shall govern the occupancy of inclusionary units and the resale of such units:

1. Only moderate, low and very low-income households may occupy inclusionary housing

units during the term of any resale or occupancy agreement. The City or its designee shall notify all potential purchasers to ensure adherence to the income restrictions for inclusionary units.

2. All buyers of "for sale" inclusionary units shall enter into an Inclusionary Housing resale Agreement with the City prior to close of escrow for such inclusionary unit. The Resale Agreement shall specify the income restriction on the household purchasing and occupying the unit, the number of years that the inclusionary unit shall remain as affordable to the target household, an option for the City or its designee to designate an eligible purchaser, the City's right of first refusal to purchase the unit, and a calculation of future equity assignment upon sale of the unit. The Agreement shall be recorded against each applicable unit.
3. The developer of a rental project with one or more inclusionary units shall enter into an Inclusionary Housing Agreement with the City prior to the issuance of a final occupancy permit for the project. The Agreement shall specify income restrictions on the households occupying the units and the number of years that the inclusionary units shall remain affordable to the target households.
4. The minimum time period for which an inclusionary unit shall be reserved for its targeted household shall be established by City Council resolution.

I. Management and monitoring of inclusionary units

Inclusionary rental units shall be professionally managed and/or operated by the owner of the residential complex or the authorized agent of the owner in accordance with an inclusionary rental agreement prepared by the City. Each owner of inclusionary rental unit(s) shall submit an annual tenant income certificate report to the Planning Department, no later than March 1, for the previous calendar year, identifying monthly rental rates, vacancy status of each inclusionary unit, income status for each resident and any other related data deemed necessary by the City while ensuring privacy for all residents.

20.20.035 Affordable housing incentives

The purpose of this section is to implement state law regarding the granting of density bonuses and other incentives for certain residential projects, as well as to promote the construction of affordable housing within Healdsburg to meet Housing Element targets for very low-, low- and moderate-income families.

A. Applicability

Pursuant to Government Code Section 65915, when a developer proposes to construct a housing development of at least five dwelling units, of which a certain percentage (excluding any bonus units) will be reserved for occupancy by very low-, low- or moderate-income households or senior citizens meeting specified criteria set forth in Government Code subsection 65915(b); and/or when the proposed project meets other specified criteria in Government Code subsections 65915(h) or (i) by donating land to the City or constructing a child care facility in association with a housing development that qualifies under Government Code subsection 65915(b), the project shall be eligible for a density bonus and at least one concession or incentive.

B. Regulatory concessions and incentives

1. When a project meets any of the criteria referenced above, the developer may request a density bonus and one or more concessions or incentives as defined in Government Code Section 65915 and subject to the requirements of Government Code Section 65915.
2. Neither this subsection nor State law limits or requires the provision of direct financial incentives from the City for a qualifying project, including the provision of publicly-owned land by the City or the waiver of City fees or dedication requirements.
3. In addition to those concessions and incentives required by state law, the City may grant the following:
 - a. The City may grant an additional density bonus when an applicant proposes a project in which 100% of the remaining units not restricted to lower-income households will be affordable to moderate-income households.
 - b. The City Council or Redevelopment Agency may, but is not required to grant financial incentives or concessions which result in identifiable cost reductions needed to make a qualifying project economically feasible, such as City subsidies for off-site improvements or land; City subsidies for development fees; and/or City sponsorship of mortgage bond financing.

C. Contractual agreements and reservation of units

The developer of a housing development for which housing incentives are granted shall enter into either a development agreement pursuant to California Government Code Section 65865 et seq. or other recorded contractual agreement satisfactory to the City which guarantees that the targeted units will be provided by the developer and will remain available to the targeted persons or households for the applicable period deemed appropriate by the City Council in conformance with state law. The agreement shall identify the means by which such continued availability will be secured and the procedures under which the targeted units will be rented and/or sold during such period, and may contain other terms and provisions, not inconsistent with Government Code Section 65915, that the City may require.

D. Application for housing incentives

1. The developer of a proposed residential development seeking housing incentives shall file an application with the Planning Department for approval of such on a form specified by the Planning and Building Director, and shall be accompanied by all maps, plans and other information deemed necessary by the Planning and Building Director.
2. An application shall be accompanied by a fee established by the City Council.
3. An application for a density bonus and any additional concession or incentive shall include the following information:
 - a. The provisions of Government Code Section 65915 under which the density bonus is sought and the size of the density bonus requested, expressed as a percentage of the maximum number of units allowed by the zoning district and General Plan designation within which the project is located.
 - b. Identification of the requested regulatory concession or incentive.
 - c. Specific information and data concerning the proposed development which

- establishes that the regulatory concession(s) or incentive(s) sought by the applicant is/are necessary to make the housing units economically feasible.
- d. Evidence of consultation with the City Council or Redevelopment Agency regarding any proposed concession or incentive requiring expenditure of city or community redevelopment funds, or provision of publicly-owned land.
 - e. Such other pertinent information as the Planning and Building Director may require to enable the City to adequately analyze the economic feasibility of the project with respect to the requested concession or incentives.
 - f. An offer to enter into the contractual agreement required by subsection (c) to guarantee the reservation of the targeted units.
- E. Review process for housing incentives applications
1. Planning Commission review
 - a. The Planning Commission shall hold a public hearing on an application for housing incentives. Such hearing may be held concurrently with any other entitlements for the proposed housing development that require City approval. At the public hearing, the Planning Commission shall review the application, statements and plans submitted therewith and shall receive pertinent evidence concerning the application for a density bonus, particularly with respect to any required findings.
 - b. The Planning Commission shall, by resolution, approve or conditionally approve an application for housing incentives or recommend approval or conditional approval to the City Council, as appropriate, unless, on the basis of the application and the evidence submitted, the Commission makes written findings of fact establishing either of the following:
 - i. The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Government Code Section 65915.
 - ii. The concession or incentive would have a specific adverse impact, as defined in Government Code Section 65589.5(d) (2), upon public health and safety, the physical environment or any real property that is listed in the California Register of Historical Resources; for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to targeted households.
 - c. The Planning Commission shall have the authority, as part of its review and decision process, to waive or modify development and zoning standards that would otherwise inhibit the utilization of the density bonus on specific sites, including but not limited to such items as minimum lot size and side yard setbacks.
 - d. In the case of a housing incentives application which requests a concession or incentive involving the expenditure of city or community redevelopment funds, the provision of publicly-owned land, the approval of mixed-use zoning, or modifications to Public Works requirements, the Planning Commission shall make

recommendations to the City Council as to whether such concessions or incentives should be approved as requested, modified in a manner consistent with this section and applicable State law, or denied.

2. City Council review

- a. Following a recommendation by the Planning Commission, the City Council shall hold a public hearing on a density bonus application that requests a concession or incentive involving the expenditure of city or community redevelopment funds, the provision of publicly-owned land, the approval of mixed-use zoning, or modifications to Public Works requirements. Such hearing may be held concurrently with any other entitlements for the proposed housing development that require City Council approval.
- b. The City Council may approve, conditionally approve, or deny such an application by resolution, provided that a resolution denying the application shall include one or both of the findings required by section (E)(1)(b) above.

20.20.040 Small lot subdivisions

Residential subdivisions, with lot sizes and yards smaller than otherwise required under this article, are allowed in the R-1-3,500 and R-1-6,000 Districts if based upon an agreement with the City Council to ensure that 100 percent of the new dwellings meet sales or rental criteria for affordable housing and meet the following development standards:

- A. Lot configurations and sizes Lot configurations may include, but are not limited to, zero lot lines, angled Z lots, zipper lots, alternate-width lots, quad lots, and motor court lots. Lot sizes may range from 2,000 to 6,000 square feet or more. A variety of lot configurations and lot sizes are required for projects larger than three acres in size.
- B. Allowable unit sizes Allowable dwelling size shall be based on lot square footage. Actual dwelling sizes, as well as lot sizes, in a proposed development plan may vary so long as the averages shown in the table below are maintained. Dwelling size refers to the gross living area of the primary dwelling only, excluding storage sheds, garages, carports, and covered patios.

Table 20 Average dwelling size in small lot subdivisions

	Square Feet (can be interpolated)								
Average Lot Size	2000	2500	3000	3500	4000	4500	5000	5500	6000
Average Dwelling Size	1000	1100	1200	1300	1400	1500	1600	1700	1800

- C. Subsequent expansions or additions Subsequent expansions or additions to dwelling units may be permitted by minor use permit, approved by the Zoning Administrator, provided any proposed expansion is in compliance with the provisions of subsections (d) through (h) of this section. Construction of second dwelling units not shown on the approved development plan for the subdivision shall be in compliance with Section 20.20.010, including a minimum lot size of 4,500 square feet.

- D. Setbacks and yard areas The following setback and yard requirements shall apply to small lot subdivisions:
1. There are no minimum yard requirements. Setbacks for all proposed and possible future buildings or possible additions to proposed buildings shall be shown on the development plan for the subdivision.
 2. The garage or carport front, when the entrance faces the street, shall be located not less than 20 feet to the rear of the public sidewalk, or 20 feet from the property or adopted street plan line, whichever is a greater distance from the edge of pavement of the street.
- E. Maximum site coverage The maximum site coverage shall be 60 percent.
- F. Maximum height The maximum building height for all main structures shall be 25 feet. Section 20.16.065 allows exceptions for ancillary structures, including chimneys, antenna and similar architectural features. Secondary dwelling unit building heights are regulated in Section 20.20.010.
- G. Minimum open space per unit Minimum open space per unit shall be 300 square feet, which may be a combination of private open space or a common yard area which is accessible to all units constructed as part of the same project.
- H. Reservation of units and affordability guarantees The developer of a small lot subdivision shall enter into either a development agreement pursuant to California Government Code Section 65865 or an affordable housing agreement approved by the City Council which guarantees that the affordable income units will be provided by the developer and will remain available to the targeted persons or households for a period of not less than 30 years. The agreement shall identify the means by which such continued availability will be secured and the procedures under which the targeted units will be rented and/or sold during such period, and may contain other terms and provisions that the City may require.

20.20.045 Homeless shelters

In addition to complying with the minimum development standards for the site's applicable zoning district, including minimum yards and maximum floor area ratio, site coverage and building height, homeless shelters shall be subject to the following development standards:

A. Maximum unit density

Homeless shelters located in residential districts, when not developed in an individual dwelling unit format, shall not be subject to the underlying zoning district's maximum unit density standard, but the number of beds shall be limited to three times the maximum number of dwelling units that would otherwise be permitted.

B. Minimum separation

Homeless shelters shall be separated by a minimum distance of 300 feet.

C. Common facilities

The shelter may provide the following facilities and services for the exclusive use of the residents and staff:

1. Cooking and dining facilities
2. Recreation facilities
3. Counseling and educational services
4. Child care facilities
5. Laundry facilities

D. Maximum length of stay

Temporary shelter shall be available to an individual for up to 30 consecutive days.

E. Intake area

A sufficiently-sized indoor intake area shall be provided.

F. Outdoor activities

Outdoor congregating in public view and outdoor public telephones are prohibited. Organized outdoor activities are limited to the hours of 8 a.m. and 10 p.m. to minimize off-site noise impacts.

G. Homeless shelter provider

The agency or organization operating the shelter shall comply with the following requirements:

1. An on-site manager shall be present when residents are present at the shelter.
2. Staff and services shall be provided to assist residents to obtain permanent shelter and income.
3. The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, control of outdoor loitering, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.

H. Parking

On-site parking shall be provided at a minimum of one space per resident family, .35 spaces per bed and one space per the maximum number of staff on-site at any one time.

I. Lighting

Exterior lighting adequate for security purposes shall be provided. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the vicinity.

20.20.050 Reasonable accommodation

A. Purpose

The purpose of this section is to establish a formal procedure for an Individual with a Disability seeking equal access to housing to request a reasonable accommodation as provided by the federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act, and to establish criteria to be used when considering these requests.

B. Definitions

As used in this section, the following terms are defined as follows:

Acts - The Federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act.

Individual with a disability - As defined under the Acts, a person who has a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having that type of impairment or anyone who has a record of that type of impairment.

C. Application

1. A written request for reasonable accommodation from a land use or Land Use Code regulation or policy shall be made by an Individual with a Disability, his or her representative or a developer or provider of housing for an Individual with a Disability on a form provided by the Planning and Building Department.
2. A request for reasonable accommodation shall state the basis of the request including but not limited to a modification or exception to a specific regulation, standard or practice for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide an Individual with a Disability equal opportunity to housing of his or her choice.
3. The Planning and Building Director may request additional information necessary for making a determination on the request for reasonable accommodation that complies with the fair housing law protections and the privacy rights of the Individual with a Disability to use the specified housing. If additional information is requested, the 45-day time period for making a determination on the request shall be suspended until the requested information is provided.
4. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

D. Review and Action

1. Review period The Planning and Building Director shall issue a written determination to either grant, grant with modifications, or deny a request for reasonable accommodation within 45 days of the date the application is deemed complete, or within an extended period as mutually agreed upon in writing by the applicant and the Director.

2. Findings The written decision to grant, grant with modifications or deny a request for reasonable accommodation shall include the following findings:
 - a. The housing that is the subject of the request for reasonable accommodation will be used by an Individual with a Disability protected under the Acts;
 - b. The requested accommodation is necessary to make housing available to an Individual with a Disability protected under the Acts;
 - c. The requested accommodation would not impose an undue financial or administrative burden on the City; and
 - d. The requested accommodation would not require a fundamental alteration in the nature of the City's land use policies and development standards.
3. Notice Notice of the determination shall be provided to the applicant and to abutting owners of the property that is the subject of the request for reasonable accommodation. All written decisions shall give notice of the right to appeal the Director's determination as set forth in subsection (4) below.
4. Appeal of determination A determination by the Director shall be final unless appealed to the Planning Commission as provided by Section 20.28.085. Only the aggrieved applicant and abutting owners who received notice of the reasonable accommodation determination have a right to appeal the decision.
5. Applicability If the Director grants the request, the request shall be granted to an individual and shall not run with the land unless the Director determines that (1) the modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with the Code or (2) the accommodation is to be used by another Individual with a Disability.
6. Recordation of determination Prior to the issuance of any permits relative to an approved reasonable accommodation, the Planning and Building Director may require the applicant to record a covenant in the County Recorder's Office acknowledging and agreeing to comply with the terms and conditions established in the determination. The covenant shall be required only if the Director finds that a covenant is necessary to provide notice to future owners that a reasonable accommodation has been approved.

20.20.055 Large family day care facilities

The following standards shall apply to large family day care facilities:

- A. A large family day care facility shall be permitted only on lots zoned for residential uses.
- B. No large family day care shall be located within 500 feet of an existing small family day care, and limited or general day care facility, as measured from exterior lot lines.
- C. The driveway of a large day care facility may be used to provide required off-street parking, if such parking will not obstruct any required drop-off and pick up areas nor block any sidewalks or other public access.
- D. A City business license shall be required and no building permit shall be issued until all State permits and licenses have been obtained by the applicant and copies forwarded to the Building Official.

- E. The premises shall be inspected by the Healdsburg Fire Department for compliance with applicable Fire Codes prior to issuance of a City business license.

20.20.060 Residential visitor lodging operations

A. Purpose

The purpose of these regulations is to ensure that residential visitor lodging operations are located in a manner which does not infringe upon the privacy, peace and tranquility of surrounding residences nor decrease or otherwise detract from the aesthetic or residential character of surrounding properties.

B. Standards

The following standards shall apply to residential visitor lodging operations:

1. Upon the establishment of a residential visitor lodging operation, the operation shall be inspected by the Building Official for compliance with all building and safety codes enacted by the City and shall be inspected annually for continued compliance with all applicable codes. An inspection fee, set by resolution of the City Council, may be charged for each annual inspection.
2. Each operation shall comply with the provisions of Chapter 8 of the Healdsburg Municipal Code as well as all state and county laws governing food-handling establishments. Meals, in the form of breakfast and an afternoon snack, may be served to guests only in connection with their lodging.
3. On-site parking shall be provided as required by Chapter 20.16, Article VIII.
4. The owner or manager of a residential visitor lodging operation shall live on the premises of or on the property immediately adjacent to the operation.
5. Secondary dwelling units shall not be converted to accommodate a residential visitor lodging operation.
6. Only one residential visitor lodging operation shall be allowed per city block, unless separated by five hundred (500) feet or more. For the purposes of this section, a city block shall be defined as the properties abutting the same street located between two intersecting streets. Corner lots shall be considered in this section as fronting two city blocks.
7. Alcohol may be provided to guests only with the appropriate permits obtained from the Planning and Building Department and the State Department of Alcohol And Beverage Control (ABC).
8. Design review approval may be required subject to the provisions of Chapter 20.28, Article IV.
9. Any conditional use permit authorizing a residential visitor lodging operation may be subject to review at three-year intervals or at any time when the Planning Commission has reason to believe that the regulations are not being adhered to or when there are problems associated with the lodging operation that warrant review by the Planning Commission.

10. Special events may be allowed on the premises of a residential visitor lodging operation provided that a special event permit is first obtained from the Planning Commission. This does not apply to events for registered guests only, which are permitted. The following regulations govern such uses, although the Planning Commission shall be authorized to further restrict these events through conditions of approval applied to the special event permit. The Planning Commission shall also have authority to deny a special event permit if findings are determined that such a use will have an adverse impact on the health, safety and general welfare of the neighborhood in which the residential visitor lodging operation is located.

The following regulations shall apply to any special event permit located within a residential visitor lodging dwelling:

- a. Amplified music or speech shall be in compliance with the noise regulations as set forth in Ordinance No. 1011 (Regulation of Excessive Noise).
- b. No event shall last longer than one day and shall be limited to between the hours of 10:00 a.m. to 10:00 p.m. Activities shall be in compliance with the noise regulations as set forth in Ordinance No. 1011 (Regulation of Excessive Noise).
- c. A special event permit application submitted to the Planning Commission shall contain information on how parking will be addressed and if use of the city streets will be required, as well as other information required by the Planning and Building Director.
- d. A ten (10) day advance notice shall be delivered to all property owners or residences within one hundred (100) feet prior to the event. This notice may be hand delivered or delivered by mail. The notice shall indicate the nature of the special event, expected number of persons, whether it is open to the general public or paid admission, hours of the event and who can be contacted for further questions. A copy of the approved City special event permit shall be enclosed in the notice.

C. Findings for approval

In addition to the findings required pursuant to Section 20.28.165(A), the Planning Commission shall make the following findings in approving a conditional use permit for a residential visitor lodging operation:

1. The proposed residential visitor lodging is compatible with surrounding land uses and will not detrimentally affect the health, safety or welfare of the surrounding neighborhood or area.
2. Approval of the subject residential visitor lodging will not result in an over concentration of such uses in a neighborhood.
3. There is adequate parking for all guests and operators to park on the subject property in accordance with Chapter 20.16, Article VIII and that the required parking for guests is screened from view from the street.
4. Approval of the residential visitor lodging will result in the preservation of the residential design and scale of the structures on the property and will maintain the residential character of the neighborhood.

5. The architectural or historic character of the structure proposed to house the visitor lodging is appropriate for the use.

Article II Commercial-Related Regulations

20.20.065 Automotive service stations

The following requirements shall apply to the construction of new automotive service stations or to the alteration, enlargement or substantial modification of existing automotive service stations.

- A. The minimum site area for automotive service stations, unless combined with a compatible use, shall be fifteen thousand (15,000) square feet of gross site area with a minimum street frontage of one hundred and fifty (150) feet.
- B. A minimum of 1 parking space shall be provided for each employee on the largest shift, plus one space for each lube rack or car wash area.
- C. A minimum of ten (10) percent of the gross site area shall be landscaped, at least 50 (fifty) percent of the same in live plant material. Landscaping, consisting of evergreen trees, shrubs, vines, groundcover, or any combination thereof, shall be installed, permanently maintained, and, if necessary, replaced, subject to the following standards:
 1. Boundary landscaping is required along all property lines abutting streets, except the area required for street openings.
 2. Landscaping areas are to be a minimum of five (5) feet wide and shall be separated from adjacent vehicular areas by a wall or curbing at least six inches higher than the adjacent vehicular area.
 3. Landscaping shall be limited to a height of two and one-half (2½) feet when located within ten (10) feet of a street property line.
 4. The applicant is encouraged to retain existing trees and vegetation, which may be incorporated into an aesthetically-pleasing landscape design.
 5. All landscaped areas shall be served by permanent irrigation facilities, centrally and automatically controlled.
- D. All lube hoists and other such racks shall be enclosed within the main structure.
- E. All rubbish, and storage, including used or discarded automotive parts or equipment, shall be screened by a solid wall or material in harmony with the color and material of the main structure; said screening shall be a minimum of six (6) feet in height.
- F. All property lines not fronting on a street shall be fenced, unless the service station is an integral part of a larger mixed use commercial project or shopping center.
- G. Service station shall be established at least three hundred (300) feet from an existing school, park, playground, church, museum, or other place of public gathering, as determined by the Planning Commission.
- H. A maximum of one service station shall be permitted in a neighborhood shopping center without access to a major thoroughfare. Additional stations may be permitted if integrated into the overall design of the shopping center complex and approved through the design

review process.

- I. Service stations shall be so located that no entrance or exit driveway is closer than 200 feet from an entrance or exit ramp of any freeway.
- J. All areas not landscaped shall be covered with a permanent paving material of either concrete or asphalt.
- K. Utility rental trailers and trucks may be stored on the subject site subject to the conditions of the conditional use permit granted the service station and limiting the number thereof. Said trucks and trailers shall be screened from view and shall not detract from the uncluttered appearance of the service station.
- L. Tow truck operations may be permitted as an ancillary use to a service station, provided such operations are approved as part of the conditional use permit. No junked, wrecked or inoperative vehicles may remain on the site for more than seven (7) consecutive days.
- M. Beer and wine sales (off-sale), ancillary to mini-market retail sales contained within a service station may be allowed provided a conditional use permit is approved by the Planning Commission. The Planning Commission, at its discretion, may deny or further condition the use permit in addition to state regulations to ensure that the public health, safety and general welfare of the neighborhood and community is served.
- N. Service stations existing in conforming districts may be remodeled subject to the issuance of a conditional use permit and the foregoing regulations shall apply where possible and practical. Existing service stations that do not conform to the zoning regulations are subject to the provisions of Chapter 20.28, Article I.

20.20.070 Neighborhood retail stores

The following standards shall govern the development of neighborhood retail stores.

- A. The minimum site for a neighborhood retail store shall be six thousand (6,000) square feet and the maximum site size shall be twelve thousand, five hundred (12,500) square feet.
- B. Hours of operation shall be between 7 a.m. and 9 p.m.
- C. Neighborhood retail stores shall not include liquor or alcoholic beverage stores, although beer and wine may be sold as an ancillary use.
- D. Trash and recycling receptacles shall be provided for patrons of the neighborhood retail store, near the front door, but outside of any public right-of-way.
- E. A minimum of three on-site bicycle racks shall be provided.
- F. On-site parking shall be provided as prescribed in Chapter 20.16, Article VIII, with a minimum of three (3) spaces provided.
- G. Neighborhood convenience retail stores shall be subject to design review, as prescribed in Chapter 20.28, Article IV.

20.20.075 Alcoholic beverage establishments

- A. Purpose

It is the intent of this section to prevent problems associated with commercial establishments

involved in the sale of alcohol for on-site or off- premises consumption and to prevent over-concentration. It has been demonstrated that such establishments can adversely affect nearby commercial and residential uses and can create substantial demands for police services. It is, therefore, the purpose of this section to establish regulations to govern land uses involved in the dispensing of alcoholic beverages for on-site and off-premises consumption and where a use permit is required by the zoning district regulations in which it is located.

B. Conditional use permit application

1. Any person, association, partnership, corporation, or other entity desiring to obtain an alcoholic beverage establishment conditional use permit shall file an application with the Planning Department on a form provided by the Director. The application shall be accompanied by a nonrefundable application processing fee in the amount established by City Council resolution.
2. An application for a conditional use permit shall contain the following information:
3. The name, address and telephone number of the applicant. If the applicant is a corporation, the applicant shall set forth the name of the corporation exactly as shown in its articles of incorporation. The applicant corporation or partnership shall designate one of its officers or general partners to act as its responsible management officer.
4. Name, address and telephone number of the person who shall manage and operate the establishment for which the permit is requested. The name and address of a person authorized to accept service of legal notices.
5. The proposed business name of the alcoholic beverage establishment and description of all operating aspects of the proposed business.
6. Street address of the proposed alcoholic beverage establishment and the assessor parcel number for the property.
7. A plot plan for the property depicting the location of the building housing the alcoholic beverage establishment on the property and all existing and proposed parking, exterior lighting, signage and landscaping, trash enclosures, waiting or queuing areas.
8. Any other information reasonably necessary to demonstrate consistency with the purposes of subsection (A) above.
9. The Planning and Building Director may refer the application to other City departments to determine whether the premises where the alcoholic beverage establishment will be located, complies with the City's building, health, zoning and fire ordinances or other applicable ordinances or laws. City departments may conduct an inspection of the premises to determine compliance with the ordinances and laws they administer.
10. Notice and public hearing requirements shall be as set forth in Section 20.28.080 pertaining to conditional use permits.

C. Grounds for conditional use permit denial/revocation

1. The Planning Commission shall grant the conditional use permit unless it is determined from consideration of the application, City inspection of the premises or other pertinent information that:

- a. Information contained in the application or supplemental information requested from the applicant is false in any material detail.
 - b. The operation of the alcoholic beverage establishment is or would be in violation of one or more provisions of these regulations and Chapter 20.28 Article V (Conditional Use Permits).
 - c. The premises where the alcoholic beverages establishment is or will be located does not comply with all applicable laws, including, but not limited to, the City's building, health, zoning and fire ordinances.
 - d. A conditional use permit to operate the alcoholic beverage establishment has been issued to the applicant, a partner of the applicant, or a stockholder of the applicant which stockholder owns more than ten percent (10%) of the applicant's corporate stock, which conditional use permit has been suspended and the period of suspension has not yet ended.
 - e. The proposed use will adversely affect the welfare of the area residents or will result in an undue concentration in the area of alcoholic beverage establishments.
 - f. The proposed location is inappropriate for the proposed use by virtue of its proximity to:
 - i. residential buildings and residentially-zoned property;
 - ii. churches, schools, hospitals, public playgrounds and other similar uses; and
 - iii. other alcoholic beverage establishments. (Ord. 1057)
 - iv. The proposed use will be of such a size or propose an activity level, i.e., music, entertainment activities, food service, arcade games or other amusement activities, etc., such that it would be incompatible or unsuitable with the uses in and/or character of, the surrounding area.
2. Notice of conditional use permit denial shall be in writing and shall state the grounds therefore. Notice shall be personally served on the permit applicant or mailed to the address listed on the application form.
 3. Any alcoholic beverage establishment conditional use permit may be suspended by the Planning Commission for up to one year or revoked for any of the reasons specified as grounds for conditional use permit denial in Section 20.20.075(C)(1) above or failure to comply with conditions imposed through the conditional use permit.
 4. Notice of intention to suspend or revoke shall be in writing and shall state the grounds therefore. Any suspension or revocations shall be done as specified in Section 20.28.195.
- D. Conditional use permit conditions
- The Planning and Building Director may recommend conditional issuance of an alcoholic beverage establishment use permit by reasonable conditions to insure compliance with the provisions of subsection (I) below and other sections of the Land Use Code and Municipal Code.
- E. Each conditional use permit issued pursuant to subsection (C) above is only valid for the

specific location and operational characteristics of the establishment as described in the conditional use permit application.

F. Sale or transfer of business

1. No conditional use permit issued pursuant to this article may be assigned or transferred without notification to the Planning and Building Director. The Planning and Building Director may refer the sale or transfer request to the Planning Commission for information.
2. Transfer of partnership or corporate ownership. Notification of a transfer or conditional use permit shall be required prior to any change in interest in a partnership or ownership of ten percent (10%) or more of the stock of a corporation to any person not listed on the application filed by said applicant pursuant to subsection (A) above.

G. A new conditional use permit is required under the following circumstances:

1. Prior to any change in the location of the alcoholic beverage establishment.
2. Prior to the change of mode or manner of operation of any existing alcoholic beverage establishment.
3. Prior to the enlargement or expansion of any existing alcoholic beverage establishment, including but not limited to, physical expansion of the facility or expansion of the nature of the business, e.g., hours of operation, scope of activities, number of tables, etc.

H. Exceptions

The provisions of this section shall not apply to full service restaurants, private clubs and veteran or fraternal clubs, or the temporary sale of alcoholic beverages by a church, school or charitable group as defined by the Alcoholic Beverage Control (ABC).

I. Non conforming uses

1. Any commercial establishment that was engaged in the sale of alcoholic beverages where the business was in existence and lawfully operating before the effective date of this Title is herein after considered to be a legal nonconforming use. The City Council may, at any time, require that a particular legal nonconforming business engaged in the sale of alcoholic beverages obtain a conditional use permit if it determines that such business is being operated in such a manner that it creates a nuisance to surrounding uses. A nuisance shall exist if and when an existing alcoholic beverage establishment operates in such a manner in the judgment of the City Council, so that any of the following regularly occurs: generation of excessive noise in violation of Ordinance No. 1011 (Regulation of Excessive Noise), inadequate crowd control, generation of excessive litter, inadequate parking facilities, excessive calls for police service, or existence of unsafe conditions as determined by the Building Official or the Fire Chief.
2. The use of a lot for an establishment dispensing, for sale or other consideration, alcoholic beverages, including beer and wine, for on-site or off-premises consumption may not be continued or re-established without conditional use permit approval granted in a zoning district in which the provisions of this section applies, if any of the following occur after the effective date of this Title:

- a. The establishment changes its type of retail liquor license classification; or
- b. Pursuant to a hearing before the Department of Alcoholic Beverage Control, the liquor license is revoked or suspended for a period of more than thirty (30) days; or
- c. The operation of the establishment is abandoned or discontinued for a period of six (6) months or more, including the case where the license for such operation is suspended; or
- d. There is a substantial change in the mode or character of operation of the establishment as determined by the Planning and Building Director.

J. General requirements

The following are general requirements that may, among others, be required as conditions of a conditional use permit to establish, expand or modify an alcoholic beverage establishment:

1. The operation of an alcoholic beverage establishment shall be the responsibility of the permittee personally (if an individual is the permittee) or a manager or designated responsible employee of the permittee at all times. The permittee shall designate the names of all such managers and designated responsible employees in the application and shall advise the Planning and Building Director in writing whenever any change is made.
2. The permittee personally (if an individual is the permittee) or a manager or a designated responsible employee shall be on the premises at all times during the conduct of business.
3. All employees shall complete a program recognized by the Department of Alcoholic Beverage Control (ABC) as a qualified Responsible Beverage Service Program prior to the commencement of a new business or within ninety (90) days of hire for new employees. The manager of an alcoholic beverage establishment shall maintain on the premises a file containing the certificates of training for all employees.
4. The Planning Commission and City Council shall have the right to impose conditions upon the conditional use permit as are necessary for the protection of the peace, health, welfare and safety of those persons living or working in the vicinity or neighborhood.
5. The alcoholic beverage establishment shall be operated in such a manner so that it at no time violates Ordinance No. 1011 (Regulation of Excessive Noise) regarding noise generation. The applicant shall present a noise management plan to the Planning and Building Director prior to the commencement of the use. Said plan shall establish the method by which noise impacts, including but not limited to, amplified music and patron noise from within the facility as well as patrons/pedestrians outside of the facility on the adjacent public sidewalk/street will be regulated to avoid disruption to the immediate neighborhood. Should complaints be received regarding noise disruption, the applicant shall take reasonable and practical steps as directed by the Director to reduce the intensity, number and/or occurrences of these disruptions. Said steps may include, but are not limited to, the reduction of the number and/or volume of microphones, amplifiers and speakers; the installation of certain physical improvements designed to attenuate noise generation; the relocation of patron waiting/queuing areas to a location found to be acceptable to the Director; and/or the reduction in hours for the commercial recreation activities. The Director may require the preparation of an acoustical evaluation to quantify the noise levels and to suggest appropriate attenuation measures. Such an

evaluation shall be funded by the applicant and directed by the Director to be performed with no notice to owner/operator.

6. A security plan shall be prepared including, but not limited to, the periods of time and staffing levels for security personnel, duties, responsibilities and qualifications of security staff for review and approval by the Chief of Police within 14 days of this Conditional Use Permit approval.
7. Bar personnel shall check identification (I.D.) at the front door to insure patrons are of legal age to enter.
8. At closing time or during special events, crowd control by qualified security personnel shall be provided to insure safety and orderly conduct in front of the premises. Sidewalks shall be kept open for pedestrian traffic at all times.
9. The Planning and Building Director and Chief of Police shall be notified a minimum of ten (10) days in advance of special events that may attract larger than normal crowds. The Chief of Police may require and the owner/operator shall provide additional qualified security personnel on site to provide adequate crowd control.
10. Exterior lighting shall be installed as necessary to adequately illuminate the sidewalk or other public way in front of the business at closing time. This lighting will insure the safety of patrons and discourage loitering in front of the business.
11. The applicant shall, for the first six (6) months, schedule a monthly meeting with the Planning and Building Director and Chief of Police in order to identify and mitigate any noise/parking/lighting problems and/or neighborhood concerns.
12. The applicant shall comply with Alcoholic Beverage Control (ABC) laws and regulations. Suspension of the applicant's license by the ABC may constitute sufficient cause or basis for review and possible revocation of a conditional use permit.
13. A conditional use permit for an alcoholic beverage establishment may be recalled to the Planning Commission for review at any time at a public hearing due to complaints regarding lack of compliance with conditions of approval, traffic congestion, noise generation, or other adverse operating characteristics. At such time, the Commission may revoke the conditional use permit or add/modify conditions of approval.
14. Off-premises sales shall abide by Police Chief safety requirements to minimize crime activities.

20.20.080 Telecommunication facilities

The purpose and intent of this section is to provide a uniform and comprehensive set of standards for the development of telecommunication facilities and installation of minor antennas. The regulations contained herein are designed to protect and promote public health, safety, and community welfare while at the same time not unduly restricting the development of needed telecommunications facilities and important amateur radio installations. They have been also developed to further the policies of the Healdsburg General Plan.

A. It is furthermore intended that these regulations specifically accomplish the following:

1. Provide requirements to ensure that new telecommunication facilities are installed in a manner to minimize their visual impact to the community.
2. Protect the inhabitants of the city from the possible adverse health effects associated with exposure to high levels of NIER (non-ionizing electromagnetic radiation).
3. Protect the environmental resources of the city.
4. Create telecommunication facilities that will serve as an important and effective part of the city's emergency response network.
5. Simplify and shorten the process for obtaining necessary permits for telecommunication facilities while at the same time protecting the legitimate interests of the city's citizens.

B. Definitions

The following terms as used in this section shall have the following meanings.

Antenna. Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure. Antennas shall include devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support. All of these elements are deemed to be part of the antenna.

Antenna-building mounted. Any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building, tank, tower, building mounted mast less than 13 feet tall and 6 inches in diameter, or structure other than a telecommunication tower.

Antenna-ground mounted. Any antenna with its base placed directly on the ground or a mast less than 13 feet tall and 6 inches in diameter.

Antenna-vertical. A vertical type antenna without horizontal cross-sections greater than one half inch in diameter.

Inhabited area. Any residence, any other structure regularly occupied by people, or any outdoor area used by people on a regular basis.

NIER. Non-ionizing electromagnetic radiation (i.e. electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum).

Public service use or facility. A use operated or used by a public body or public utility in connection with any of the following services: water, waste water management, public education, parks and recreation, library, fire and police protection, solid waste management or utilities.

Public view. Some portion of a minor antenna or telecommunication facility that will be visible from a public place, or from four (4) or more adjoining private properties.

Quasi-public use. A use serving the public at large, and operated by a private entity under a franchise or other similar governmental authorization, designed to promote the interests of the general public or operated by a recognized civic organization for the benefit of the general public.

Readily visible. An object that stands out as a prominent feature of the landscape when viewed with the naked eye.

Satellite dish. Any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia shaped and is used to transmit and/or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.

Silhouette. A representation of the outline of the towers and antenna associated with a telecommunication facility, as seen from an elevation perspective.

Structure ridgeline. The line along the top of a roof or top of a structure, if it has no roof.

Telecommunication facility. A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area and other accessory development.

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

Telecommunication facility – commercial. A telecommunication facility that is operated primarily for a business purpose or purposes.

Telecommunication facility – major. Telecommunications facilities thirty-six (36) to one-hundred (100) feet in height or non-exempted facilities that do not meet the requirements for a minor telecommunication facility.

Telecommunication facility – minor. Telecommunication facilities which are not readily visible to the naked eye from any public view as determined by the Planning and Building Director or that are no greater than thirty-five (35) feet in height. If a facility does not meet these criteria then it is considered a major telecommunication facility.

Telecommunication facility – multiple users. A telecommunication facility comprised of multiple telecommunication towers or buildings supporting one or more antennas owned or used by more than one public or private entity.

Telecommunications facility – non-commercial. A telecommunication facility that is operated solely for a non-business purpose.

Telecommunications tower. A mast, pole, monopole, guyed tower, lattice tower, freestanding tower, or other structure designed and primarily used to support antennas. A ground or building mounted mast less than thirteen (13) feet tall and six (6) inches in diameter supporting a single antenna shall not be considered a telecommunications tower.

C. Exemptions

The following shall be permitted without City approvals, provided that: 1) the primary use of the property is not a telecommunications facility and that the antenna use is accessory to the primary use of the property; and 2) no more than one support structure in excess of 40 feet for licensed amateur radio operators, or one satellite dish, is allowed on the parcel:

1. A single ground or building-mounted receive-only radio or television antenna not exceeding 35 feet, including any mast, or such antenna at any height when not located within public view as determined by the Planning and Building Director.
2. Receive-only radio or television satellite dish antenna, not exceeding 3.28 feet or less in diameter or exceeding the height of the ridgeline of the primary structure on said parcel, for the sole use of the tenant occupying a residential parcel on which said antenna is located.
3. Receive-only radio or television satellite dish antenna, not exceeding 6.56 feet or less in diameter or not exceeding the height of the ridgeline of the primary structure on said parcel, in areas with commercial, industrial or public use zoning.
4. Mobile services providing public information coverage of new events of a temporary nature.
5. All citizens band radio antenna or antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service which existed at the time of the adoption of this Title.
6. A ground or building-mounted citizens band radio antenna, including any mast, or a ground, building- or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, subject to the following requirements:
 - a. Antennas on, or attached to, any existing building or other structure may be installed without a permit of any kind when the height of the antenna and its supporting tower, pole or mast does not exceed a height of thirty (30) feet above the height of the ridgeline of the primary structure to which it is attached;
 - b. Antennas installed on, or attached to, any existing building or other structure will be subject to the application for and issuance of a conditional use permit and a building permit when the height of the antenna and its supporting tower, pole or mast exceeds a height of thirty (30) feet above the height of the ridgeline of the primary building or structure to which it is attached;

- c. Free-standing antennas (not supported on or attached to a building) and their supporting towers, poles or masts may be installed without a building permit when the overall height of the antennas and their supporting structures do not exceed a height of forty (40) feet above the grade level at the site of the installation. Vertical antennas attached to this structure shall not require a building permit.
- d. Free standing antennas and their supporting towers, poles or masts may be installed, subject only to the issuance of a building permit, when the overall height of the antennas and their supporting structures exceeds forty (40) feet and does not exceed a height of eighty (80) feet;
- e. Free standing antennas, including vertical antennas, and their supporting towers, poles or masts over eighty (80) feet will be subject to the application for and issuance of a conditional use permit and a building permit.
- f. The engineering data and drawings supplied in a reproduced form by the tower and/or antenna manufacturer that address the intended installation method shall be considered sufficient engineering drawings and studies to meet all applicable building code requirements for issuance of a permit. Any freestanding antenna must comply with all applicable required yard setbacks.

D. Registration required

1. All telecommunication carriers and providers that offer or provide any telecommunications services for a fee directly to the public, either within the city of Healdsburg, or outside the corporate limits from telecommunication facilities within the City, shall register with the City pursuant to this section on forms to be provided by the Planning and Building Director. The purpose of this registration under this section is to:
 - a. Provide the City with accurate and current information concerning the telecommunications carriers and providers who offer or provide telecommunication services within the City, or that own or operate telecommunication facilities within the City;
 - b. Assist the City in enforcement of this section;
 - c. Assist the City in the collection and enforcement of any license fees or charges that may be due to the City; and
 - d. Assist the City in monitoring compliance with local, state and federal laws.
2. The following information shall be required for all applications:
 - a. The identity and legal status of the registrant, including any affiliates;
 - b. The name, address and telephone number of the officer, agent or employee responsible for the accuracy of the registration statement;
 - c. A narrative and map description of registrant's existing or proposed telecommunications facilities within the city of Healdsburg;
 - d. A description of the telecommunications services that the registrant intends to offer or provide, or is current offering or providing, to persons, firms, businesses or institutions within the City; and,

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- e. Such other information as the Planning and Building Director may reasonably require.
 3. Each application for registration as a telecommunications carrier or provider shall be accompanied by a fee as set forth by resolution by the City Council. Each registrant shall inform the City within sixty (60) days of any change of the information set forth in this section.
- E. The Zoning Administrator may refer to the Planning Commission an application for a minor telecommunications facility if he/she determines that the public interest would be furthered by having the Commission review the application.
- F. Application requirements and review process
1. Minimum application requirements
The Planning and Building Director shall establish and maintain a list of information that must accompany every application for the approval of a telecommunications facility. Said information may include, but shall not be limited to, completed supplemental project information forms, a specific maximum requested gross cross-sectional area, or silhouette, of the facility; service area maps, network maps, alternative site analysis, visual impact demonstrations including mock-ups and/or photo-montages, facility design alternatives to the proposal, visual impact analysis, NIER exposure studies, title reports identifying legal access, security programs, lists of other nearby telecommunication facilities within ¼-mile therefrom, and deposits for peer review.
 2. Expert review
The Planning and Building Director is explicitly authorized to employ on behalf of the City an independent technical expert to review any technical materials submitted including, but not limited to, those required under this section and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. The applicant shall pay all the costs of said review, including any administrative costs incurred by the city. Any proprietary information disclosed to the city or the expert hired shall remain confidential and shall not be disclosed to any third party.
 3. Review authority
 - a. Minor telecommunications facilities may be approved by the Planning and Building Director through a design review application. The Director may refer to the Planning Commission an application for a minor telecommunications facility if he/she determines that the public interest would be furthered by having the Commission review the application.
 - b. Minor telecommunications facilities may be approved by the Planning and Building Director through a conditional use permit application.

4. Public notice

In addition to the public notice required under Section 20.28.080, the following special noticing shall be provided:

- a. Notice of a public hearing on a conditional use permit application authorizing the establishment or modification of a telecommunication facility shall be provided to the operators of all telecommunication facilities within one mile of the subject parcel via mailing of the standard legal notice.
- b. Notice of approval of a design review application authorizing the establishment or modification of, or the renewal of a permit for, a telecommunication facility or minor antenna shall be mailed to all adjacent property owners within 300 feet. Mailing of said notice shall start a 10 working day appeal period of the Planning and Building Director's action.

5. Life of approvals

- a. A conditional use permit or design review approval issued pursuant to this section authorizing establishment of a telecommunication facility must be renewed every 10 years through an application to the Planning and Building Director. The grounds for non-renewal shall be limited to a showing that one or more of the situations listed below exist:
 - i. The use involved is no longer allowed in the applicable zoning district
 - ii. The facility fails to comply with the relevant requirements of this section as they exist at the time of renewal and the permittee has failed to supply assurances acceptable to the Planning and Building Director that the facility will be brought into compliance within 120 days
 - iii. The permittee has failed to comply with the conditions-of-approval imposed
 - iv. The facility has not been properly maintained
 - v. The facility has not been upgraded to minimize its impact to the greatest extent permitted by the technology that exists at the time of renewal and is consistent with the provisions of universal service at affordable rates.
- b. If a conditional use permit or other entitlement for use is not renewed, it shall be scheduled before the Planning Commission for possible revocation 10 years after it is issued or upon cessation of use for more than a year and a day, whichever comes first. Unless a new conditional use permit or design review approval occurs within 120 days thereafter, all improvements installed, including their foundations down to three (3) feet below ground surface shall be removed from the property and the site restored to its natural pre-construction state within 180 days of non-renewal or abandonment. Any access road installed shall also be removed and the ground returned to its natural condition unless the property owner establishes to the satisfaction of the Director that these sections of road are necessary to serve some other allowed use of the property that is currently present or to provide access to adjoining parcels.

G. Standard agreement required

1. A maintenance/facility removal agreement signed by the applicant shall be submitted to the Planning and Building Director prior to approval of a conditional use permit or other entitlement authorizing the establishment or modification of any telecommunications facility that includes a telecommunication tower, one (1) or more new buildings/equipment enclosures larger in aggregate than three hundred (300) square feet, more than three (3) satellite dishes of any size, or a satellite dish larger than ten (10) feet in diameter.
2. Said agreement shall bind the applicant and the applicant's successors-in-interest to properly maintain the exterior appearance and ultimately remove the facility all in compliance with the provisions of this chapter and any conditions-of-approval. It shall further bind them to pay all costs for monitoring compliance with and enforcement of the agreement and to reimburse the city for all costs incurred to perform any work required of the applicant by this agreement that the applicant fails to perform.
3. Said agreement shall also specifically authorize the City and/or its agents to enter onto the property and undertake said work so long as:
 - a. The Planning and Building Director has first provided the applicant the following written notices:
 - i. An initial compliance request identifying the work needed to comply with the agreement and providing the applicant at least 45 calendar days to complete it; and
 - ii. A follow-up notice of default specifying the applicant's failure to comply with the work within the time period specified and indicating the city's intent to commence the required working with 10 working days;
 - b. The applicant has not filed an appeal within 10 working days of the notice required under (a)(2) above. If an appeal is filed, the city shall be authorized to enter the property and perform the necessary work if the appeal is dismissed or final action on it taken in favor of the Planning and Building Director.
4. All costs incurred by the City to undertake any work required to be performed by the applicant pursuant to the agreement referred to in subsection (1) above including, but not limited to, administrative and job supervision costs, shall be borne solely by the applicant. The applicant shall deposit within 10 working days of written request therefor such costs as the City reasonably estimates or has actually incurred to complete such work. When estimates are employed, additional monies shall be deposited as needed within 10 working days of demand to cover actual costs. The agreement shall specifically require the applicant to immediately cease operation of the telecommunication facility involved if the applicant fails to pay the monies demanded within 10 working days. It shall further require that operation remain suspended until such costs are paid in full.

H. General provisions

The following requirements shall be met for all telecommunications facilities.

1. Any applicable General Plan policies, specific plan, area plan, PD standards, Local Area Development Guidelines, and the permit requirements of any agencies that have jurisdiction over the project.
2. All the requirements established by the other chapters of the Healdsburg Municipal Code and Healdsburg Land Use Code, as amended, which are not in conflict with the requirements of this chapter.
3. The Uniform Building Code, National Electrical Code, Uniform Plumbing Code, Uniform Mechanical Code, and Fire Safe Standards, where applicable.
4. Any applicable Airport Land Use Commission regulations and Federal Aviation Administration regulations.
5. Any applicable easements or similar restrictions on the subject property.
6. All FCC rules, regulations, and standards.
7. Maintain in place a security program when determined necessary by the Police Chief that will prevent unauthorized access and vandalism; and
8. Satellite dish and parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their function.
9. Where a telecommunication facility or minor antenna is to be located within a City right of way or utility pole, no approval granted hereunder shall be effective until the applicant and the City have executed a written agreement setting forth the particular terms and provisions under which the approval is to occupy and use public ways of the City will be granted.
10. No approval granted under this section shall confer any exclusive right, privilege, license or franchise to occupy or use the public ways of the City for delivery of telecommunications services or any other purposes.
11. No approval granted under this section shall convey any right, title or interest in the public ways, but shall be deemed approval only to use and occupy the public ways for the limited purposes and term stated in the approval. Further, no approval shall be construed as any warranty of title.

I. Structural requirements

A building permit shall be required for the construction, installation, repair or alteration of any support structure for communication equipment, except for the following:

1. Poles, spires, or other support structures with a diameter 4 inches or less, or a surface area of 16 square feet or less and not exceeding 10 feet in height;
2. Open-frame towers of trussed construction not exceeding 10 feet in height;
3. Poles, open-frame towers and other appurtenances, excluding buildings, constructed or installed by a public utility in the exercise of its function as a serving utility.

J. Basic tower and building design

All telecommunication facilities shall be designed to blend into the surrounding environment to the greatest extent feasible. To this end all the following measures shall be implemented.

1. Telecommunication towers shall be constructed out of metal or other non-flammable material, unless specifically conditioned by the city to be otherwise.
2. Telecommunication towers taller than 35 feet shall be monopoles or guyed/lattice towers except where satisfactory evidence is submitted to the Planning and Building Director or Planning Commission, as appropriate, that a self-supporting tower is required to provide the height and/or capacity necessary for the proposed telecommunication use to minimize the need for screening from adjacent properties, or to reduce the potential for bird strikes.
3. Telecommunication towers shall not exceed 100 feet in height unless the followings findings are made by the Planning Commission: that it is not technically feasible to have a tower below this height at the requested location, that alternative locations which would not require a tower height in excess of the standard given above are not available or feasible, that the facility blends with the surrounding existing natural and man-made environment in such a manner as to be effectively unnoticeable.
4. Satellite dishes other than microwave dishes shall be of mesh construction, except where technical evidence is acceptable to the Planning and Building Director or Planning Commission, as appropriate, is submitted showing that this is infeasible.
5. Telecommunication support facilities (i.e., vaults, equipment rooms, utilities, and equipment enclosures) shall be constructed out of non-reflective materials (visible exterior surfaces only).
6. Telecommunication support facilities shall be no taller than fifteen (15) feet in height and shall be treated to look like a building or facility typically found in the area;
7. Telecommunication support facilities in areas of high visibility shall where possible be sited below the ridgeline or designed (i.e., placed underground, depressed, or located behind earth berms) or provide other mitigation measures to minimize their profile.
8. All buildings, poles, towers, antenna supports, antennas, and other components of each telecommunications site shall be initially painted and thereafter repainted as necessary with a "flat" paint, if it is determined by the decision-making body that the native coloring of the facility does not provide adequate blending with the surrounding environment. The color selected shall be one that in the opinion of the Planning and Building Director or Planning Commission, as appropriate, will minimize their visibility to the greatest extent feasible. To this end, improvements which will be primarily viewed against soils, trees or grasslands and adjacent structures, when present, shall be painted colors matching these landscapes and structures, while elements which rise above the horizon shall be painted a blue grey that matches the typical sky color at that location.

K. Location.

All telecommunication facilities shall be located so as to minimize their visibility and the number of distinct facilities present. To this end all of the following measures shall be implemented:

1. Telecommunication facilities cannot be located in any required yard of the zoning district in which it is located.
2. All setbacks shall be measured from the base of the tower or structure closest to the applicable line or structure.
3. Telecommunication towers shall be set back at least 20 percent of the tower height from all property lines and at least 100 feet from any public trail, park, riparian corridor buffer setback area, or outdoor recreation area. Guy wire anchors shall be set back at least 20 feet from any property line.
4. No telecommunication facility shall be installed within the safety zone of any airport or helipad unless the operator indicates that it will not adversely affect the operation of the airport.
5. No telecommunication facility shall be installed at a location where special painting or lighting will be required by the FAA regulations unless technical evidence acceptable to the Planning and Building Director or Planning Commission, as appropriate, is submitted showing that this is the only technically feasible location for this facility.
6. No telecommunication facility shall be installed on an exposed ridgeline, in or at a location readily visible from a public trail, public park or other outdoor recreation area, or on property in any residential district (excepting R-1-40,000), Open Space District, or Plaza Retail District, or with a Hillside or Historic District Overlay, unless the Planning Commission makes a finding upon issuance of the use permit that it blends with the surrounding existing natural and man-made environment in such a manner as to be effectively unnoticeable and that no other location is technically feasible;
7. No telecommunication facility that is readily visible from off-site shall be installed closer than one-quarter mile from another readily visible uncamouflaged or unscreened telecommunication facility unless it is a co-located facility, situated on a multiple-user site, or blends with the surrounding existing natural and man-made environment in such a manner as to be effectively unnoticeable;
8. No telecommunication facility that is readily visible from off-site shall be installed on a site that is not already developed with telecommunication facilities or other public or quasi-public uses unless it blends with the surrounding existing natural and man-made environment in such a manner so as to be effectively unnoticeable or technical evidence acceptable to the Planning and Building Director or Planning Commission, as appropriate, is submitted showing a clear need for this facility and the infeasibility of co-locating it on one of these already developed sites; and

L. Height determination

Telecommunication tower shall be measured from the natural undisturbed ground surface below the center of the base of said tower to the top of the tower itself or, if higher, to the tip of the highest antenna or piece of equipment attached thereto. In the case of building-mounted towers the height of the tower includes the height of the portion of the building on which it is mounted. In the case of "crank-up" or other similar towers whose height can be adjusted, the height of the tower shall be the maximum height to which it is capable of being raised.

M. Co-located and multiple-user facilities

1. An analysis shall be prepared by or on behalf of the applicant, subject to the approval of the decision making body, which identifies all reasonable, technically feasible, alternative locations and/or facilities which would provide the proposed telecommunication service. The intention of the alternatives analysis is to present alternative strategies that would minimize the number, size, and adverse environmental impacts of facilities necessary to provide the needed services to the subject area. The analysis shall address the potential for co-location at an existing or a new site and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. Approval of the project is subject to the decision making body making a finding that the proposed site results in fewer or less severe environmental impacts than any feasible alternative site. The City may require independent verification of this analysis at the applicant's expense. Facilities which are not proposed to be co-located with another telecommunication facility shall provide a written explanation why the subject facility is not a candidate for co-location.
2. All co-located and multiple-user telecommunication facilities shall be designed to promote facility and site sharing. To this end telecommunication towers and necessary appurtenances, including but not limited to, parking areas, access roads, utilities and equipment buildings shall be shared by site users whenever possible.
3. The facility shall make available un-utilized space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services. A good faith effort in achieving co-location shall be required of the host entity. Requests for utilization of facility space and responses to such requests shall be made in a timely manner and in writing and copies shall be provided to the city's permit files. Unresolved disputes may be mediated by the Planning Commission. Co-location is not required in cases where the addition of the new service or facilities would cause interference of the host's signal or if it became necessary for the host to go off-line for a significant period of time.
4. Approval for the establishment of facilities improved with an existing microwave band or other public service use or facility, which creates interference or interference is anticipated as a result of said establishment of additional facilities, shall include provisions for the relocation of said existing public use facilities. All costs associated with said relocation shall be borne by the applicant for the additional facilities.

N. Lighting

All telecommunication facilities shall be unlit except for the following:

1. A manually-operated or motion-detector controlled light above the equipment shed door which shall be kept off except when personnel are actually present at night

2. The minimum tower lighting required under FAA regulation. Where tower lighting is required, it shall be shielded or directed to the greatest extent possible in such a manner as to minimize the amount of light that falls onto nearby residences.

O. Roads and parking

All telecommunication facilities shall be served by the minimum roads and parking areas necessary. To this end all the following measures shall be implemented:

1. Existing roads shall be used for access, whenever possible, and be upgraded the minimum amount necessary to meet standards specified by the Fire Chief and City Engineer.
2. Any new roads or parking areas built shall, whenever feasible, be shared with subsequent telecommunication facilities and/or other permitted uses. In addition, they shall meet the width and structural requirements of the Fire Chief and City Engineer.

P. Vegetation protection and facility screening

All telecommunications facilities shall be installed in such a manner so as to maintain and enhance existing native vegetation and to install suitable landscaping to screen the facility, where necessary. To this end all of the following measures shall be implemented:

1. Existing trees and other screening vegetation in the vicinity of the facility and along the access roads and power/telecommunication line routes involved shall be protected from damage, both during the construction period and thereafter. To this end, a tree protection plan shall be submitted with building permit or improvement plan submittal. This plan shall be prepared by a certified arborist and give specific measures to protect trees during project construction;
2. No actions shall be taken subsequent to project completion with respect to the vegetation present that would increase the visibility of the facility itself or the access road and power/telecommunication lines serving it.

Q. Fire prevention

All telecommunication facilities shall be designed and operated in such a manner so as to minimize the risk of igniting a fire or intensifying one that otherwise occurs. To this end all of the following measures shall be implemented:

1. At least one-hour fire resistant interior surfaces shall be used in the construction of all buildings.
2. Monitored automatic fire-extinguishing systems approved by the Fire Chief shall be installed in all equipment buildings and enclosures.
3. Rapid entry (KNOX) systems shall be installed as required by the Fire Chief;
4. Type and location of vegetation and other materials within 10 feet of the facility and all new structures, including telecommunication towers, shall have review for fire safety purposes by the Fire Chief. Requirements established by the Fire Chief shall be followed.
5. All tree trimmings and trash generated by construction of the facility shall be removed

from the property and properly disposed of prior to building permit finalization or commencement of operation, whichever comes first; and

R. Environmental resource protection

All telecommunication facilities shall be sited so as to minimize the effect on environmental resources. To that end, all facilities are deemed to constitute a project as defined by CEQA shall be subject to environmental review.

S. Noise and traffic

All telecommunication facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to nearby properties. To that end all the following measures shall be implemented:

1. Outdoor noise producing construction activities shall only take place Monday through Saturday between the hours of 7:30 a.m. and 6:00 p.m. and none on Sunday and legal holidays unless allowed at other times by the Planning Commission.
2. Backup generators shall only be operated during power outages and for testing and maintenance purposes. Noise attenuation measures shall be included to reduce noise levels to an exterior noise level that does not exceed the standard for maximum sound levels at the property boundary as set forth in Ordinance No. 1011 (Regulation of Excessive Noise). Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.

T. Visual compatibility

Facility structures and equipment shall be located, designed and screened to blend with the existing natural or built surroundings so as to reduce visual impacts to the extent feasible considering the technological requirements of the proposed telecommunication service and to be compatible with neighboring residences and the character of the community.

U. NIER exposure

1. Telecommunication facility shall not be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end no telecommunication facility or combination of facilities shall produce at any time power densities in any inhabited area as this term is defined in section that exceed the FCC adopted NIER standard for human exposure, as amended from time to time.
2. Initial compliance with this requirement shall be demonstrated for any facility within 400 feet of residential uses or sensitive receptors such as schools, churches, hospitals, etc. and all broadcast radio and television facilities, regardless of adjacent land uses, through submission, at the time of application for the necessary permit or entitlement, of NIER calculations specifying NIER levels in the inhabited area where the levels produced are projected to be highest. If these calculated NIER levels exceed 80% of the NIER standard established by this section, the applicant shall hire a qualified electrical engineer licensed by the State of California to measure NIER levels at said location after the facility is in operation. A report of these measurements and his/her findings with respect to compliance with the established NIER standard shall be submitted to the Planning and

Building Director. Said facility shall not commence normal operations until it complies with, or has been modified to comply with, this standard. Proof of said compliance shall be a certification provided by the engineer who prepared the original report. In order to assure the objectivity of the analysis, the City may require, at the applicant's expense, independent verification of the results of the analysis. Because of their intermittent nature, facilities solely for personal use, such as citizens band radio antenna or antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, or for the incidental use of a co-located commercial activity, shall be required to comply with applicable FCC rules for NIER emissions, but they shall be routinely exempt from the submission requirements in this section unless otherwise required by the Planning and Building Director.

3. Every telecommunication facility within 400 feet of an inhabited area and all broadcast radio and television facilities shall demonstrate continued compliance with the NIER standard established by this section. Every 5 years a report listing each transmitter and antenna present at the facility and the effective radiated power radiated shall be submitted to the Planning and Building Director. If either the equipment or effective radiated power has changed, calculations specifying NIER levels in the inhabited areas where said levels are projected to be highest shall be prepared. NIER calculations shall also be prepared every time the adopted NIER standard changes. If calculated levels in either of these cases exceed 80% of the standard established by this section, the operator of the facility shall hire a qualified electrical engineer licensed by the State of California to measure the actual NIER levels produced. A report of these calculations, required measurements, if any, and the author's/engineer's findings with respect to compliance with the current NIER standard shall be submitted to the Planning and Building Director within 5 years of facility approval and every 5 years thereafter. In the case of a change in the standard, the required report shall be submitted within 90 days of the date said change becomes effective.
4. Failure to supply the required reports or to remain in continued compliance with the NIER standard established by this section shall be grounds for revocation of the use permit or other entitlement use.

V. Exceptions

1. Exceptions to the requirements specified above may be granted through issuance of a conditional use permit by the Planning Commission. Such a permit may only be approved if the Planning Commission finds, after receipt of sufficient evidence, that failure to adhere to the standard under consideration in the specific instance will not increase the visibility of the facility or decrease public safety.
2. An exception to the requirements of subsections (O) and (Q) above may only be granted upon written concurrence by the Fire Chief.
3. Tower setback requirements may be waived under any of the following circumstances:
 - a. The facility is proposed to be co-located onto an existing, legally-established telecommunication tower; and
 - b. Overall, the reduced setback enables further mitigation of adverse visual and other

environmental impacts than would otherwise be possible.

20.20.085 Adult businesses

The following standards shall govern the location and operation of adult businesses.

A. Location

1. No adult business shall be located within one thousand (1,000) feet of the following:
 - a. Property classified in a residential, office, PR or CD zoning district
 - b. Residential uses
 - c. Churches, chapels and similar places of worship
 - d. Retirement and convalescent homes and hospitals
 - e. Schools, day care establishments, and public and private parks and playgrounds
 - f. Recreational facilities, game arcades, bowling alleys, skateboard rinks, skating rinks, and similar area where minors regularly congregate
 - g. City Hall, City offices, libraries and other governmental facilities.
2. No adult business shall be located within three hundred (300) feet of another adult business.
3. For purposes of the above sections, all distances shall be measured in a straight line, without regard for intervening structures, from the nearest property line for which the adult business is proposed to be located to the nearest property line of a use or district listed above.

B. Adult businesses shall conform to the following development standards.

1. Advertisements, displays or other promotional materials depicting or describing "specified anatomical areas" or "specified sexual activities" or displaying instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities" shall not be shown or exhibited so as to be visible from other areas open to the general public.
2. All building openings, entries and windows for an adult business shall be located, covered, or screened in such a manner as to prevent a view into the interior of an adult business from any area open to the general public.
3. All entrances to an adult business shall be clearly and legibly posted by a notice indicating that minors are prohibited from entering the premises.
4. No loudspeakers or sound equipment shall be used by an adult business for the amplification of sound to a level discernible by the public beyond the walls of the building in which the adult business is conducted.
5. No residential structure or any other non-conforming structure shall be converted for use as an adult business after enactment of the provisions of this article.
6. An on-site security program shall be prepared and submitted for the approval of the Chief of Police.

Chapter 20.24**ENVIRONMENTAL AND HISTORIC RESOURCES PROTECTION**

Sections:

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20.24.010	Dust
20.24.015	Glare
20.24.020	Combustibles and explosives
20.24.025	Electromagnetic interference
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Article II Heritage Tree Protection

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Article V Historic Resources Protection

- 20.24.185 Intent
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Article I Environmental Performance Standards

The following standards shall apply to all uses and property within the City of Healdsburg to ensure that all properties, operations and processes are maintained in a healthful and safe manner and do not interfere with the public health, safety or welfare.

20.24.005 Vibration

No use, activity, or process shall produce vibrations that are perceptible without instruments by a reasonable person at the property lines of a site.

20.24.010 Dust

No use, process or activity shall produce objectionable dust that is perceptible without instruments by a reasonable person at the property lines of a site.

20.24.015 Glare

Lighting shall be indirect or diffused and shall be directed away and/or shielded to minimize spillage onto adjacent properties. Lighting for outdoor courts or field games shall require approval of a conditional use permit by the Planning Commission, pursuant to Chapter 20.28, Article V.

20.24.020 Combustibles and explosives

The use, handling, storage, and transportation of combustibles shall comply with the provisions of the Uniform Fire Code.

20.24.025 Electromagnetic interference

Uses, activities, and processes shall not cause electromagnetic interference with normal radio or television reception or with the function of other electronic equipment beyond the property line of the site on which they are situated.

20.24.030 Noise standards

Construction and land use activities provided for in this Title shall adhere to the sound level standards and regulations as set forth in Ordinance No. 1011 (Regulation of Excessive Noise).

Article II Heritage Tree Protection

The following standards shall govern the treatment of heritage trees.

20.24.035 Purpose

The purpose of these regulations is to protect certain trees in order to preserve cultural heritage, maintain and enhance the scenic beauty of the community, improve air quality, assist in abating soil and slope erosion and preserve and enhance property values, thus promoting the public health, safety and welfare.

20.24.040 Applicability

These regulations regulate the removal of heritage trees that are sited on private property and public rights of way.

20.24.045 Definitions

The following terms as used in this article shall have the following meanings.

Encroachment. Any intrusion or human activity into the protected zone of a tree including, but not limited to, grading, excavating, trenching, parking of vehicles, storage of materials and equipment, or the construction of structures or other improvements.

Heritage tree. Any tree that has a diameter of thirty (30) inches or more, measured two (2) feet above the level ground, or any tree or group of trees identified by City Council resolution upon a finding that the tree or group of trees:

- Is of historic value because of its association with a place, building, natural feature or event of local, regional, national or historic significance.
- Is identified on any historic or cultural resources survey as a significant feature of a landmark, historic site or historic district.
- Is representative of a significant period of the City's growth or development and was the result of a planting dedicated by citizens, civic groups or the City.

Protected tree. Any significant or protected tree.

Protected zone. A specifically defined area totally encompassing any tree protected under the provisions of this Title within which work activities are strictly controlled. The protected zone consists of that area extending from the tree trunk to the drip line and in no case shall the protected zone be less than ten (10) feet from the trunk of the tree.

Qualified arborist. Any person certified by the International Society of Arboriculture.

Removal of a tree. The uprooting, cutting or severing the main trunk of a tree of any action which causes a tree to die or be seriously damaged, including but not limited to damaging the root system by machinery, storage of materials, soil compaction, substantially changing the grade above the root system or trunk, excessive pruning, paving with concrete, asphalt or other impervious material in the vicinity of the tree, excessive or inadequate irrigation, or any

action which may reasonably be expected to significantly weaken the health, structure or vigor of a tree.

Routine maintenance. Actions taken for the continued health of a tree, including but not limited to, deadwooding, insect spraying, fertilizing, feeding, pruning, trimming and watering.

Tree. Any woody perennial plant with a single trunk diameter of six (6) inches or more or a combination of multiple trunks with a total diameter of twelve (12) inches or more, measured four and one-half (4.5) feet above the average natural grade.

Tree permit. An entitlement issued by the City authorizing the removal, relocation or specific work to be performed within the protected zone of a heritage tree.

20.24.050 Tree permit required

Tree permits are required for the removal of heritage trees and encroachments into identified protected areas immediately adjacent to heritage trees, except under the following circumstances.

- A. Routine maintenance, including trimming of street trees and trimming of trees on private property by a utility company licensed by the Public Utilities Commission to maintain required clearances around utility installations.
- B. Removal of a heritage tree under emergency circumstances if personal injury or property damage is imminently threatened in the judgment of the Public Works Director, Planning and Building Director, Police Chief, Fire Chief, Electrical Utility Director or City Manager.
- C. Removal of a heritage tree that is dead or so diseased or damaged that it is no longer viable, as determined jointly by the City Arborist and Planning and Building Director.
- D. Removal of a heritage tree on a parcel developed with a residence, provided the property is not capable of further land subdivision and the tree was not required to be planted as a mitigation measure or condition of approval.

20.24.055 Tree permit process

No person shall remove or cause to be removed any heritage tree unless a tree permit is obtained in the following manner.

- A. Applications for tree permits shall be reviewed by the City Arborist and Planning and Building Director or designee, which shall consist of an on-site investigation of the tree(s) proposed for removal.
- B. Applications to allow for encroachment within the protected zone of a heritage tree may be requested to accommodate new construction such as buildings, building additions, patio covers, decks, swimming pools, spas, fences, walls and similar improvements.
- C. The Planning and Building Director may grant tree permits when all or substantially all of the criteria set forth in Section 20.24.065 are satisfied.
- D. Decisions of the Planning and Building Director may be appealed to the Planning Commission in accord with the appeal procedure set forth in Section 20.28.085.

20.24.060 Permit applications

An application for a tree permit may be filed, along with any required fee as determined by the

City Council, with the Planning and Building Director on the appropriate form. The Planning and Building Director shall require a tree permit application together with any application for tentative subdivision maps, design review or any other proposals for development that may involve the removal, relocation or encroachment adjacent to trees governed by this section. Each application shall contain the following information:

- A. A statement for the reasons for removal, encroachment or relocation.
- B. The number, species, size and type of the tree(s) affected and trees not affected.
- C. A map or diagram indicating the location of the affected trees in relation to property lines, buildings and structures, streets, sidewalks or other improvements. If the application is in association with a proposed development project, the location of affected trees shall be plotted on a grading and utility plan.
- D. Photographs of trees to be removed or relocated.
- E. Proposed method of removal.
- F. For tree relocation, the relocation site shall be identified and site preparation and relocation methods described.
- G. In addition, the Planning and Building Director may cause to be prepared, at the applicant's expense, a report by a qualified arborist to assist in making a determination regarding a tree permit application.

20.24.065 Criteria for evaluating tree permit applications

The following criteria shall be used to evaluate tree permit applications.

- A. The condition of the tree with respect to disease and danger of falling.
- B. Potential health and safety conditions to the general public or to other nearby trees;
- C. The necessity to remove trees or to encroach into protected zones in order to construct proposed improvements, to allow reasonable economic enjoyment or use of the property.
- D. Topography of the site and the effect of tree removal on erosion, soil retention and potential increased flows of surface waters.
- E. The number of trees on the property and the surrounding area and the effect of tree removal upon property values in the area.
- F. Professional arboricultural practices, including the number of healthy trees a site will safely support.

20.24.070 Conditions of approval

- A. Tree permits may include conditions of approval necessary to ensure that the purposes of this section are met.
- B. Conditions of approval may include, but are not limited to the following.
 - 1. The replacement of trees proposed for removal with trees of a suitable size, number and species.
 - 2. Development and implementation of a "Tree Location and Preservation Plan" prepared

by a qualified arborist, which may include some or all of the following information:

- a. A listing of all trees on the site, including size, species, canopy size and location. Trees to be removed or relocated shall be indicated on the plan.
 - b. A program to monitor and protect trees from construction activities;
 - c. A five (5) year minimum maintenance and preservation program, secured by a cash surety;
 - d. Development of appropriate conditions, covenants and restrictions, landscape easements, special assessment districts and other measures to protect significant and heritage trees;
 - e. Standards and specifications for tree location, replacement, paving, grading, trenching and similar features.
3. The retention of a qualified arborist to supervise all pruning, relocation and trimming of heritage and significant trees.
 4. Protection of trees through the use of temporary fencing around root zones and placement of natural organic fill inside root zones.

20.24.075 Replacement of removed trees

When heritage trees are to be removed, they shall be replaced at a ratio of three (3) new trees for every heritage tree removed. Replacement trees proposed to be planted within a public right-of-way shall be approved by the City Arborist. If the Planning and Building Director determines it would be infeasible to plant replacement trees on the same site or within immediately adjacent rights-of-way, an in-lieu equivalent fee may be paid based on a schedule of in-lieu fees established by the City Council. In-lieu fees collected shall be placed in a "Tree Planting and Maintenance Fund" to be used for the purpose of planting and maintaining trees throughout the city.

20.24.080 Tree protection guidelines

- A. Development proposals shall protect and preserve heritage trees to the fullest extent possible. Care shall be exercised by all individuals, builders, contractors and others working near protected trees so that no damage occurs to such trees.
- B. The following measures shall be used to preserve and protect the health of trees to remain, relocated trees and new trees planted to replace those removed.
- C. All trees to be saved shall be enclosed by a construction barrier placed around the protected zone of the tree, including but not limited to chain link fencing or other material acceptable to the Planning and Building Director and City Arborist, prior to the issuance of any grading or building permit and prior to the commencement of work. Barriers are to remain intact until construction is complete and may not be removed without the written consent of the Planning and Building Director.

- D. When proposed development or other site work is to encroach into the protected zone of a tree, special measures shall be incorporated to allow for safe and healthy conditions for protected trees.
- E. Any excavation, cutting, filling, paving or construction of the existing ground surface within the protected zone of a tree shall be minimized. No adverse significant change in existing ground level shall occur within the drip line of a protected tree.
- F. Development proposals shall be configured to retain as many heritage and significant trees as possible.
- G. Construction equipment and material shall not be stored within tree protection areas. No oil, gas, chemicals or other substances that may be harmful to trees shall be stored or dumped within the protected zone or any other location on the site from which such substances might enter the protected zone.
- H. Trenching within the protected zone of trees shall be avoided wherever possible. Trenching for utilities shall avoid major roots and, if avoidance is impractical, tunnels shall be made below roots. Trenching is to be consolidated to serve as many units as possible. Trenching within the protected zone shall be done by hand to minimize impacts.
- I. Additional measures may be imposed by the Planning and Building Director to protect and preserve the health of the trees to remain, relocated trees and new trees planted to replace those removed.

Article III Riparian Setbacks

Riparian setbacks have been established to protect rivers, creeks and streams from encroachment by urban uses and to protect riparian habitats, as follows.

20.24.085 Applicability

- A. These requirements apply to any structure or other form of development located on property adjacent to or near the Russian River, Foss Creek, or other stream or creek, except as provided in this section.
- B. The requirements of this article shall not apply to public streets or utilities, flood control facilities, erosion control structures or creek bank stabilization improvements that have been approved as required by governmental agencies having jurisdiction over them.

20.24.090 Riparian setback standards

- A. No building, structure or permanent or temporary improvement, including but not limited to buildings of any type, garages, swimming pools and spas, parking lots (paved or unpaved), patios, platforms, decks, fences, liquid storage tanks, trash enclosures, mobile homes, retaining walls, debris, fill or trash shall be allowed within the following setbacks:

Russian River: one hundred (100) feet

Foss Creek: thirty-five (35) feet

All other streams and creeks: twenty-five (25) feet

- B. Setbacks shall be measured from the top of existing bank. Where channel improvements are proposed, subject to the approval of a variance pursuant to this section, setbacks shall be measured from the top of finished bank.
- C. Existing riparian vegetation within setback areas shall be maintained and protected from disturbance.

20.24.095 Variances

Variations to the standards set forth in Section 20.24.090 may be granted pursuant to Chapter 20.28, Article VI, where the provision of the required setback is infeasible. Where a variance is granted, and where creeks or other riparian habitats are impacted by proposed activities subject to the California Environmental Quality Act (CEQA), detailed riparian mitigation plans shall be prepared. Such plans shall be prepared by a licensed landscape architect or qualified field biologist and shall be based on guidelines maintained by the Planning and Building Director. The goal of such mitigation plan is to ensure no net loss of acreage or of functional value of riparian habitat.

Article IV Surface Mining and Reclamation

20.24.100 Purpose and intent

This article regulates surface mining and reclamation of mined lands within the City, pursuant to the California Surface Mining and Reclamation Act (SMARA). It further established procedures for the provision, review and approval of reclamation plans and the issuance of permits to conduct mining operations in order to assure that:

- A. Adverse environmental effects are prevented or minimized.
- B. Residual hazards to the public health and safety are eliminated.
- C. Mined lands are reclaimed to a usable condition that is readily adapted to alternative land uses.
- D. The production and conservation of minerals are encouraged, while duly considering the values of watershed and flood protection, fish and wildlife, recreation and aesthetic enjoyment.
- E. Provisions of SMARA are fully complied with.

20.24.105 Definitions

The following terms as used in this section shall have the following meanings.

Area of regional significance. An area designated by the State Mining and Geology Board pursuant to Public Resources Code 2790, which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in a particular region of the State within which the minerals are located.

Critical gradient. The maximum stable inclination of an unsupported slope under the most adverse conditions that it will likely experience, as determined by current engineering technology.

Exploring or prospecting. The search for minerals by geological, geophysical, geotechnical

or other techniques, including but not limited to sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent, or quantity of minerals present.

Extraction for on-site construction. Earthen material moving activities that are required to prepare a site for construction of structures, landscaping, or other improvements (such as excavation, grading, compaction and the location of fills and embankments), or that in and of themselves constitute engineered works (such as dams, road cuts, fills and catchment basins).

Gravel extraction operations. All or any part of the process involved in the removal by any method of sand, gravel, rock or other earthen material from streambeds or stream channel bars normally subject to inundation during winter flows. Gravel extraction operations shall include but are not limited to on-site processing of extracted material, including screening, washing, crushing, stockpiling or batching; production and disposal or mining waste; and prospecting and exploratory activities.

Idle. Surface mining operations curtailed for a period of one year or more, by more than ninety (90) percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations in the future.

Mined lands. Includes the surface, subsurface, and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavation, workings, mining waste, and areas in which structures facilities. Equipment, machines, tools, or other materials or property that results from or are used in surface mining operations are located.

Minerals. Any naturally chemical element of compound, or groups of elements and compounds, formed from inorganic processes and organic substances including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.

Mining waste. Includes the residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other materials or property directly resulting from, or displaced by, surface mining operations.

Operator. Any person who is engaged in surface mining operations, personally, or who contracts with others to conduct operations on his behalf.

Person. Any individual, firm, association, corporation, organization, or partnership, or any city, county, district or state or any department or agency thereof.

Reclamation. The process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and created no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization or other measures.

SMARA. The California Surface Mining and Reclamation Act.

State Geologist. The individual holding office as structured in Section 677 of Article 3, Chapter 2 of Division 1 of the Public Resources Code, Section 20.28.080 et. seq.

Surface mining operations. All, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open pit mining of minerals naturally exposed, mining by the augur method, dredging or quarrying, or surface work incident to an underground mine. Surface mining operations shall include but not be limited to: in-place distillation, retorting or leaching; the production and disposal of mining waste, prospecting and exploratory activities; borrow pitting; streambed skimming; segregation and stockpiling of material and recovery of same.

20.24.110 Incorporation by reference

The provisions of SMARA California Public Resources Code Section 2207, and State regulations CCR Sec. 3500 et. seq., as those provisions and regulations may be amended from time to time, are made part of this article by reference with the same force and effect as if the provisions therein were specifically and fully set out herein, excepting that when the provisions of this article are more restrictive than correlative State provisions, then this article shall prevail.

20.24.115 Applicability and exemptions

- A. Except as provided by this article, no person shall conduct surface mining operations unless a conditional use permit, reclamation plan and financial assurances for reclamation have first been approved by the City. Any applicable exemption from this requirement shall not automatically exempt a product or activity from the application of other regulations, ordinances or policies of the City, including but not limited to, the application of CEQA, the requirement for other approvals under the Land Use Code, the payment of development impact fees or the imposition of other dedications and exactions as may be permitted under the law. The provisions of this article shall apply to all lands within the City, public and private.
- B. The provisions of this article shall not apply to:
1. Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster.
 2. Onsite excavations and onsite earthmoving activities which are an integral part of a construction project that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction or the creation of fills, road cuts and embankments, whether or not surplus materials are exported from the site, subject to the following conditions:
 - a. All required permits for the construction, landscaping or related improvement have secured the necessary permits from the City.
 - b. The City's approval of the construction project included consideration of the onsite excavation and onsite earthmoving activities pursuant to CEQA.
 - c. Surplus materials shall not be exported from the site unless and until actual construction work has commenced and shall cease if it is determined that construction activities have terminated, have been indefinitely suspended or are no longer being actively pursued.

- d. The construction project shall be consistent with the General Plan and other provisions of the Land Use Code.
3. Operation of a plant site used for mineral processing, including associated onsite structures, equipment, machines, tools, or other materials, including the on-site stockpiling and onsite recovery of mined materials, with none of the materials processed being extracted onsite. Plant sites that are exempt under this section shall be required to be consistent with the General Plan and the Zoning District regulations that apply to the site.
4. Surface mining operations, including prospecting and exploration, in which the mined lands do not exceed one acre in extent or the total amount of material displaced, including overburden, does not exceed 1000 cubic yards.
5. Surface mining operations that are required by federal law in order to protect a mining claim if such operations are conducted solely for that purpose.
6. Such operations that the City determines to be of infrequent nature and that only involve minor surface disturbances and are categorically identified by the State Board.

20.24.120 Vested rights

No person who has obtained a vested right to conduct a surface mining operation prior to January 1, 1976, shall be required to secure a permit under this article as long as such vested right continues, provided that no substantial change is made in the operation except in accordance with the provisions of this article. A person shall be deemed to have vested rights if prior to January 1, 1976, he has in good faith and in reliance upon a permit or other authorization, if such permit or other authorization was required, diligently commenced surface mining operations and incurred liabilities for work and materials necessary therefore. Expenses incurred in obtaining the enactment of an ordinance in relation to a particular operation of the issuance of a permit shall not be deemed liabilities for work and materials.

20.24.125 Permit and reclamation plan requirements

The following requirements shall govern applications for surface mining and reclamation permits.

- A. Applications for permits shall be filed with the Planning and Building Department. Reclamation plan applications shall be submitted on forms provided by the Planning and Building Department and shall be accompanied by a fee in an amount established by resolution of the City Council.
- B. An operator who has several contiguous or closely related mining operations that are integrated into one overall operation shall have the option of preparing a single plan encompassing all of the related operations, or of treating any of the separate operations as a single unit, upon approval of the City.
- C. In the case of long-lived or complex operations, a reclamation plan for the operation may describe various aspects of planned phases. This plan may be subsequently amended with City approval if site condition or economic conditions change.

- D. Within thirty (30) days of the acceptance for a permit or reclamation plan approval as complete, the Planning Department shall notify the State Department of Conservation of such filing. Whenever mining or reclamation operations are proposed within the 100-year flood plain of any river or stream, as shown in Zone A of the Flood Insurance Rate Maps, and within one mile, upstream or downstream, of any state highway bridge, the Planning Department shall also notify the State Department of Transportation that the application has been received.
- E. The Planning Commission shall hold a public hearing on the proposed application in accord with the provisions prescribed in Chapter 20.28, Article III.
- F. Prior to action by the Planning Commission on such applications, the State Department of Conservation shall be given thirty (30) days to review and comment on the application and forty-five (45) days to review and comment on financial assurances proposed by the applicant.
- G. The Planning and Building Department shall forward a copy of each approved permit and reclamation plan with approved financial assurances to the State Department of Conservation.

20.24.130 Permit operations standards

In addition to meeting the minimum acceptable surface mining and reclamation practices contained within SMARA and policy guidelines, each surface mining operation requiring a permit shall be conducted and designed to meet the following standards. Conditions may be imposed on the approval of mining permits and reclamation plans to ensure compliance.

- A. All private access approaches leading off any paved public street shall be adequately surfaced to prevent aggregate or other material being drawn into a public right-of-way. If required, an encroachment permit issued by the Public Works Department shall be a condition of the mining permit.
- B. All haul roads and driveways shall be maintained to minimize the emission of dust. Maintenance shall be conducted as necessary to prevent a nuisance to adjoining properties. Special maintenance procedures (including watering and/or oiling) may be placed on permits.
- C. Any waters discharged from the site to adjacent lands, streams, or bodies of water shall meet all applicable standards of the Regional Water Quality Control Board.
- D. During the period of mining operations are being conducted, and prior to final reclamation of mined lands, measures shall be taken to prevent erosion of adjacent lands from waters discharged from the site of mining operations and the off-site construction of properly designed retarding basins, settling ponds and other water treatment facilities, ditches, diking and revegetation of slopes.
- E. Grades in areas being mined shall be maintained so as to avoid accumulations of water that could serve as breeding areas for mosquitoes or sites of fish entrapment.
- F. Excavations which may penetrate near or into usable water bearing strata shall not substantially reduce the transmitting or area through which water may flow unless approved equivalent transmissivity or area has been provided elsewhere, nor subject such groundwater

basin or sub-basin to pollution or contamination.

- G. Permits issued for surface mining operations between the banks of a stream shall include as conditions any measure or measures imposed by the California Department of Fish and Game, as well as any other agencies of jurisdiction.
- H. Hours of operation shall be limited to the period between 7:00 a.m. and 10:00 p.m., Monday through Saturday, unless otherwise approved by the Planning and Building Director.
- I. Reclamation activities shall be initiated at the earliest possible time on those portions of mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in the future.

20.24.135 Mining and reclamation plan content

In addition to the requirements of SMARA and state policy, the reclamation plan shall include the following information and elements and shall be applicable to a specific property or properties.

- A. The name and address of the operator and the names and addresses of any persons designated as agents.
- B. The anticipated quantity and type of minerals for which the surface mining operation is to be conducted.
- C. The proposed date for the initiation and termination of such operation.
- D. The maximum anticipated depth of surface mining operation.
- E. The size and legal description of the lands that will be affected by such operation, a map that includes the boundaries and topographic details of such lands, a description of the general geology of the area, a detailed description of the geology of the area in which surface mining is to be conducted, the location of all streams, roads, railroads, and utility facilities within or adjacent to such lands, the location of all propose access roads to be constructed in conducting the operation, and the names and addresses of the owners of all surface and mineral interests of such lands.
- F. A description of and plan for the type of surface mining to be employed and a time schedule that will provide for the completion of surface mining on each segment of the mined lands so that reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation.
- G. A description of the proposed use or potential uses of the land after reclamation and evidence that all owners of a possessory interest in the land have been notified of the proposed use or potential uses, will be accomplished, including:
 - 1. A description of the manner in which contaminants will be controlled and mining waste will be disposed;
 - 2. A description of the manner in which rehabilitation of affected streambed channels and streambanks to a condition minimizing erosion and sedimentation will occur;

3. A description of the designed steepness and proposed treatment of the mined lands final slopes, taking into consideration the physical properties of the slope material, its probable maximum water content, landscaping requirements, and other factors. In all cases, reclamation plans shall specify compaction of fill materials in conformance with good engineering practices and slope angles flatter than the critical gradient of the type of material involved. Whenever final slopes approach the critical gradient for the type of materials involved, an engineering analysis of the slope stability shall be required; and
 4. Disposition of old equipment and structures.
- H. Measures to be taken to protect the public health and safety, giving consideration to the degree and type of present and probable future exposure of the public to the site, as well as effects to adjacent properties.
- I. The environmental setting of the site of operations and the effect that possible alternate reclaimed site conditions may have upon the existing and future uses of surrounding lands.
- J. An assessment of the effect of implementation of the reclamation plan on future mining in the area.
- K. A statement that the person submitting the plan accepts responsibility for reclaiming the mined lands in accordance with the reclamation plan. Said statement shall be kept by the Planning Department in the mining operation's permanent record. Upon sale or transfer of the operation. The new operator shall submit a signed statement of responsibility to the Planning Department for placement in the permanent record.

20.24.140 Findings required

The following findings are required to approve or conditionally approve applications for mining and reclamation permits.

- A. Mining permits In addition to findings required pursuant to Section 20.28.165, the Planning Commission shall make a finding that the project complies with the provisions of SMARA and the reclamation standards set forth in CCR Section 3700 et. seq.
- B. Reclamation plans In addition to the findings required pursuant to Section 20.28.165, the Planning Commission shall make the following findings:
1. The reclamation plan complies with the provisions of SMARA.
 2. The reclamation plan and proposed use of reclaimed land are consistent with all elements of the General Plan.
 3. The reclamation plan has been reviewed pursuant to CEQA and all significant adverse impacts from reclamation of surface mining operations are mitigated to levels of insignificance.
 4. The site to be reclaimed will be restored to a condition that is compatible with and blends in with the surrounding natural environment, topography and other resources, or that suitable off-site development will compensate for related disturbance to resource values.
 5. Written responses to the Department of Conservation have been prepared, describing the disposition of major issues raised by the Department. Where the City's position is at variance with the comments raised by the Department, the City has responded in a

satisfactory manner to the Department.

20.24.145 Financial assurances

Financial assurances shall be required to guarantee that mining and reclamation activities occur in accordance with approved plans.

- A. The City shall require, as a condition of approval, security that shall be released upon satisfactory performance. The applicant may pose security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the City and the State Mining and Geology Board as specified in state regulations, and which the City reasonably determines are adequate to perform reclamation in accordance with the surface mining operation's approved reclamation plan. Financial assurances shall be made payable to the City of Healdsburg and the State Department of Conservation.
- B. Financial assurances will be required to ensure compliance with the elements of the reclamation plan, including but not limited to revegetation and landscaping improvements, restoration of aquatic or wildlife habitat, restoration of bodies of water and water quality, slope stability and erosion control, disposal of hazardous material and other measures.
- C. Cost estimates for the financial assurances shall be submitted to the Planning Department for review and approval prior to the operator securing financial assurances. The Planning and Building Director shall forward a copy of the cost estimates, together with any other documentation, to the State Department of Conservation for review. If the Department of Conservation does not comment within 45 days of the receipt of the estimates, it shall be assumed that the cost estimates are adequate.
- D. The amount of the financial assurance shall be based upon the estimated costs of reclamation for the year of phases stipulated in the approved reclamation plan, including the maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount needed to reclaim lands disturbed by surface mining activities since January 1, 1976, and new lands to be disturbed by surface mining in the upcoming year. Cost estimates shall be prepared by a California registered Professional Engineer or other similarly qualified as approved by the Planning and Building Director. The estimated amount of the financial assurance shall be based on an analysis of physical activities necessary to implement the approved reclamation plan. A contingency factor of ten (10) percent shall be added to the cost of financial assurances.
- E. In estimating the costs of financial assurances, it shall be assumed that the surface mining operation could be abandoned by the operator and consequently, the City of State Department of Conservation may need to contract with a third party commercial company for reclamation of the site.
- F. Financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed, including required maintenance.
- G. The amount of financial assurances for any one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation and reclamation of lands accomplished in accordance with the reclamation plan. The financial assurance shall include estimates to cover reclamation for existing conditions and anticipated activities during the

upcoming year, excepting that the operator may not claim credit for reclamation scheduled for completion during the coming year.

- H. Revisions to financial assurances shall be submitted to the Planning Department each year prior to the anniversary date for approval of the financial assistance. Financial assurances shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any interim reclamation. If revisions to financial assurances are not required, the operator shall explain, in writing, why revisions are not needed along with necessary documentation.

20.24.150 Interim management plans

- A. Within 90 days of a surface mining operation becoming idle, the operator shall submit to the Planning Department a proposed interim management plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA, including, but not limited to, all Site Approval conditions and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be submitted on forms provided by the Planning Department and shall be processed as an amendment to the Reclamation Plan. IMPs shall not be considered a project for the purposes of environmental review.
- B. Financial assurances for idle operations shall be maintained as though the operation were active, or as otherwise approved through the idle mine's IMP.
- C. Upon receipt of a complete proposed IMP, the Planning Department shall forward the IMP to the State Department of Conservation for review. The IMP shall be submitted to the State Department of Conservation at least 30 days prior to approval by the Planning Commission.
- D. Within 60 days of receipt of the proposed IMP, or a longer period mutually agreed upon by the Planning and Building Director and the operator, the Planning Commission shall review and approve or deny the IMP in accordance with this chapter. The operator shall have thirty (30) days, or a longer period mutually agreed upon by the operator and the Planning and Building Director, to submit a revised IMP. The Planning Commission shall approve or deny the revised IMP within sixty (60) days of receipt. If the Planning Commission denies the revised IMP, the operator may appeal that action to the City Council.
- E. The IMP may remain in effect for a period not to exceed five years, at which time the Planning Commission may renew the IMP for another period not to exceed five years, or require the surface mining operator to commence reclamation in accordance with its approved Reclamation Plan.

20.24.155 Amendments

Reclamation plans may be amended in the following manner:

- A. Amendments to an approved reclamation plan may be submitted to the City at any time, detailing proposed changes from the original plan. Substantial deviations from the original plan shall not be undertaken until such amendment has been filed with and approved by the City.
- B. Amendments to an approved reclamation plan shall be approved by the same procedure as that for the original approval of the plan.

20.24.160 Public records

Reclamation plans, reports, applications, and other documents submitted pursuant to this article are public records unless it can be demonstrated to the satisfaction of the City that the release of such information or part thereof, would reveal production, reserves, or rate of depletion entitled to protection as proprietary information. In such cases, the City shall identify such proprietary information as a separate part of each application, which shall be made available only to the State Geologist and to persons authorized in writing by the operator or owner.

20.24.165 Annual reporting requirements

Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and the Healdsburg Planning and Building Department on a date established by the Department of Conservation, upon forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within 30 (thirty) days of permit approval, or before the commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation at the time of filing of the annual surface mining report.

20.24.170 Inspections

- A. The Planning Department shall arrange for inspection of a surface mining operation within six (6) months of receipt of an annual report to determine whether the operation is in compliance with approvals granted by the City. A minimum of one inspection shall be conducted in any calendar year. Inspections may be made by a state-registered geologist, civil engineer, or landscape architect experienced in reclamation projects and who has not been employed by the mining operation in any capacity during the previous twelve (12) months. Inspections shall be conducted pursuant to a form approved and provided by the State Mining and Geology Board.
- B. The Planning Department shall notify the State Department of Conservation within thirty (30) days of completion of the inspection and shall forward a copy of said inspection notice to the mining operator. The operator shall be solely responsible for the cost of the inspection.

20.24.175 Appeals

- A. The action taken by the Planning Commission to issue, approve, deny or modify a surface mining permit or reclamation plan may, within 10 days of that action, be appealed to the City Council by any person. Such appeal shall be filed with and heard by the City Council in the manner specified in Section 20.28.085
- B. As provided by the State of California Public Resources Code, an applicant whose request for a surface mining permit to conduct operations in an area of statewide or regional significance has been denied by the City Council on appeal, may within fifteen (15) days of such denial, appeal to the State Mining and Geology Board. If the State Board determines the decision of the City Council is not supported by substantial evidence on the record, the City Council shall hold a public hearing to reconsider its action.

20.24.180 Enforcement

- A. It shall be the responsibility of the Planning and Building Director to ensure compliance with the terms and provisions of the permit and/or reclamation plan.
- B. The Planning and Building Director shall notify the operator of any deficiencies in complying with the conditions of a permit, in which case the operator shall have thirty (30) days to rectify such deficiencies. Failure to rectify such deficiencies or comply with any conditions of the permit, or to complete reclamation in a satisfactory or timely manner, shall constitute sufficient grounds for revocation of a permit and suspension of approval for a reclamation plan.
- C. Failure to obtain a permit or approval of a reclamation plan as required under the provision of this article and the State Act shall constitute a misdemeanor.

Article V Historic Resources Protection**20.24.185 Intent**

It is the intent of this section to protect the city's historic resources by preventing the unwarranted demolition of historic buildings and structures.

20.24.190 Historic demolition permit requirement

A historic demolition permit shall be obtained from the Zoning Administrator or Historic Committee, as provided in this section, prior to the issuance of a separate demolition permit by the Building Official for any designated or potentially-historic resource listed in subsection 20.24.016(A), unless the demolition is specifically exempted by subsection 20.24.016(B).

20.24.195 Demolition defined

As used in this article, "demolition" includes the complete destruction of a building or structure that is subject to this article, as well as the removal or destruction of any portions of exterior walls, exterior facing material, exterior surface trim, or architectural, decorative, or structural features and elements that are attached to the exterior (e.g., parapets, cornices, brackets, chimneys) that has the effect of substantially altering the historic character of the building or structure.

20.24.200 Applicability

- A. The regulations set forth in this section shall apply to any building, structure and/or property that satisfies one or more of the following criteria:
 - 1. Listed in the National Historic Register or California Historic Register or has been designated by the City of Healdsburg as a historic resource.
 - 2. Included in the City's latest Cultural Resources Survey and has been confirmed by the State Office of Historic Preservation as eligible or potentially-eligible for listing on either register or for designation by the City of Healdsburg.
 - 3. Included in the City's latest Cultural Resources Survey and has been confirmed by the State Office of Historic Preservation as a contributor towards a designated historic district or a potential historic district.

4. Has been identified through a historic evaluation prepared by a qualified architectural historian as having historic properties that warrant preservation.
 5. Has been identified by the Planning and Building Department, in consultation with the Healdsburg Museum as potentially having historic properties that warrant preservation.
- B. The following are exempt from the historic demolition permit requirement:
1. Buildings and structures determined by the Building Official to pose a serious and immediate threat to the public health, safety or general welfare.
 2. Buildings and structures that were constructed less than 50 years ago and are not listed in the City's cultural resources survey.
 3. A building or structure included in the cultural resources survey but whose listing is determined by the Planning and Building Department to be based on erroneous information, based on evidence in the record.
 4. The structure or building is determined by the Planning and Building Department to not meet criteria for historical significance as defined by the State Office of Historic Preservation, based on evidence in the record.
 5. Demolition of interior partitions, walls, or any other demolition that will not modify the exterior appearance of the structure or building.

20.24.205 Historic demolition permit application

A historic demolition permit application shall be filed with the Planning and Building Department on a form provided by the Department and shall be accompanied by the following information for each structure proposed to be demolished:

- A. A description and location of the structure.
- B. Photographs of all sides of the structure.
- C. The basis for the applicability of these requirements per Section 20.24.200.
- D. The reason(s) for the proposed demolition.
- E. Evidence that alternatives to the demolition of the structure have been considered, and a statement as to why those alternatives are unacceptable. Such evidence may include written statements from licensed building contractors, civil or structural engineers or architects identifying the general condition of the building, all health and safety code deficiencies, corrective measures needed to alleviate these deficiencies, and the cost of such corrective measures.
- F. An evaluation prepared by a qualified architectural historian that:
 1. Verifies the structure's eligibility for the National Historic Register, California Historic Register and/or local designation, either individually or as a contributor to an eligible or designated historic district.
 2. Describes the impact that demolition of the structure will have on the integrity of the eligible or designated historic district, if applicable.

3. Recommends design features that should be incorporated into the replacement structure, if the property is located within a designated or potential historic district.

20.24.210 Environmental review

Environmental review of a historic demolition permit application shall be conducted in accordance with the California Environmental Quality Act to identify the potential environmental impacts of a proposed historic demolition permit and measures needed to mitigate any significant impacts.

20.24.215 Public hearing

The Planning and Building Department Director, acting as the Zoning Administrator, shall conduct a public hearing on an application for a historic demolition permit in compliance with Chapter 20.28, Article III or may refer the application to the Planning Commission, acting as the Historic Committee.

20.24.220 Action on application

- A. The Zoning Administrator or Historic Committee may approve, approve with conditions or disapprove the historic demolition permit after considering the factors listed in Section 20.24.225 and making at least one of the findings listed in Section 20.24.230.
- B. The Zoning Administrator or Historic Committee may withhold approval of a demolition permit for up to 180 days or until completion of environmental review, whichever occurs later (“delay period”). The delay period shall be for the purpose of providing time to explore alternatives to demolition. During the delay period, the Zoning Administrator or Historic Committee may direct the Planning and Building Department to consult with recognized historic preservation organizations and other civic groups, public agencies and interested citizens, make recommendations for acquisition of property by public or private bodies or agencies, explore the possibility of moving one or more structures or other features, and take any other reasonable measures as an alternative to the proposed demolition.

20.24.225 Factors to be considered

In the course of reviewing a historic demolition permit application, the Zoning Administrator or Historic Committee shall consider the following factors:

- A. The relative historical significance of the building or structure proposed for demolition
- B. The relative contribution the building or structure makes to a historic district
- C. The cost of preserving or rehabilitating the building or structure
- D. The potential for adaptive re-use of the building or structure; and
- E. The feasibility of relocating the building or structure.

20.24.230 Required findings

In order to approve an application for a historic demolition permit, the Zoning Administrator or Historic Committee must make at least one of the following findings.

- A. The building or structure does not represent a unique and irreplaceable historic or architectural resource.

- B. The adaptive re-use of the structure is infeasible or inappropriate, due to economic considerations, structural conditions or land use incompatibility.
- C. The relocation of the structure is infeasible due to cost, structural conditions or lack of an interested party.
- D. Restoration of the building or structure is not feasible or practical using current building codes including, but not limited to the Historic Building Code provisions of the California Building Standards Code.
- E. No public or other funding is available for financing renovation or purchase of the property on which the building or structure is located.
- F. The characteristics of the building or structure that originally supported its inclusion in the Cultural Resources Survey are no longer present and such absence is not a result of:
 - 1. Willful or negligent acts by the owner that resulted in structural deterioration,
 - 2. Failure to perform normal maintenance and repairs,
 - 3. Failure to diligently solicit and retain tenants, and
 - 4. Failure to secure and board the structure if vacant.
- G. The base zoning of the site is incompatible with the intended reuse of the existing structure.
- H. The structure cannot be restored without repairs that would exceed 50% of the value of the structure itself. This finding shall be supported by 1) an appraisal prepared by a certified appraiser to determine the value of the structure and 2) at least two bids from qualified contractors to determine the cost of repairs to the structure.
- I. The historic resource must be removed from the site in order for the property to be utilized for a structure or use that substantially benefits the public.
- J. Demolition of the structure will not have a significant impact on the historic integrity of the designated or potential historic district.

20.24.235 Conditions of approval

Potential conditions of approval that may be adopted by the Zoning Administrator or Historic Committee in approving a historic demolition permit include, but are not limited to, the following:

- A. Prior to demolition, the applicant shall provide archival quality photographs, floor plans and elevation drawings, as appropriate, to record the building(s) or structure(s) being demolished.
- B. Prior to issuance of the historic demolition permit, the Historic Committee shall approve a design review application for new construction for the site of the demolished structure(s) and a building permit shall be issued for the replacement structure(s). In addition to the findings required for design review applications, the Historic Committee shall find that the proposed design is compatible with the historic character of the surrounding historic neighborhood, if applicable.

- C. The applicant shall donate to the Healdsburg Museum any artifact or other architectural element identified by the Historic Committee. The artifact or architectural element shall be carefully removed and delivered to the Museum in good condition to be used in future conservation work.

20.24.240 Issuance of demolition permit

In addition to obtaining a historic demolition permit, an applicant shall also apply for and obtain a regular demolition permit from the Building Official prior to demolition of any historic building, structure or property.

Chapter 20.28
ADMINISTRATION

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Article IX Definitions

Article I Non-Conforming Uses and Structures

20.28.005 General purposes

- A. This article is intended to limit the number and extent of non-conforming uses by prohibiting their enlargement, their re-establishment after abandonment, and the alteration or restoration after destruction of the structures they occupy.
- B. While permitting the use and maintenance of non-conforming structures and signs, this article is intended to limit the number and extent of non-conforming structures and certain

non-conforming signs by prohibiting their being moved, altered, or enlarged in a manner that would increase the discrepancy between existing conditions and the standards prescribed in this Title and by prohibiting their restoration after destruction.

- C. Eventually, certain classes of non-conforming uses, non-conforming structures of nominal value and certain non-conforming signs are to be eliminated or altered to conform.

20.28.010 Applicability to commercially-zoned property

- A. For buildings and uses existing on March 17, 1980, in all commercial zones, the City Council has found and determined, after study and recommendation made by the Planning Commission, that the classification of uses adopted to implement the current general plan and bring this Title to conformity therewith, as to uses in commercial zones would work unnecessary hardship upon the owners and occupants of properties and businesses in the said zones if such uses were to be rendered nonconforming and subject generally to the provisions of this article, without counterbalancing service of public need or convenience. The determination herein made is based upon an enumeration and study of the precise uses that would be rendered nonconforming were it not for the provisions of this article.
- B. Therefore, buildings and uses, not including signs, which would be non-conforming under the regulations adopted for the said zones by amendments effective March 17, 1980, shall be exempt from this article, and shall be considered as permitted uses under this Title. Such use may be continued in the location in which they existed on March 17, 1980, without restriction as to repair, maintenance, or replacement in the event of disaster or other loss, or transfer of ownership.
- C. Such uses shall not, however, be replaced after voluntary abandonment or termination by the owner or with the consent of the owner of the property, and buildings which do not conform to all current requirements of the ordinance as to height, bulk, setback, size, off-street parking and similar requirements, shall not be enlarged or extended to occupy additional land, without a conditional use permit.
- D. The replacement of existing buildings, whether or not for a prior use, shall comply with all height, bulk, setback, design review, off-street parking and similar requirements set forth by this article.

20.28.015 Continuation and maintenance

- A. A use, lawfully occupying a structure or a site on the effective date of Ordinance 950 (September 2, 1998) or of amendments thereto, that does not conform with the use regulations for the zoning district in which the use is located shall be deemed to be a non-conforming use and may be continued, except as otherwise provided in this article.
- B. A structure lawfully occupying a site on the effective date of Ordinance 950 or of amendments thereto that does not conform with the standards of coverage, front yard, side yard, rear yard, height of structures, distances between structures, courts, or usable open space prescribed in the regulations for the district in which the structure is located shall be deemed to be a non-conforming structure and may be maintained, except as otherwise provided in this article.
- C. A sign, outdoor advertising structure, or display of any character, lawfully occupying a site on the effective date of this Title or of any amendments thereto, that does not conform with

the standards for location, size, outdoor advertising structures, and displays for the district in which it is located shall be deemed to be a non-conforming sign and may be displayed and maintained, except as otherwise provided in this article.

- D. Routine maintenance and repairs may be performed on a structure or site, the use of which is non-conforming, on a non-conforming structure, and on a non-conforming sign.
- E. Any parcel of land that is the result of a legal subdivision of land may be allowed to have improvements constructed on it even though minimum lot area, width or depth requirements of this Title may not be satisfied. This is provided that any proposed development complies with all other applicable requirements for the district in which it is located, unless a variance has been obtained to grant relief from the standards that would otherwise apply.
- F. A minor antenna and its associated support structure, including those facilities used by licensed Amateur Radio operators in the Amateur Radio Service, installed prior to April 7, 1997, shall be deemed legal, prior existing facilities and shall not be subject to any of the requirements established in Section 20.20.080 or the zoning district in which it is located. However, if the facility use is abandoned for a continuous period of six (6) months, the facility is destroyed in excess of fifty (50) percent of its appraised value or the facility is expanded, enlarged or rebuilt in excess of fifteen (15) percent of the appraised value in any one (1) year period, then the appropriate requirements of Section 20.20.080 shall apply.

20.28.020 Alterations and additions to non-conforming uses, structures and signs

- A. No structure, the use of which is non-conforming, and no non-conforming sign shall be moved, altered, or enlarged unless required by law, or unless the moving, alteration, or enlargement will result in the elimination of the non-conformity, except that a non-conforming residential structure located in a residential, office or commercial district and single-family residences in the Industrial District may be moved, altered, or enlarged if destroyed by fire, acts of God, or by the public enemy, provided that the number of dwelling units is not increased.
- B. No structure partially occupied by a non-conforming use shall be moved, altered, or enlarged in such a way as to permit the enlargement of the place occupied by the non-conforming use, except as permitted in this section.
- C. No non-conforming use shall be enlarged or extended in such a way to occupy any part of the structure or site which it did not occupy on the effective date of this Title or of the amendment thereto that caused it to become a non-conforming use, or in such a way as to displace any conforming use occupying a structure or site, except as permitted in this section.
- D. No non-conforming structure shall be moved, altered, enlarged or reconstructed so as to increase the discrepancy between existing conditions and the standards of coverage, front yard, side yards, rear yard, height of structures, distances between structures, courts, or usable open space prescribed in the regulations for the district in which the structure is located.
- E. The non-conforming use of a structure or site shall not be changed to another non-conforming use.
- F. No use which fails to meet the required conditions for the district in which it is located shall be enlarged or extended or shall have equipment replaced unless the enlargement, extension,

or replacement will result in the elimination of non-conformity with required conditions.

20.28.025 Abandonment of non-conforming use

- A. Whenever a non-conforming use has been abandoned, discontinued, or changed to a conforming use for a continuous period of ninety (90) days, the non-conforming use shall not be re-established, and the use of the structure or site thereafter shall be in conformity with the regulations of the district in which it is located.
- B. Notwithstanding the time period given above, a residential visitor lodging operation shall not be considered abandoned or discontinued if a transient use occupancy is demonstrated by timely payment of transient occupancy fees within any continuous period of one hundred eighty (180) days.

20.28.030 Restoration of damaged structure

The following regulations apply regarding restoration of a damaged structure:

- A. Whenever a structure which does not comply with the standards of coverage, front yard, side yard, rear yard, height of structures, distances between buildings, courts, or usable open space prescribed in the regulations for the district in which the structure is located, or the use of which does not conform with the regulations for the district in which the structure is located, is destroyed by fire or other calamity, by act of God, or by the public enemy to the extent of 50 percent or less, the structure may be restored and the non-conforming use may be resumed, provided that the restoration is started within one year and diligently pursued to completion.
- B. Whenever a structure which does not comply with the standards of coverage, front yard, side yards, rear yard, height of structures, distances between structures, courts, or usable open space prescribed in the regulations for the district in which it is located, or the use of which does not conform with the regulations for the district in which it is located, is destroyed by fire or other calamity, by an act of God, or by the public enemy to an extent greater than 50 percent, or is voluntarily razed or is required by law, the structure shall not be restored, except in full conformity with the regulations for the district in which it is located, and the non-conforming use shall not be resumed. Notwithstanding the above, a non-conforming residential structure located in a residential, office or commercial district and single-family residences in the Industrial District may be moved, altered, enlarged, or replaced if destroyed by fire, acts of God, or the public enemy, provided that the number of dwelling units is not increased. Non-conforming multi-family housing located in the Industrial District that is destroyed may only be replaced if the findings set forth in Government Code Section 65852.25 can be met as determined by the Planning Commission.
- C. The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the structure to its condition prior to such damage or partial destruction to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be made by or reviewed and approved by the Planning and Building Director.

20.28.035 Elimination of non-conforming signs, fences, walls and hedges

Non-conforming signs, fences, walls and hedges shall be removed or altered to be in compliance with the district regulations within seven days or if a determination by the Planning and Building Director is made that it presents a health or safety hazard.

20.28.040 Establishment of non-conforming use status

Whenever a use, structure or sign becomes non-conforming because of a change of zoning district boundaries or a change of regulations for the district in which it is located, the period of time prescribed in this article for the elimination of the use or the removal of the structure or the sign shall be computed from the effective date of the change of district boundaries or regulations.

Article II Determination of Unspecified Uses**20.28.045 Purpose and initiation**

In order to ensure that this Title will permit all similar uses in each district, the Zoning Administrator shall determine whether a use not specifically listed as a permitted or conditionally permitted use in a zoning district shall be deemed a permitted use or a conditional use in one or more districts on the basis of similarity to uses specifically listed.

20.28.050 Application

Application for determination that a specific use should be included as a permitted or a conditional use in a zoning district shall be made in writing to the Zoning Administrator, and shall be accompanied by a detailed description of the proposed use, site location, site plan and such other information as may be required by the Zoning Administrator.

20.28.055 Investigation

The Planning and Building Department shall make or have made such investigations as it deems necessary to compare the nature and characteristics of the proposed use with those specifically listed in this Title, and make a determination of its classification.

20.28.060 Determination

The determination of the Zoning Administrator as to the disposition of the unspecified use shall be rendered in writing within sixty (60) days, unless the applicant consents to an extension of the time period, and shall include findings supporting the conclusions.

20.28.065 Effective date of determination

Within fifteen (15) days following the date of a decision of the Zoning Administrator on a request for a determination of use, a written summary of the decision shall be transmitted to the Planning Commission. A decision shall become effective 10 days following the date on which the determination was made or on the day following the next meeting of the Planning Commission, whichever is later, unless an appeal has been taken to the Commission, or unless the Commission shall elect to review the decision of the Zoning Administrator. Appeals shall be handled as specified in Section 20.28.085.

Article III General Administrative Procedures

20.28.070 Purpose

This article establishes general administrative procedures for administering and implementing the Land Use Code. The provisions outlined and set forth in this article are established for all administrative procedures.

20.28.075 Reviewing entities

The following reviewing entities are hereby established and described as follows.

- A. City Council The City Council is established through the incorporation of the City of Healdsburg and has final review of all matters relating to planning and zoning, subject to delegation of such authority as provided in this Title.
- B. Planning Commission The Planning Commission is established for the purpose of taking final action on certain applications and recommending actions on other applications to the City Council.

The powers and duties of the Planning Commission shall include:

1. Authority to hear and decide:
 - a. Applications for major conditional use permits
 - b. Application for major variances
 - c. Applications for major design review
 - d. Adoption of Negative Declarations or EIR certification and findings when associated with another application acted upon by the Planning Commission.
 2. Authority to review and make recommendations to the City Council on:
 - a. Applications for Land Use Code amendments and Zoning Map changes
 - b. Applications for General Plan Amendments
 - c. Environmental documentation where final permit approval is made by the City Council
 3. Authority to act upon appeal of any order, requirement, permit, decision, determination made by an administrative or appointed official, such as the Planning Department staff, Planning and Building Director or Zoning Administrator in the administration or enforcement of this Title.
- C. Zoning Administrator A Zoning Administrator may be appointed by the City Manager to perform certain duties as described in this Title and as authorized by the State Planning and Zoning law.
1. The Zoning Administrator provides a method by which minor adjustments from ordinance requirements can be made without the delays resultant to the setting of such matters for public hearing before the Planning Commission and to relieve the Planning Commission from certain minor and routine matters.
 2. The Zoning Administrator shall have the authority to grant or conditionally grant minor

conditional use permits and minor variances, and make determinations of unspecified uses as set forth elsewhere in this Title.

3. The Zoning Administrator shall adopt rules and regulations to govern the procedures at public meetings and to set times for required meetings. All meetings shall be open to the public.

D. Planning and Building Director

1. A Planning and Building Director may be appointed by the City Manager to perform certain duties as described in this Title.
2. The Planning and Building Director shall have the power to:
 - a. Interpret the intent of the Land Use Code
 - b. Approve applications pursuant to Chapter 20.28, Articles IV, V and VI.
3. Table 21 summarizes the various reviewing and approval bodies for applications made pursuant to this Title.

Table 21 Approval matrix

Application Type	Recommending Authority	Approval Authority	Appeal	Final Approval for Appeal
Building envelope modification	Staff	Zoning Administrator	Planning Commission	City Council
Conditional use permit - major	Staff	Planning Commission	City Council	City Council
Conditional use permit – minor	Staff	Zoning Administrator	Planning Commission	City Council
Design review – major	Staff	Planning Commission	City Council	City Council
Design review – minor	Staff	Planning and Building Director	Planning Commission	City Council
Determination of use	Staff	Zoning Administrator	Planning Commission	City Council
General Plan amendment	Planning Commission	City Council	None	None
Variance - major	Staff	Planning Commission	City Council	City Council
Variance - minor	Staff	Zoning Administrator	Planning Commission	City Council
Zone change	Planning Commission	City Council	City Council*	None
Land Use Code amendment	Planning Commission	City Council	None	None

Staff: The professional staff of the Planning and Building Department

*The City Council is the appeal body if the Planning Commission denies the rezone.

20.28.080 Public notice requirements

- A. Notice shall be given in accordance with state law and as set forth in Table 22. In addition, the City may give notice of hearings in any other manner deemed necessary or desirable so long as compliance with state law is assured.

Table 22 Notification requirements

Type of Procedure, Permit or Hearing	Surrounding Properties	Publication	On-Site Posting	On-Site Sign
Appeal	(1)	(1)	(1)	(1)
Building envelope modification	yes	no	yes	no
Conditional use permit - major	yes	yes	no	yes
Conditional use permit – minor	yes	no	yes	no
Determination of use	no	no	no	no
General Plan amendment (map designation)	(2)	yes	no	yes
General Plan amendment (text)	no	yes	no	no
Design review - major	yes	yes	no	yes
Design review - minor	no	no	no	no
Variance - major	yes	yes	no	yes
Variance - minor	yes	no	yes	no
Subdivision - major	yes	yes	no	yes
Subdivision - minor	yes	yes	no	yes
Land Use Code amendment	no	yes	no	no
Zoning map amendment	(2)	yes	no	yes

(1) Notification shall occur in the same manner as required for the original application.

(2) Surrounding properties are notified if the amendment affects permitted uses and property.

- B. Where notification of surrounding property owners is required, the following shall apply:

1. Notice of the hearing shall be mailed or delivered to all owners of real property, as shown on the latest equalized assessment roll, within three hundred (300) feet of the real property that is the subject of the hearing. This shall be as measured from the exterior property boundaries of the subject property, regardless of intervening streets.
2. If the number of owners to whom notice would be mailed or delivered is greater than one thousand (1,000), the City, in lieu of mailed or delivered notices, may provide notice by placing an advertisement of at least one-eighth page in at least one (1) newspaper of general circulation within the community.

- C. For all hearings requiring publication of notice, notice shall be made by publication in a local newspaper of general circulation within the community at least one time.

- D. For all hearings requiring posting, notice shall be given by posting a copy of the public hearing notice on each street frontage of the project site at least 10 days prior to the hearing.

- E. For all hearings requiring an on-site sign, notice shall be given by posting a sign on the project site at least 10 days prior to the hearing until final action by the final hearing body. The sign shall be of a size and design prescribed by the Planning and Building Director.

20.28.085 Appeal procedures

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- A. Any action taken by the Planning and Building Director, Zoning Administrator and/or Planning and Building Department staff in the administration or enforcement of the provisions of this Title may be appealed by any person aggrieved, or by any officer, commission or department of the City. Such appeals shall be made to the Planning Commission. Any action taken by the Planning Commission may be appealed to the City Council.
 - B. The notice of appeal shall be in writing and shall be filed with the Planning and Building Department on forms provided by the City. An appeal from any action in the administration or enforcement of this Title shall indicate specifically the error or abuse of discretion.
 - C. Any appeal shall be filed within ten (10) days after the hearing or action from which the appeal is made. Upon the filing of an appeal, the Planning and Building Department shall transmit a copy of the appeal to the body authorized to hear the appeal.
 - D. For appeal from actions taken by the Planning and Building Director, Zoning Administrator or Planning and Building Department, the following procedures shall govern:
 1. Upon receipt of the notice of appeal, the Planning and Building Department shall set a date for Planning Commission hearing of the matter and give notice of the date, time and place of the hearing to the applicant and appellant. Further, the Planning and Building Department shall give public notice of the hearing at least ten (10) days prior to the hearing. Prior to the hearing, the Planning and Building Department shall transmit a report to the Planning Commission summarizing a report of findings regarding the appeal.
 2. The Planning Commission shall consider the record and such additional evidence as may be offered and may affirm, reverse or modify, in whole or in part, the action that was appealed. The Commission may also make or substitute additional decisions or determinations as it finds warranted under the provisions of this chapter. The Planning Commission shall transmit a copy of decision to the applicant, appellant and the Planning and Building Department.
 - E. For appeal from actions taken by the Planning Commission, the following shall govern:
 1. Upon receipt of the notice of appeal, the City Clerk shall set a date for City Council hearing of the matter and give notice of the date, time, and place of the hearing to the applicant, the appellant, and the Planning Department. The City Clerk shall give public notice of the hearing at least ten (10) days prior to the date of the hearing. Prior to the hearing, the Planning Department shall transmit a report to the City Clerk summarizing a report of findings regarding the appeal.
 2. The City Council shall consider the record and such additional evidence as may be offered and may affirm, reverse or modify, in whole or in part, the action that was appealed. The Council may also make or substitute additional decisions or determinations as it finds warranted under the provisions of this Title. The City Clerk shall transmit a copy of the decision to the applicant, appellant, and the Planning Department.
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20.28.090 Fees

A filing fee, as determined by City Council resolution, shall accompany an application for any action taken under the provisions of this article. Any applications made by the City or any of its representatives shall be exempt from this requirement.

20.28.095 Provision of materials

The City shall make available to interested members of the public necessary publications relating to the administration of this Title, at a fee adopted separately by City Council resolution.

Article IV Design and Architectural Review**20.28.100 Purpose**

The purpose of design review is to:

- A. Preserve the natural beauty and attractiveness of new development where it occurs;
- B. Promote and, wherever possible, improve the appearance of the community;
- C. Ensure that indiscriminate clearing of property is minimized and the destruction of trees and shrubs is also minimized.
- D. Obtain the best possible traffic circulation within the community;
- E. Ensure that the design and layout of new development projects are compatible with the Healdsburg General Plan, applicable sections of the Land Use Code and are in scale and character with surrounding land uses.

20.28.105 Design review authority

- A. The following applications are minor design review applications, subject to review by the Planning and Building Director:
 1. All signs that are not part of a larger project subject to design review by the Planning Commission.
 2. Minor changes to the exterior of existing non-residential buildings that require a building permit.
 3. A change of use in a non-residential building and site not involving substantial site changes. This determination will be made at the time of business license application.
 4. Changes to a non-residential site not involving major structural or site changes or changes of use.
 5. Construction of or an expansion greater than 500 square feet to a one-family dwelling on a site uphill and visible from a scenic highway or road, or located within a scenic ridgeline corridor designated by the General Plan as determined by the Planning and Building Director.
 6. Construction of one single-family dwelling within the Grove Street Neighborhood Plan.

- B. The following applications are major design review applications, subject to review by the Planning Commission at a public hearing:
1. Commercial, industrial, office and residential projects (two or more residential units per site) which involve the development of vacant land with site and building improvements or involving major changes or additions to a previously developed site.
 2. Applications involving a change of use that requires substantial changes to the site and proposals for exterior building modifications.
 3. Projects subject to development approval by the Planning Commission, such as subdivisions, use permits and projects requiring the approval of variances.
 4. Signs that are part of a larger project subject to design review by the Planning Commission.

20.28.110 Application requirements

The owner or authorized agent of a site where a development or activity is subject to design review shall submit an application to the Planning Department that includes the following. Submittal requirements may be modified by the Planning and Building Director based on the nature of the proposal and the type of review necessary.

- A. A site plan, drawn to scale and fully dimensioned showing all property boundary lines, adjacent streets or alleys, the proposed layout of structures and other improvements including, where appropriate, driveways; pedestrian walks; off-street parking and loading areas; landscaped planters, fences and walls, trash enclosures and related information. The site plan shall indicate the location of entrances and exits and the direction of traffic flow into and out of parking areas, the location and dimensions of parking spaces and loading berths and all vehicular turning and maneuvering areas.
- B. A landscape plan, drawn to scale and fully dimensioned, showing the location and size of existing trees proposed to be retained on site, the location and design of landscaped areas and the varieties of plant material to be planted therein, and other landscaped features.
- C. Architectural drawings, drawn to scale and fully dimensioned, showing all elevations of the proposed structure or structures as they will appear upon completion of construction. All exterior surfacing materials and colors shall be specified. Cross sections through proposed construction areas and elevations of adjacent structures may be required by the Planning Department. Composite sketches from public vantage points may be required.
- D. Detailed drawings depicting the design of site features and elements. such as fences, benches, light fixtures, retaining walls, special paving features and similar elements.
- E. Concept grading plans, if construction is proposed on a hillside site and re-grading is required, including existing and proposed contours and a computer-generated illustration delineating proposed grading.
- F. Scale drawings of all signs that are subject to design review, showing size, location, material, color and method of illumination (if proposed).
- G. Fees as may be required.

20.28.115 Expert advice or assistance

The City may obtain the advice of persons trained in the fields of architecture, landscape architecture, and urban planning to aid in its decision. The City Council may appointed to the Planning Commission one or more persons trained in one or more of these fields as regular or ex-officio members thereof, provided that the private practice or business of such member does not create an incompatibility between the private practice or business and the rendition of objective advice to the Commission.

20.28.120 Public notice

Notice of public hearings shall be given as specified in Section 20.28.080.

20.28.125 Required findings

In approving or conditionally approving an application for design review, the following findings shall be made by the Planning and Building Director or the Planning Commission, as appropriate:

- A. The proposed development or use is consistent with all applicable policies and requirements of the General Plan and Land Use Code.
- B. The proposed design of the development or use, and all appurtenant structures, is consistent with the policies set forth in the Design Review Manual, as may be amended from time to time.
- C. The proposed development or use is consistent with the purposes of the zoning district in which it is located.
- D. The proposed development or use is consistent with any conditions imposed by the Planning Commission or City Council with respect to any matter related to the purpose of design review.

20.28.130 Effective date and term of approval

The following shall govern the date and term of design review approval.

- A. Within five (5) days following the date of a Planning Commission decision on a major design review permit application, the Secretary shall transmit to the City Council written notice of the decision. Approval of a major design review permit application shall become effective ten (10) days following the date on which the design review permit was granted by the Planning Commission or on the day following the next meeting of the Council, whichever is later, unless the decision has been appealed to the Council.
- B. Approval of a minor design review application becomes effective ten (10) days from the date of action by the Planning and Building Director, unless the decision has been appealed to the Planning Commission.
- C. Design review approval is granted for twelve (12) months. If within twelve (12) months after the effective date, a building permit has not been issued for the design review project or, where a building permit is not required, construction of the improvement(s) has not commenced, the approval will automatically expire.

- D. An extension of twelve (12) months may be granted by the Planning and Building Director upon written application by a responsible party prior to the expiration. Additional extensions of twelve (12) month increments may be granted by the Planning Commission upon the written request of a responsible party prior to the expiration of the previous extension. In the case of all extensions, it must be found that there has been no change of circumstances that could prevent any of the required findings of approval to be made.
- E. The term of design review approval may be made to be concurrent with the term of an associated tentative subdivision map, conditional use permit or variance at the discretion of the Planning Commission.

20.28.135 Appeals

Appeals of a Planning and Building Director or Planning Commission decision on a design review application shall be handled as specified in Section 20.28.085

20.28.140 Financial security for conditions of approval

An applicant for a design review project may be allowed to submit a bond, letter of credit, or other form of financial guarantee in order to ensure that required conditions of approval would be fulfilled prior to issuance of a certificate of occupancy or issuance of other final City approvals. Such bonding or other guarantee shall be approved by the Planning and Building Director for required on-site improvements and the Public Works Director for required off-site improvements with respect to the amount of bonding and the specific bonding or other instrument or guarantee.

Article V Conditional Use Permits

20.28.145 Purpose and authorization

- A. In order to give the district use regulations of this Title the flexibility necessary to achieve the objectives of the Land Use Code, in certain districts conditional use are allowed, subject to the granting of a conditional use permit. Because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the Land Use Code and with respect to their effects on surrounding properties. In order to achieve these purposes, the Zoning Administrator and the Planning Commission are empowered to grant and to deny applications for use permits for such conditional uses in such districts as are prescribed in the district regulations and to impose reasonable conditions upon the granting of use permits, subject to the right of appeal to the City Council or to review by the Council.
- B. A conditional use permit may not grant variances to the regulations prescribed by this Title for fences, walls, hedges, screening, landscaping; site area, width, frontage, depth and coverage front, rear and side yards; basic floor area, usable open space, height of structures, distances between structures; signs; and off-street parking and loading facilities. for which variance procedures exist as prescribed in Chapter 20.28, Article VI.

20.28.150 Review authority

- A. The following conditionally-permitted uses are subject to review and action by the Zoning Administrator:
1. A fence, wall or hedge exceeding the height restriction within any required yard.
 2. Height exception for chimneys, cupolas, flag poles, etc.
 3. Beer and wine sales at existing gas stations.
 4. Change of occupancy of an existing building within a commercial or industrial zoning district to a conditional use when the conditional use will not alter the existing structure nor increase parking demand beyond what is already provided on the site.
- B. The Planning Commission shall review and act upon all conditionally-permitted uses that are not subject to Zoning Administrator review at a public hearing.

20.28.155 Application and fee

Application for a conditional use permit may be made to the Planning and Building Department on a form prescribed by the Department that shall include the following:

- A. Name, address, phone and fax number of the applicant.
- B. Statement that the applicant is the owner or the authorized agent of the owner of the property on which the conditional use is proposed to be located.
- C. Address or description of the property.
- D. Statement indicating the precise manner of compliance with each of the applicable provisions of this Title, together with any other data pertinent to the findings prerequisite to the granting of a conditional use permit.
- E. A complete written description of the proposed use of the property or structures, such as nature of the proposed conditional use, expected days and hours of operations, expected number of employees and patrons or visitors, signs to be erected. Additional information may be requested by the Planning and Building Department in order to completely evaluate the proposed conditional use.
- F. The following plans or drawings:
1. An accurate scale drawing of the site showing the topographic contours of the site at intervals at not more than five (5) feet, extending for a distance not less than fifty (50) feet from the exterior boundaries of the subject site, as well as existing and proposed locations of streets, property lines, land uses, trees, structures, driveways, pedestrian walks, off-street parking and loading facilities, and landscaped areas.
 2. Floor plans, drawn to scale, of buildings and structures to be included as part of the proposed conditional use permit, including any alterations to existing structures.
 3. Architectural elevations of any new construction proposed as part of the conditional use permit application.
 4. The Planning and Building Director may authorize omission of any or all of the plans and drawings required by this section if they are not necessary to enable the Commission to

determine whether the proposed use will comply with each of the applicable provisions of this Title.

G. Applicable fees as required by resolution of the City Council.

20.28.160 Hearing and action

- A. Following a public hearing, the Planning Commission or Zoning Administrator, as appropriate, may grant an application for a conditional use permit as the conditional use permit was applied for or in modified form, or the application may be denied.
- B. A conditional use permit may be granted subject to such conditions as the Commission or Administrator may prescribe, as necessary to make the findings required in Section 20.28.165. Conditions may include but shall not be limited to special yards, open spaces and buffers, fences and walls, installation and maintenance of landscaping, street dedications and improvements, regulations on the points of vehicular access, on-site traffic circulation, regulation of signs, hours of operations, methods of operation, control of nuisances, maintenance of buildings and grounds, prescriptions of development schedules, and periodic review by the Commission or Administrator.

20.28.165 Findings

- A. The Zoning Administrator and Planning Commission, as appropriate, shall make the following findings before granting a conditional use permit:
1. The proposed location and operation of the conditional use is in accord with the Healdsburg General Plan, objectives of the Land Use Code and the purposes of the district in which the site is located.
 2. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.
 3. The proposed conditional use will comply with each of the applicable provisions of this Title.
- B. In addition to the findings required by Section (A) above, the following findings shall be made by the Planning Commission prior to granting a conditional use permit for any of the uses specified below.
1. Residential visitor lodging operations
 - a. The proposed residential visitor lodging is compatible with surrounding land uses and will not detrimentally affect the health, safety or welfare of the surrounding neighborhood or area.
 - b. Approval of the subject residential visitor lodging will not result in an over concentration of such uses in a neighborhood.
 - c. There is adequate parking for all guests and operators to park on the subject property in accordance with Chapter 20.16, Article VIII and that the required parking for guests is screened from view from the street.

- d. Approval of the residential visitor lodging will result in the preservation of the residential design and scale of the structures on the property and will maintain the residential character of the neighborhood.
 - e. The architectural or historic character of the structure proposed to house the visitor lodging is appropriate for the use.
2. Surface mining and reclamation plans
 - a. Mining permits
 - i. The project complies with the provisions of SMARA and the reclamation standards set forth in CCR Section 3700 et. seq.
 - b. Reclamation plans
 - i. The reclamation plan complies with the provisions of SMARA.
 - ii. The reclamation plan and proposed use of reclaimed land are consistent with all elements of the General Plan.
 - iii. The reclamation plan has been reviewed pursuant to CEQA and all significant adverse impacts from reclamation of surface mining operations are mitigated to levels of insignificance.
 - iv. The site to be reclaimed will be restored to a condition that is compatible with and blends in with the surrounding natural environment, topography and other resources, or that suitable off-site development will compensate for related disturbance to resource values.
 - v. Written responses to the Department of Conservation have been prepared, describing the disposition of major issues raised by the Department. Where the City's position is at variance with the comments raised by the Department, the City has responded in a satisfactory manner to the Department.
3. Adult businesses
 - a. The proposed adult business complies with all locational, development and performance standards contained in Section 20.20.085.
 4. Workforce housing and single room occupancy buildings in the Industrial District
 - a. The construction of proposed housing units) will provide workforce housing for the owners and /or employees of the industrial use(s) proposed for the site.
 - b. The design of the proposed housing unit(s) will be compatible with both onsite and adjacent or surrounding industrial uses, in terms of noise, light and glare impacts.
 - c. Adequate water, sewer and drainage facilities exist to serve both proposed industrial and residential uses.

20.28.170 Bonding for conditions of approval

An applicant for a conditional use permit may be allowed to submit a bond, letter of credit, or other forms of financial guarantees in order to ensure that required conditions of approval would be fulfilled prior to issuance of a certificate of occupancy or issuance of other final city

approvals. Such bonding shall be approved by the Planning and Building Director for required on-site improvements and the Public Works Director for required off-site improvements with respect to the amount of the bond and the specific bonding or instrument of guarantee.

20.28.175 Effective date of conditional use permit

Within five (5) days following the date of a decision of the Planning Commission on a conditional use permit application, the Secretary shall transmit to the City Council written notice of the decision. A conditional use permit shall become effective ten (10) days following the date on which the use permit was granted or on the day following the next meeting of the Council, whichever is later, unless an appeal has been taken to the Council.

20.28.180 Appeals

Appeals of a Planning Commission or Zoning Administrator action on a conditional use permit application shall be handled as specified in Section 20.28.085.

20.28.185 Lapse of conditional use permit

The following regulations govern the lapse of a conditional use permit:

- A. A conditional use permit shall lapse and shall become void one year following the date on which the use permit became effective, unless prior to the expiration of one year a building permit is issued and construction is commenced on the project which was the subject of the use permit application, or a certificate of occupancy is issued for the structure which was the subject of the use permit application, or work has commenced with regard to approved improvements, or the site is occupied if no building permit or certificate of occupancy is required.
- B. Initiation of a conditional use permit may be renewed for additional one-year periods of time, provided that prior to the expiration of one year from the date when the permit originally became effective, an application for renewal of the permit is filed with the Zoning Administrator or Planning Commission.
- C. The Zoning Administrator or Planning Commission may grant or deny an application for renewal of a conditional use permit and may also establish new time periods for action to be taken on the approved use permit.

20.28.190 Existing conditional uses

The following regulations shall apply to existing conditional uses:

- A. A conditional use established prior to the enactment of this Title shall be permitted to continue, provided that it is operated and maintained in accord with the conditions prescribed in the conditional use permit, if any.
- B. Alteration or expansion of a conditional use established prior to enactment of this Title shall be permitted only upon the granting of a new or amended conditional use permit as prescribed in this Title, provided that a use permit shall not be required for accessory structures and incidental uses located on the same site as the existing conditional use.
- C. A conditional use permit shall be required for the reconstruction of a structure housing a conditional use established prior to enactment of this Title if the structure is destroyed by fire or other calamity, by act of God, or the public enemy to a greater extent than 50 percent.

- D. The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the structure to its condition prior to such damage or partial destruction to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be made or shall be reviewed and approved by the Planning and Building Director.

20.28.195 Revocation

Upon violation of any applicable provision of this Title, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a use permit shall be suspended automatically. The Planning Commission shall hold a public hearing within forty-five (45) days, and if not satisfied that the regulation is being complied with, may revoke the use permit or take such action as may be necessary to ensure compliance with the regulation, general provision, or condition.

20.28.200 New application

Following the denial of a conditional use permit application or the revocation of a conditional use permit, no application for the same or substantially the same conditional use shall be filed on the same or substantially the same site within one year from the date of denial or revocation of the permit.

20.28.205 Conditional use permit to run with land

A conditional use permit granted pursuant to the provisions of this article shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the conditional use permit application.

Article VI Variances

20.28.210 Purposes and applicability

- A. Variances are permitted to prevent or lessen such practical difficulties and unnecessary physical hardships inconsistent with the objectives of the Land Use Code as would result from a strict or literal interpretation and enforcement of certain of the regulations prescribed by this Title. A practical difficulty or unnecessary physical hardship may result from the size, shape, or dimension of a site; from geographic, topographic, or other physical conditions on the site in the immediate vicinity; or from population densities, street locations, or traffic conditions in the immediate vicinity.
- B. Cost to the applicant of strict or literal compliance with a regulation shall not be the sole reason for granting a variance.
- C. The power to grant variances does not extend to use regulations because the flexibility necessary to avoid results inconsistent with the objectives of the Land Use Code is provided by the conditional use provisions of this Title.

20.28.215 Review authority

- A. The Zoning Administrator may approve or conditionally approve minor variances to vary by a maximum of fifty (50) percent from any dimensional standard established in this Title.
- B. The Planning Commission may approve or conditionally approve major variances to the

following regulations prescribed in this Title: lot width, frontage, depth and coverage; front, rear and side yards; floor area coverage; minimum site area per dwelling unit (so long as General Plan densities are met); usable open space; height of structures; distances between structures; signs; and off-street parking and loading facilities.

20.28.220 Application and fee

Applications for variances shall be made to the Planning and Building Department on a form prescribed by the Department, and shall include the following:

- A. Name, address, phone and fax number of the applicant.
- B. Statement that the applicant is the owner or the authorized agent of the owner of the property on which the variance is being requested.
- C. Address or description of the property.
- D. Statement of the precise nature of the variance requested and the practical difficulty or unnecessary hardship inconsistent with the objectives of the Land Use Code that would result from a strict or literal interpretation and enforcement of a specified regulation of this Title, together with any other data pertinent to the findings prerequisite to the granting of a variance.
- E. The plans and drawings listed below. The Planning and Building Director may authorize omission of any or all of the plans and drawings required by this section if they are not necessary to enable the Commission to determine whether the circumstances required for the granting of the variance exists.:
 1. An accurate scale drawing of the site and any adjacent property affected by the request, showing, when pertinent, the contours at intervals of not more than five (5) feet, and all existing and proposed locations of streets, property lines, land uses, structures, driveways, off-street parking and loading facilities, and landscaped areas.
 2. If required, the application shall be accompanied by an accurate scale drawing of the site and the surrounding area for a distance of at least 300 feet from each boundary of the site showing the existing locations of streets and property lines.
 3. Floor plans, drawn to scale, of buildings and structures to be included as part of the proposed variance, including any alterations to existing structures.
 4. Architectural elevations of any new construction proposed as part of the application.
- F. Applicable fees as required by resolution of the City Council.

20.28.225 Hearing and action

Following a public hearing, the Planning Commission or Zoning Administrator, as appropriate, may approve a variance application as it was applied for, with conditions or in modified form, or the application may be denied.

20.28.230 Required findings

- A. Variances may be granted as the variance was applied for or in modified form, if, on the basis of the application and the evidence submitted, the Planning Commission or Zoning Administrator, as appropriate, makes findings of fact that establish that the circumstances prescribed below apply:
1. Special circumstances exist with respect to the property in question, including, but not limited to size, shape, topography or surroundings
 2. Strict or literal interpretation and enforcement of the specified regulations would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Land Use Code.
 3. Strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
 4. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations of other properties classified in the same zoning district.
- B. The following additional findings shall be made for applications for the following types of variances.
1. Signs
 - a. The granting of the variance will not detract from the attractiveness or orderliness of the city's appearance.
 - b. The granting of the variance will not introduce an inharmonious visual element into the district in which the sign would be located.
 - c. The granting of the variance will not create a hazard to public safety.
 2. Parking and loading
 - a. Neither present or anticipated future traffic volumes generated by the use of the site or uses in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation.
 - b. The granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.
 - c. The granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of the Land Use Code.
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20.28.235 Effective date of variance

Approval of a variance shall become effective ten (10) days following the date on which the variance was granted unless an appeal has been filed with the City Clerk.

20.28.240 Appeals

Appeals of a Planning Commission or Zoning Administrator action on a variance application shall be as prescribed in Section 20.28.085.

20.28.245 Lapse of variance

- A. A variance shall lapse and shall become null and void when the building permit or permit issued authorizing occupancy of the site or structure which was the subject of the variance application lapses or expires.
- B. A variance may be renewed for additional periods of one year, provided that prior to the expiration of one year from the date when the variance originally became effective, an application for renewal of the variance is made to the Planning Commission.

20.28.250 Revocation

A variance may be revoked by the Planning Commission if any conditions of approval are not met, and pursuant to notice procedures in Section 20.28.080. Within five (5) days following the date of a decision of the Commission revoking a variance, the Secretary shall transmit to the City Council written notice of the decision. The decision shall become final ten (10) days following the date on which the variance was revoked or on the day following the next meeting of the City Council, whichever is later, unless a appeal has been taken to the Council.

20.28.255 New application

Following the denial or revocation of a variance application, no application for the same or substantially the same variance on the same or substantially the same site shall be filed within one year of the date of denial or revocation of the variance.

Article VII Zoning Map and Land Use Code Text Amendments**20.28.260 Purpose**

The Zoning Map and Land Use Code may be amended by changing the boundaries of any district, by applying an overlay district or by changing any district regulation, general provision, exception or other provision, in accord with the procedures prescribed in this article.

20.28.265 Initiation

- A. Zoning Map changes may be initiated by a property owner or the authorized agent of the property owner filing an application for a change in district boundaries. If the property for which a change of district is proposed is in more than one ownership, all the owners or their authorized agents shall join in the filing of the application.
- B. Zoning Map changes may be initiated by resolution of the Planning Commission or by action of the City Council in the form of a request to the Commission that it consider a proposed change.

- C. A proposal for a change in district boundaries initiated by the Planning Commission and one initiated by a property owner for all or part of the same area may be considered simultaneously.
- D. Changes to the text of the Land Use Code may be initiated by the City or may be requested by any member of the public.

20.28.270 Application and fee

- A. A property owner desiring to propose a change in the boundaries of the district in which his or her property is located or an authorized agent may file with the Planning Commission an application for a change in district boundaries on a form prescribed by the Commission which shall include the data listed below.
 - 1. Name, address and telephone number of the property owner and applicant, if the applicant is not the owner.
 - 2. Statement that the applicant is the owner or the authorized agent for the owner of the property for which the change in district boundaries is proposed.
 - 3. Address and description of the property proposed for change.
 - 4. An accurate scale drawing of the site and the surrounding area for a distance of at least 300 feet from the exterior boundary of the site and showing the location of streets and adjacent property lines.
 - 5. Applicable fees as required by resolution of the City Council.
- B. A property owner or member of the public desiring to propose an amendment to the text of the Land Use Code may file with the Planning Commission an application for a change in Land Use Code text on a form prescribed by the Commission which shall include the data listed below.
 - 1. Name, address and telephone number of the property owner and applicant, if the applicant is not the owner.
 - 2. Description of the proposed change in wording.
 - 3. Supporting information showing how the proposed amendment is consistent with applicable provisions of the General Plan and why the proposed text change should be incorporated into the Land Use Code.
 - 4. Applicable fees as required by resolution of the City Council.

20.28.275 Additional filing requirements

In addition to the above requirements, applications shall be accompanied by any additional material required by the Planning and Building Director to show site information, architecture and landscaping.

20.28.280 Action of Planning Commission

- A. The Planning Commission shall hold at least one public hearing on a proposed Zoning Map or Land Use Code amendment, with hearing notices given as prescribed in Section 20.28.080.

- B. Within forty-five (45) days following the public hearing, the Planning Commission shall make a specific finding as to whether the amendment is consistent with objectives of the Land Use Code.
- C. The Commission shall transmit a report to the City Council recommending that the application be granted, granted in modified form, or denied or that the amendment be adopted, adopted in modified form, or rejected, together with a copy of the application, resolution of the Commission, or request of the City Council; the scale drawing of the site and the surrounding area and all other data filed therewith; the minutes of the public hearing; and the findings of the Commission.

20.28.285 Action of City Council

- D. The City Council shall hold a public hearing on the application or proposal within 45 days after receipt of the resolution or report of the Planning Commission. At the public hearing, the Council shall review the application or the proposal and the resolution or report of the Commission, and may receive additional evidence.
- E. The Council shall make a specific finding as to whether the amendment is consistent with the General Plan and with the objectives of the Land Use Code. If the Council finds that the amendment is consistent, it shall enact an ordinance amending the Zoning Map or an ordinance amending the regulations of this Title, whichever is appropriate. If the Council finds that the change is not consistent, it shall deny the application.
- F. The Council shall not modify a decision of the Commission until it has required and considered a report of the Commission on the modification. Failure of the Commission to report within 30 days after receipt of the Council request shall be deemed concurrence with the modification.

20.28.290 New application

Following the denial of an application for a change in district boundaries or the creation of a PD or RMP District, no application for the same or substantially the same change shall be filed within one year of the date of denial of the application.

20.28.295 Annexed and unzoned territory

All territory which is annexed to the City or which is unzoned through abandonment of a public street or railroad right-of-way shall be classified in the Open Space District unless such territory has been otherwise pre-zoned.

Article VIII Occupancy Permits

20.28.300 Purpose and requirements

To ensure that each new or expanded use of a structure or site and each new structure or alteration of an existing structure complies with all applicable provisions of this Title as well as to ensure that any conditions which may have been placed on a particular use or structure by the Planning Commission or City Council have been fulfilled prior to occupancy of that use or structure, the Planning and Building Director shall advise the Building Official prior to issuance of an occupancy permit under the Uniform Building Code and its enabling ordinance.

20.28.305 Issuance of certificate of occupancy

The Building Official shall not issue a certificate of occupancy for a structure until all provisions of this Land Use Code and any applicable conditions of approval have been fulfilled.

Article IX Definitions

For purposes of this Title, certain words and terms used herein are defined in the following manner.

Above-moderate housing. Housing units affordable to households and individuals with incomes above one hundred and twenty percent (120%) of the median household income for Sonoma County as determined by the U.S. Department of Housing and Urban Development.

Accessory uses and structures. Uses and structures that are incidental and subordinate to the principally permitted or conditionally permitted use on a site and are customarily found on the same site.

Adult entertainment establishments. Establishments based substantially or primarily on materials or performances that depict, describe, or relate to “specified sexual activities” or “specified anatomical areas” as defined elsewhere in this article. These include:

Adult bookstores. An establishment which has a substantial portion of its stock in trade and offers for sale for any form of consideration, any one or more of the following:

- Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- Instruments, devices or paraphernalia that are designed for use in connection with “specified sexual activities.” This definition does not include such items customarily sold by a bona fide pharmacy.

Adult motion picture theater. An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown to an audience, and, in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas.”

Adult theater. A theater, concert hall, auditorium or other similar establishment, which, for any form of consideration, regularly features live performances which are characterized by the exposure of “specified anatomical areas” or by an emphasis upon the depiction of “specified sexual activities.”

Other adult entertainment establishments. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matters depicting, displaying, describing or relating to “specified sexual activities” or “specified anatomical areas.”

Affordable housing. Housing affordable to very low, low and/or moderate income households, based upon the median incomes for Sonoma County as established annually by the U. S. Department of Housing and Urban Development.

Agency. The Redevelopment Agency (RDA) of the City of Healdsburg.

Alley. A public way permanently reserved for vehicular service or pedestrian access to abutting properties.

Alter. To make a change in the supporting members of a structure, such as bearing walls, columns, beams, or girders, which will prolong the life of said structure. This shall also include exterior changes to existing structures to enlarge the floor area or volume or to change roofline(s) of said structure. This shall also include any change, addition or modification in the construction or occupancy of a building or structure.

Antique. A decorative or household object that is valued because of its age. Does not include items included under “Retail, secondhand goods” or items accepted as security for the payment of a loan.

Antique stores. Retail establishments selling generally articles of general quality and age which would be of interest to collectors or restorers, such as articles displayed in a fashion similar to a gallery or furniture store. Antique stores shall not engage in accepting items used for securities or deposits for the payment of loans or debts.

Apartments. A structure containing more than one dwelling unit for rental purposes.

Arcade. A covered walk, predominantly open on one or more sides, on the ground floor of a building, and adjacent to the street or front yard.

Arcade, video. An establishment that contains four or more video arcade games.

Arcade games. Any machine or device which may be operated for use as a game, contest, or amusement upon the insertion of a bill, coin, slug, token in any slot or receptacle attached to such machine or connected therewith, which does not contain a payoff service for the return of money, coins, slugs, tokens or merchandise.

Artisan shop. Sale of handcrafted items, such as art glass, ceramics or jewelry. An area for the crafting of the items being sold on the premises may be included with this use.

Automotive service station. A retail place of business engaged primarily in the sale of motor fuels but also supplying goods and services generally required in the operation and maintenance of automotive vehicles and fulfilling motorist needs. These may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; lubrication services; washing of automobiles as an incidental part of the business; performance of minor automotive repair, including engine tune ups; tire, battery and brake replacement; and the supplying of other such incidental customer services, including limited food items and sundries as are allowed by this Title or by other policies, regulations or laws of the City of Healdsburg.

Balcony. A platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail balustrade or parapet.

Bar. A business where alcoholic beverages are sold for on-site consumption and that is not part of a restaurant, hotel or motel. Includes pubs and similar establishments where any food service is subordinate to the sale of alcoholic beverages.

Block. The properties abutting on one side of a street and lying between the nearest two intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, unsubdivided land, watercourse or city boundary.

Boarding house. A dwelling where lodging and meals, but no other supportive services, are provided to paying guests who reside at the dwelling for thirty (30) or more consecutive days. The owner or a manager must reside within or on the same property as the boarding house.

Breezeway. A structure no more than six (6) feet in length, not exceeding fourteen (14) feet in height and having more than fifty percent (50%) of the sides of the structure enclosed with material other than necessary for roof supports, for the principal purpose of connecting the main structure on a site with another main structure or an accessory structure on the same site.

Building. Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals, chattels or property of any kind.

Building coverage. See *Site coverage*.

Building lot. See *Lot*.

Business support service. An establishment that provides one or more services to other businesses, which may also be utilized by the general public. Examples of these services include:

- Copying, quick printing, blueprinting
- Computer rental, repair
- Film processing and photofinishing (retail)
- Mailing and mail box services.

Catering. A business that prepares food for consumption on the premises of a client.

Clubs and lodges. Meeting, recreational, or social facilities of a private or non-profit organization primarily for use by members or guests. This definition includes union halls, social clubs, fraternal organizations and youth centers.

Collectible. An object of a type that is valued or sought after by collectors.

Commercial recreation. An establishment providing amusement or entertainment services for a fee or admission charge, including customarily-associated facilities such as restaurants and video game arcades. Examples of this use include the following:

- Bowling alleys
- Indoor climbing walls
- Miniature golf courses
- Skating rinks

Commercial use. A use that involves the exchange of cash, goods or services, barter, forgiveness or indebtedness, or any other remuneration in exchange for goods, services, lodging, meals, entertainment in any form, or the right to occupy space over a period of time.

Conditional use. A land use or activity permitted subject to the issuance of a use permit as set forth in this Title.

Condominium. An estate in real property consisting of an individual interest in common with other purchasers in a parcel of real property, together with a separate interest in space in a residential building.

Consignment goods. Articles that are offered for sale that have been left with the retailer on the understanding that payment will be made only when the goods have been sold and that any remaining unsold articles can be returned. Does not include pawned articles.

Convenience store. A retail store of 2,500 square feet or less in gross floor area, that carries a limited range of merchandise oriented to daily needs and which may include the sale of pre-packaged food for off-site consumption.

Court. An unoccupied open space on the same site with a building that is bounded on two or more sides by exterior building walls.

Creek. A body of water that flows at least periodically through a bed or channel having banks that support fish or other aquatic life. This includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation. This definition does not include artificial or man-made drainage ditches, such as those typically constructed along roads or agricultural fields, and which do not support fish or other aquatic life, or woody riparian vegetation, unless such features were the result of channel modification or a replacement for the loss of a natural drainage feature.

Day care, family. A home which regularly provides care, protection and supervision of 14 or fewer children in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and includes large family day care and small family day care.

Day care, general. Provision of care for seven or more persons other than a family day care on a less than 24-hour basis. This classification includes nursery schools, preschools, and day care centers for adults or children and includes only those facilities licensed by the State of California.

Day care, large family. A home that provides family day care for up to 14 children, including children under the age of 10 years who reside in the home.

Day care, limited. Non-medical care and supervision of six or fewer persons other than a family day care on a less than 24-hour basis. This classification includes nursery schools, preschools, and day care centers for children and adults and includes only those facilities licensed by the State of California.

Day care, small family. A home which provides family day care for eight (8) or fewer children, including children under the age of ten (10) years who reside in the home.

Density bonus. A density increase of at least twenty-five percent (25%) over the otherwise maximum allowable residential density under the applicable Land Use Code and Land Use Element of the General Plan as of the date an application for a housing development which meets the criteria set forth in Section 20.20.035 is filed with the City. The density bonus shall not be included when determining the required percentage of targeted housing units for a project.

Developer. The legal or equitable owner, or his or her authorized representative, of any lot or parcel that is the site of a proposed development.

District. A portion of the city within which the use of land and structures and the location, height and bulk of structures are governed by this Title. Also known as zoning districts.

Drip line. A series of points formed by the vertical dripping of water from the outermost branches and leaves of a tree.

Driveway. A private road, the use of which is limited to persons residing or working on the site and their invitees, licensees, and business visitors, and which provides access to off-street parking or loading facilities.

Dwelling. A one-family or multi-family structure other than automobile trailers, hotels, motels, labor camps, camp cars, tents, railroad cars or other temporary structures used for the purpose of human habitation.

Dwelling, duplex. A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof.

Dwelling, multi-family. A structure containing more than one dwelling unit.

Dwelling, single-family detached. A dwelling unit that is not attached in any manner to another dwelling unit, with the exception of any secondary dwelling unit and is located on a separate lot. This use includes factory-built modular housing units and manufactured housing on a permanent foundation constructed in compliance with the Uniform Building Code.

Dwelling, single-family attached. A dwelling unit that is attached to one or more dwelling units by common vertical walls in which each unit has its own front and rear access to the outside, no unit is located over another unit and each unit is located on a separate lot.

Dwelling, single room occupancy. A room rented as sleeping or living quarters with or without cooking facilities located in the same room as the sleeping or living quarters, and with or without individual bathrooms.

Dwelling unit. One or more rooms and a single kitchen, designed for occupancy by one family for living or sleeping purposes.

Dwelling unit, secondary. A dwelling unit that is attached to a primary single-family dwelling unit or is detached and is located on the same site as a primary single-family dwelling unit, and complies with the provisions of Section 20.20.010. Secondary dwelling units are not “accessory uses or structures” as defined in this article.

Emergency. Essential activities necessary to restore, preserve, protect or save lives or property from imminent danger of loss or harm.

Emergency shelter. A facility for the temporary shelter and feeding of persons who are temporarily homeless due to a natural disaster, where such shelter is operated by a public or non-profit agency.

Employee. A person hired by another, or a business company or firm, to work for another for wages, salary, commission or other consideration. For the purpose of calculating off street parking, the term employee shall also include business owners and managers on the site.

Extended hours. A business that is open to the public or operating after 10 p.m. and/or before 6 a.m.

Extended stay hotel or motel. See *Motel*

Family. An individual or two or more persons living together in a dwelling unit as a single housekeeping unit and in compliance with the provisions of the California Uniform Housing Code.

Fence. A structure, other than a building, which provides a barrier and is typically used as a boundary between properties or zoning districts as a means of protection, screening or confinement. Fences are not precluded from being constructed within portions of single lots. Typically, fences are constructed of wood, brick, cement block or metal chain link.

Fence, transparent. Fence that does not obstruct the passage of light or air through the face or side of the fence. In no case shall the solid material of the fence facing or siding exceed 25 percent of any one (1) square foot area nor shall it consist of solid material (e.g., boards, wire) that exceed a thickness of one (1) inch. Examples of transparent fences include, but is not limited to, wrought iron, chain link and box wire.

Fitness center. A facility that provides exercise facilities and related activities for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. May include related uses such as sport courts, locker facilities, showers, massage services (licensed, therapeutic), tanning services, pools, whirlpools and saunas.

Floor area ratio (FAR): The mathematical number derived by dividing the gross floor area of all buildings on a site or lot by the area of the total area of a site.

Floor area, gross. The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same site excluding: basement areas used only for storage; space used only for storage; space used for mechanical equipment; breezeways, uncovered steps, patios, and terraces, and porches and exterior balconies, if not enclosed. Unless excepted above, floor area includes but is not limited to elevator shafts and stairwells measured at each floor (but not mechanical shafts, penthouses, enclosed porches, interior balconies and mezzanines).

Food and beverage production - limited. The production of food and beverage products from raw materials for human consumption that has one or more associated on-site commercial uses, such as a public tasting facility of products produced on-site, the retail sale of products produced on-site, a restaurant or a bar. Allowable uses include those that operate at a scale, and have activities and impacts similar to, microbreweries and small wineries.

Frontage. The property line of a site abutting on a street, other than the side line of a corner lot.

Garage or carport. An accessory structure or portion of a main structure, having a permanent roof, and designed for the storage of motor vehicles. Within commercial districts, garages also include public parking structures, either privately or municipally owned and operated.

Garage, public storage. A building or grouping of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customer goods and wares.

Garage, repair. A structure or part thereof where motor vehicles or parts thereof are repaired or painted.

Garage, storage. A structure or part thereof used for the storage, or parking of motor vehicles, but not for the repair or servicing thereof.

Grade, finished. The average point of elevation of finished ground level within the area between a building and the property line or where the property line is more than 5 feet from a building, between the building and the line 5 feet from the building. In cases where walls are parallel to

Grocery and specialty foods sales. A retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption off-site. Includes accessory uses such as retail bakeries, where any on-site baking is only for on-site sales, catering, and floral and plant sales.

Guest house. An attached or detached accessory living area, without a kitchen or cooking facilities, which is located on the same site or lot as a primary dwelling unit.

Heritage tree. Any tree that has a diameter of thirty (30) inches or more, measured two (2) feet above the level ground, or any tree or group of trees identified by City Council resolution.

Home occupation. The conduct of an art or profession, the offering of a service, the conduct of a business, or the handcraft manufacture of products in a dwelling in accord with the regulations prescribed in Section 20.20.005 and which is clearly incidental to the main residential use.

Homeless shelter. A facility for the shelter and feeding of persons who lack a fixed, regular and adequate nighttime residence for up to 30 consecutive days, where such shelter is operated by a public or non-profit agency.

Hotel. See *Motel*.

Household. One person living alone; or two or more persons sharing residency whose income is available to meet the family's needs and who are related by blood, marriage or operation of law.

Inclusionary unit. An affordable housing unit built as part of a residential development project to meet the requirements of this Title.

Instructional services. A business that offers group instruction in such areas as the arts, gymnastics, martial arts and yoga.

Intersection, street. The area common to two (2) or more intersecting streets.

Junkyard. A site or portion of a site on which waste, discarded, or salvageable materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including used furniture and household equipment yards, house wrecking yards, used lumber yards; excepting a site on which such uses are conducted within a completely enclosed structure and excepting motor vehicle wrecking yards as defined in this section. An establishment for the sale, purchase, or storage of used cars or salvaged machinery in operable condition and the processing of used or salvaged materials as part of a manufacturing operation shall not be deemed a junk yard.

Kennel. Any premises, except where necessary to an agricultural use, where 4 or more dogs over 4 months of age are kept, boarded, bred or sold.

Landscaping. An area devoted to or developed and maintained with native or introduced plantings, lawn, ground cover, gardens, trees, shrubs and other plant material, decorative outdoor landscape elements, pools, fountains, water features, paved or decorated surfaces of rock, stone, brick, block, or similar material, excluding driveways, parking and loading areas.

Legal holiday. Any holiday designated by the City of Healdsburg.

Live/work facilities. An integrated housing unit and working space, occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes complete kitchen space and sanitary facilities in compliance with the City building code and working space reserved for and regularly used by one of more occupants of the unit.

Lot. A parcel of land created by a duly approved and recorded subdivision map in accordance with the Subdivision Map Act.

Lot area. The total horizontal area included within the property lines of a lot.

Lot, corner. A lot bounded on two or more adjacent street lines which have an angle of intersection of not more than 135 degrees.

Lot, depth. The horizontal distance from the mid-point of the front lot line to the midpoint of the rear lot line.

Lot, double frontage. An interior lot having frontage on two parallel or approximately parallel streets.

Lot, flag. A lot with access to a street by means of a corridor having at least 15 feet of frontage. The length of a corridor shall be measured from the frontage line to the nearest point of intersection with that property line parallel or most nearly parallel to the frontage line. The area of access corridor shall not be included in determining the site area of a corridor lot.

Lot, interior. A lot other than a corner lot.

Lot, key. A lot with a side property line that abuts the rear property line of any one or more adjoining lots.

Lot, reversed corner. A corner lot the side line of which is substantially a continuation of the front property line of the first lot to its rear.

Lot line, front. A line separating an interior lot from a street, or a line separating the narrower street frontage of a corner lot from a street.

Low-income household. A household receiving an income from fifty-one (51) to eighty (80) percent of the median household income for Sonoma County as determined by the U.S. Department of Housing and Urban Development.

Maintenance/repair service. Maintenance and/or repair services of such items as landscaping, buildings, appliances, computers, electronics, equipment and instruments, provided on- or off-site. This category allows the incidental retail sale of related products and materials.

Manufactured home. A transportable structure which in the traveling mode is 8 feet or more in width and 40 feet or more in length and is a minimum of 320 square feet and which is built on a permanent chassis or permanent foundation. This term includes mobile homes.

Manufacturing/processing - light. The assembly, fabrication or conversion of already-processed raw materials into products where the operational characteristics of the manufacturing or processing (e.g., vibration, dust, glare, electromagnetic interference and/or noise) and the materials used (e.g., combustibles and explosives), will not adversely affect abutting, existing or potential sensitive receptors.

Manufacturing/processing - moderate. The assembly, fabrication or conversion of raw materials into products where the operational characteristics of the manufacturing or processing (e.g., vibration, dust, glare, electromagnetic interference and/or noise) and/or the materials used (e.g., combustibles and explosives) would adversely affect abutting, existing or potential sensitive receptors without controls on their operation. This category does not include uses that, by their nature, generate negative vibration, dust, glare, noise, and/or visual impacts that cannot be reduced to acceptable levels, such as dumps, slag piles, freight forwarding terminals, tanneries, wood pulp processing, refineries, junk and vehicle wrecking yards, and the storage of excavated materials, manure and/or soil.

Market rate housing. A non-inclusionary housing unit.

Massage establishment. A business entity or social organization having a fixed place of business where any person, firm, association, partnership or corporation engages in, conducts or carries on, or permits to be engaged in, conducted or carried on, any massage. Massage activities conducted as an ancillary to a medical, therapeutic or restorative activity by individuals so licensed by the State of California shall not be defined as a massage establishment.

Medical services, minor. A facility other than a hospital where medical, dental, mental health, surgical and/or other health care services are provided on an outpatient basis by no more than four licensed primary practitioners (e.g., chiropractors, doctors, veterinarians, dentists, optometrists, counseling services, psychiatrists).

Microbrewery. A brewery that produces fewer than 15,000 barrels of beer per year. This use category includes the general uses allowed for a winery.

Mixed use development. A combination of non-residential and residential uses arranged on a site. Uses may be mixed vertically or horizontally within the same building or separate buildings.

Mobile home. See *Manufactured home*.

Moderate-income household. A household earning an income from eighty-one (81) to one hundred and twenty (120) percent of the median household income for Sonoma County as determined by the U.S. Department of Housing and Urban Development.

Motel, hotel, extended stay hotel. A structure or portion thereof or a group of attached or detached structures containing completely furnished individual guest rooms or suites, occupied on a transient basis for compensation.

Motor vehicle. A motor vehicle includes any and all self-propelled vehicles as defined by the California Motor Vehicle Code, including all on-highway type motor vehicles subject to registration under said code, and all off-highway type motor vehicles subject to identification under said Code.

Motor vehicle wrecking yard. A site or portion of a site on which the dismantling or wrecking of used vehicles, whether self-propelled or not, or the storage, sale, dumping of dismantled or wrecked vehicles or their parts is conducted. The presence outside of a fully enclosed structure of three (3) or more used motor vehicles that are not capable of operating under their own power shall constitute prima facie evidence of a motor vehicle wrecking yard.

Non-conforming sign. A sign, outdoor advertising structure, or display of any character, which was lawfully erected but which does not conform with current standards for location, size,

illumination or other standard for the district in which it is located, by reason of adoption of this Title or amendment thereto, or by reason of annexation of territory to the City.

Non-conforming structure. A structure or building which was lawfully erected, but which does not conform with current standards of coverage, setbacks, height of structures, or distances between structures prescribed in the regulations for the district in which the structure is located, by reason of adoption of this Title or amendment thereto, or by reason of annexation of territory to the City.

Non-conforming use. A use of a structure or land which was lawfully established and maintained, but which does not conform with the use regulations or required standards for the district in which it is located, by reason of adoption of this Title or amendment thereto, or by reason of annexation of territory to the City.

Nursing home. A structure or group of structures operated as a boarding house in which nursing, dietary, and other personal services are rendered to convalescents, invalids, or aged persons, not including persons suffering from contagious or mental diseases, alcoholism, or drug addiction, and in which surgery is not performed and primary treatment, such as customarily is given in hospitals and sanitariums, is not provided. A convalescent home or a rest home is deemed a nursing home.

Off-street loading facilities. A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

Off-street parking facilities. A site or portion of site devoted to the parking of motor vehicles, including parking spaces, aisles, access drives, and landscaped areas. May also include, by reference, off-street loading areas.

Outdoor advertising structure. A structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, located on a site other than the site on which the advertised use is located or which the advertised use is produced or sold.

Patio, covered. A structure not exceeding fourteen (14) feet in height, and enclosed on not more than three (3) sides except for posts necessary for roof support. Covered patios shall be included within site coverage calculations.

Permanent foundation system. An assembly of materials constructed below or partially below grade and not intended to be removed from its installation site, which assembly is designed to support a structure and is engineered to resist the imposition of external natural forces as defined by the California Health and Safety Code.

Permitted use. A land use or activity allowed in a zoning district without the requirement for a conditional use permit under this Title.

Person. Any individual, firm, association, corporation, organization, or partnership, or any city, county, district or state or any department or agency thereof.

Personal services. The provision of non-medical services as a primary use. May include the retail sales of products related to the services provided. Examples of these uses include:

Advisory and consulting services

Clothing rental

Design services
Dry cleaning pick-up with limited equipment
Employment services
Fitness center
Framing, art
Hair, skin and nail care, including tanning, body piercing and tattooing
Laundries, self-service
Legal services
Massage (licensed, therapeutic, non-sexual)
Pet grooming, not including day or overnight care
Photography services
Real estate services
Rental and repair of bicycles and scooters
Rental of pre-recorded video and audio
Rental of sporting goods
Repair and tailoring of clothing and shoes
Repair of small electronics and appliances
Travel arrangements for out-of-town travel

Porch. A covered platform, usually having a separate roof, located at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of a building.

Pre-existing. In existence prior to the effective date of this Title and applicable amendments.

Primary dwelling unit(s). Single or multi-family dwelling units that are allowed to be constructed on a site or lot as a principal use in conformity with this Title.

Project area. The Sotoyome Community Development Project or any new or merged areas established by the Redevelopment Agency in the City of Healdsburg.

Property plane. A vertical plane, including the property line, which determines the property boundaries in space.

Railroad right-of-way. A strip of land on which railroad tracks, switching equipment, and signals are located, but not including lands on which stations, offices, storage buildings, spur tracks, sidings, yards or other uses are located.

Recycling facility. A center for the collection and/or processing of recyclable materials. "Recyclable material" means reusable domestic containers and other materials that can be reconstituted, remanufactured or reused in an altered form, including glass, metals, paper and plastic. Recyclable material does not include refuse of hazardous materials. This use includes the following categories.

Small collection facility. A center that occupies an area of three hundred fifty (350) square feet or less, and may include a mobile unit, where the public may donate, redeem or sell recyclable materials. Small collection facilities may include reverse vending machines, which are automated mechanical devices that accept at least one or more types

of empty containers and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by state law.

Medium collection facility. Includes the following:

- Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty (50) square feet. A bulk reverse vending machine is a reverse vending machine that is larger than fifty (50) square feet, is designed to accept more than one container at a time, and issues a cash refund based on total weight instead of by container.
- A kiosk unit.

Residential care, general. A State-licensed facility, place or structure that is maintained and operated to provide non-medical residential care, day treatment or foster agency services for seven or more adults and/or children as defined in the California Health and Safety Code. This use includes the administration of limited medical assistance (e.g., dispensing of prescribed medications).

Residential care, limited. A State-licensed facility, place or structure that is maintained and operated to provide non-medical residential care, day treatment or foster agency services for six or fewer adults and/or children as defined in the California Health and Safety Code. This use includes the administration of limited medical assistance (e.g., dispensing of prescribed medications).

Residential development project. A project consisting of two or more dwelling units or lots, including, but not limited to single-family dwellings, multi-family dwellings, condominiums, townhouses, conversion of apartments to condominiums and residential land subdivisions.

Residential visitor lodging operation. A residential dwelling unit in which paying guests are lodged on an overnight basis in accordance with Section 20.20.060.

Restaurant. A retail business selling ready-to-eat food and/or beverages for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption and eating establishments where customers are served food at their tables for on-premise consumption, and which may also provide food for take-out. Customer seating may be located outdoors.

Retail, bulky products. The sale of bulky items, such as home furnishings, antiques, pools and spas, animal feed, farm supplies, building materials, hardware, landscaping materials and commercial fuel in an area (including a structure and any associated outdoor space) containing 5,000 square feet or more devoted to such uses. This category does not include big box retail, as defined in the Healdsburg General Plan.

Retail, general. The sale of the following and similar items. This land use does not include adult entertainment establishment, which is separately defined.

Antiques and collectibles

Art

Art, craft and hobby supplies

Audio and video equipment

Baked goods, including their preparation for on-site sales

Bicycles, scooters

Books, newspapers, periodicals - new and used
Cameras, photographic supplies
Clothing, shoes, accessories - new
Computers, computer supplies
Consignment goods
Fabrics, sewing supplies
Flowers, plants - indoor sales only
Home décor and furnishings
Household appliances - small
Household supplies, kitchenware
Jewelry, watches
Leather goods
Luggage
Musical instruments, parts and accessories
Office supplies, stationery, greeting cards
Optic wear
Orthopedic supplies
Personal care products, including health care products
Pets, pet supplies
Pharmaceuticals, excluding marijuana dispensaries
Pre-recorded video and audio materials
Sporting goods and equipment
Telecommunications devices for personal use
Toys, games

Retail, secondhand goods. The sale of used products, including clothing, furniture and household goods, jewelry, appliances, musical instruments, business machines and office equipment, tools, motors, machines, instruments and any similar secondhand articles or objects. This category does not include the sale of secondhand farm and construction equipment, junk dealers, scrap/dismantling yards and the sale of cars and other used vehicles.

Retail warehouse. A large retail structure or establishment under one roof where durable goods, food and grocery items or similar items are offered for sale in an open warehouse display context.

Sanitarium. A structure, other than a nursing home, where persons are boarded and furnished with nursing or medical care.

Secondary dwelling unit. See *Dwelling unit, secondary.*

Senior citizen. A person 62 years of age or older or a person 55 years of age or older if a project contains at least 35 units to be used for senior citizen housing.

Shopping center. A group of commercial establishments planned, constructed and managed as a total entity with customer parking provided on-site, provisions for goods delivery separated from customer access and aesthetic considerations.

Sign. Any lettering or symbol made of cloth, metal, paint, paper, wood, or other material of any kind whatsoever placed for advertising, identification, or other purposes on the ground or on any bush, tree, rock, wall, post, fence, building, structure, vehicle or on any place whatsoever. The term “placed” shall include constructing, erecting, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever.

Single ownership. Holding record title, possession under a contract to purchase, or possession under a lease, by a person, firm, corporation, or partnership, individually, jointly, in common, or in any other manner whereby the property is or will be under unitary or unified control.

Single room occupancy building. A multi-unit residential building in which at least ninety (90) percent of the units are single room occupancy (SRO) units, excluding rooms occupied by management employees, and in which at least seventy-five (75) percent of the annual occupancy of the SRO units is for monthly terms.

Site. The parcel of land or a portion thereof, considered as a unit, devoted to or intended for a use or occupied by a structure or a group of structures that are united by a common interest or use.

Site (lot) area. The total horizontal area included within the property lines of a lot, exclusive of the area of access corridors, streets, and portions of the site within the future street plan lines. Easements are included within site areas.

Site coverage. The amount of a building site covered by main and accessory buildings and structures, including garages, carports, and covered patios. Open recreational facilities, such as swimming pools and spas, courts, decks and similar facilities (under 30 inches in height above finished grade) shall not be included in the calculation of building coverage. Projecting eaves shall also be excluded from building coverage calculations.

Spa, day use. An establishment independent of overnight accommodations that offers a combination of health related personal services, including but not limited to facials, hand and foot treatments, and massages.

Spa, overnight stay. A day spa facility that offers visitor-lodging accommodations to the general public and may provide additional services, such as a restaurant, meeting rooms and recreational facilities. The visitor lodging accommodations shall be located in a one-story building(s) only and cannot be accessed directly from an automobile.

Specialty transportation. Pedicabs, Segways, scooters, bicycles and similar modes of transportation.

Specified anatomical areas. This shall include the following: less than completely and opaquely covered human genitals, pubic region; buttocks; and female breasts below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities. This shall include the following: human male genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation or sodomy; and fondling or other erotic touching of human genitals, pubic region, buttock or female breasts.

Stable. A complex, including buildings and adjacent grounds, for the keeping of horses, mules and ponies.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor above. If there is no floor above, then the space between such floor and the ceiling next above it shall be considered a story. If the finished floor level directly below a usable floor space is more than six feet above grade (for more than 50 percent of the perimeter), or is more than 12 feet above grade at any point, such under-floor space, it shall be considered a story.

Street. A thoroughfare right-of-way, dedicated as such or acquired for public use as such, other than an alley, which affords the principal means of accessing abutting land.

Stream. See *Creek*.

Structure. Anything constructed or erected which requires a location on the ground, including a building or a swimming pool, but not including a fence, a wall used as a fence, or a deck less than thirty inches above finished grade.

Structure, accessory. A detached, subordinate structure the use of which is appropriate, subordinate, and customarily incidental to that of the main structure or the main use of the land, and which is located on the same site as the main structure or use.

Structure, main. A structure housing the principal use of a site or functioning as the principal use.

Supportive housing. Housing that is occupied by a member of a target population as defined in the California Health and Safety Code for a minimum of 30 days and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

Swimming pool. A pool, lake, or open tank capable of containing water to a depth greater than one and one half feet at any point.

Targeted unit. A unit reserved under the criteria set forth in Sections 20.20.012 and 20.20.014.

Transitional housing. A dwelling intended for habitation for a minimum of 30 days by a person or family whose head of household is homeless or at-risk of homelessness and who receives supportive services designed to assist the occupants in achieving and sustaining housing stability.

Tree. Any woody perennial plant with a single trunk diameter of six (6) inches or more or a combination of multiple trunks with a total diameter of twelve (12) inches or more, measured four and one-half (4.5) feet above the average natural grade.

Tree, heritage. See *Heritage tree*.

Transmission line. An electric power line bringing power to a receiving substation or a distribution substation.

Use. The purpose for which a site or structure is arranged, designed, intended, constructed, erected, moved, altered, or enlarged or for which either a site or a structure is or may be occupied or maintained.

Use, accessory. A use that is appropriate, subordinate, and customarily incidental to the main use of the site and which is located on the same site as the main use.

Vacation rental home. The rental/letting of a complete residential unit (with bedroom(s), kitchen and bath) for fewer than thirty (30) days for transient lodging purposes and with no on-site management.

Vacation timeshare. A development in which the purchaser receives the right in perpetuity, for life, or for a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, or segment of real property, annually or on some other periodic basis, for a period of time that has been allotted from the use or occupancy periods into which the project has been divided.

Vehicle services. The repair, servicing, alteration, restoration, towing, painting or finishing of vehicles and/or boats as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories.

Major maintenance/repair. Includes towing, collision repair and other body work, and painting services; tire recapping.

Minor maintenance/repair. Includes limited repair and maintenance services, such as car stereo and alarm installers, window tinting, detailing services, muffler and radiator servicing, quick-lube services, tire and battery sales and installation (not including tire recapping), washing.

Vehicle storage. The long-term storage of operative cars, trucks, buses, recreational vehicles, and other motor vehicles.

Very low-income household. A household receiving an income less than or equal to fifty percent (50%) of the median household income for Sonoma County as determined by the U.S. Department of Housing and Urban Development.

Visitor lodging. Facilities with guest rooms and/or suites, provided with or without kitchen facilities, rented to the general public for transient lodging (i.e., less than thirty (30) days). Includes associated services such as restaurants, meeting facilities, personal services, recreational facilities and accessory retail uses, which may be open to the public.

Viticultural area sign. A sign to identify one or more wineries or associated wine tasting businesses within an area recognized as an American Viticultural Area by the U.S. Department of Treasury, Bureau of Alcohol, Tobacco and Firearms.

Warehouse. A building intended for the wholesale storage or distribution of goods or products. Limited retail sales may be permitted with the issuance of a conditional use permit.

Wholesaling and distribution. Establishments engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes retail sales comprising no more than twenty-five (25) percent of the floor area. This category does not include freight forwarding terminals.

Width. The horizontal distance between the side property lines of a site measured at right angles to the depth at a point midway between the front and rear property lines.

Winery. A facility used for the production and distribution of wine. This use category includes the following related on-site uses:

- Processing of raw products outside or within a structure
- Aging, processing and storage of products in bulk
- Bottling and storage of bottled products
- Shipping and receiving of bulk and bottled products
- Retail sale of products- and winery-related items
- Public tours of the premises
- Special events
- Laboratories
- Administrative and marketing offices
- Above-ground storage and processing of wastewater

Winery - small. A winery that produces fewer than 20,000 gallons of wine per year.

Workforce housing. Housing that includes live/work facilities, multi-family housing and single room occupancies, provided the dwellings are located on the site where the source of employment is located.

Yard. An open space on the same site as a structure, unoccupied and unobstructed from the ground upward, including a front yard, or space between structures.

Yard, front. A yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the front property line and a line parallel thereto on the site.

Yard, rear. A yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the rear property line and a line parallel thereto on the site.

Yard, side. A yard extending from the rear line of the required front yard, or the front property line of the site where no front yard is required, to the front line of the required rear yard, or the rear property line of the site where no rear yard is required, the width of which is the minimum horizontal distance between the side property line and a line parallel thereto on the site.

Zoning Administrator. The Planning and Building Director shall be appointed as the Zoning Administrator with the duties and responsibilities as outlined in the Land Use Code.