

ORDINANCE NO. 2026-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN HOUSE COMPREHENSIVELY AMENDING TITLE 9 (DEVELOPMENT TITLE) OF THE MOUNTAIN HOUSE MUNICIPAL CODE

WHEREAS, on July 1, 2024, the City of Mountain House incorporated as a general law city; and

WHEREAS, by Ordinance No. 2024-018 adopted on September 25, 2024, the City Council adopted Title 9 (Development Title) of the Mountain House Municipal Code, which was based on the San Joaquin County Code provisions that had been previously applicable to the Mountain House area when it was unincorporated; and

WHEREAS, since then, City staff has identified numerous provisions in Title 9 that require amendment to reflect the City's status as an incorporated municipality, including correcting cross-references, eliminating provisions applicable only to unincorporated county areas, and revising definitions to reflect current usage; and

WHEREAS, state law changes since adoption of Title 9, particularly relating to accessory dwelling units and sign regulations, necessitate amendments to ensure the City's regulations comply with current law; and

WHEREAS, the City Council desires to amend Title 9 to conform development standards and regulations to the Mountain House Master Plan and to improve clarity and consistency throughout the Development Title.

NOW, THEREFORE, the City Council of the City of Mountain House does ordain as follows:

SECTION 1. Amendment of Section 9-1-201. Section 9-1-201 of the Mountain House Municipal Code is hereby amended to read as follows:

9-1-201 Title—Reference.

The ordinance codified in this Title (Title 9) shall be known and cited as the "Development Title of the City of Mountain House," the "Development Title" or the "Title." Unless otherwise specified, references to section numbers herein are to the sections of this Title.

SECTION 2. Amendment of Section 9-1-207. Section 9-1-207 of the Mountain House Municipal Code is hereby amended to read as follows:

9-1-207 Minimum Requirements.

The provisions of this Title are considered to be minimum requirements. The City may establish more stringent requirements where deemed necessary.

SECTION 3. Amendment of Section 9-1-208. Section 9-1-208 of the Mountain House Municipal Code is hereby amended to read as follows:

9-1-208 Interpretation, Constitutionality, and Severability.

(a) **Ambiguities.** Unless otherwise provided, any ambiguity concerning the content or application of this Title shall be resolved by the Director.

(b) **Invalidity.** If any section, subsection, sentence, clause, or phrase of this Title is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Title. The City Council declares that it would have passed this Title and every section, subsection, clause, and phrase thereof, notwithstanding that one or more sections, subsections, sentences, clauses, or phrases may later be declared unconstitutional.

SECTION 4. Amendment of Section 9-1-301. Section 9-1-301 of the Mountain House Municipal Code is hereby amended to read as follows:

9-1-301 Intent.

The provisions of this Chapter 3 shall be known as the Definitions. The intent of this chapter is to promote consistency and precision in the interpretation of this Title.

SECTION 5. Amendment of Section 9-1-303. Subdivision (j) of Section 9-1-303 of the Mountain House Municipal Code is hereby amended to read as follows:

(j) **Statutory References. Inclusion of Amendments and Additions.** Whenever reference is made to any portion of the ordinance codified in this Title, or of any other ordinance of this City or of any law of this State, the reference applies to all amendments and additions now or hereafter made.

SECTION 6. Amendment of Section 9-1-304. Section 9-1-304 (Definitions) of the Mountain House Municipal Code is hereby amended to read as set forth in Exhibit A.

SECTION 7. Amendment of Section 9-2-201. Section 9-2-201 of the Mountain House Municipal Code is hereby amended to read as follows:

9-2-201 Intent.

The intent of this Chapter is to specify the responsibilities of the various City agencies, groups, and offices in implementing this Title.

SECTION 8. Amendment of Section 9-2-204. Section 9-2-204 of the Mountain House Municipal Code is hereby amended to read as follows:

9-2-204 Planning Commission.

At such time as the City Council repeals or amends Ordinance No. 2024-012 to establish a Planning Commission, or otherwise establishes a Planning Commission, the Planning Commission role as part of the Planning Agency shall be as provided in this Section.

(a) **Membership.** The Planning Commission shall consist of five (5) members who shall be appointed by the Mayor, with the approval of the City Council, in accordance with Government Code Section 40605.

(b) **Term.** The term of office of each member of the Planning Commission shall be four (4) years beginning on the first day of January of an even numbered year. Three terms shall end December 31 of a year divisible by 4, and the other two terms shall end on December 31 of the next even-numbered year that is not divisible by 4. A member of the Planning Commission may continue in office after the end of the term of office until

a successor member has been appointed by the City Council and has taken the oath of office.

(c) ***Vacancies and Removal.*** Vacancies in the office of an appointed member of the Planning Commission shall be filled by appointment for the unexpired term. Any member of the Planning Commission may be removed for cause by majority vote of the City Council. The City Council shall declare a vacancy in the office of any member who is absent from three (3) consecutive regular meetings of the Planning Commission without prior notification given to the Planning Commission Chairperson.

(d) ***Advisory Staff.*** The Community Development Director, the City Attorney, and the Director of Public Works are designated as advisory staff to the Planning Commission. In lieu of personal attendance, each such officer may appoint one (1) deputy or assistant to attend Planning Commission meetings.

(e) ***Officers and Rules.*** Annually, the Planning Commission shall elect a Chairperson and a Vice-Chairperson from among the appointed members. No appointed member shall be elected Chairperson or Vice-Chairperson for more than two (2) consecutive terms. The Director of the Community Development Department, or his or her assistant or deputy designated under subdivision (d) shall be the Secretary to the Planning Commission. The Planning Commission shall adopt rules for the transaction of its business and shall keep a record of its resolutions, transactions, and determinations. All decisions and recommendations of the Planning Commission shall be carried by the affirmative votes of not less than a majority of its total voting members.

(f) ***Functions.*** The Planning Commission shall have the following functions in the administration of this Title and related regulations and policies:

- (1) Prepare, periodically review, and revise, as necessary, the General Plan for the City;
- (2) Consider and recommend amendments to the General Plan;
- (3) Investigate and make recommendations regarding reasonable and practical means for implementing the General Plan;
- (4) Consider and recommend amendments to this Title;
- (5) Annually review the Capital Improvement Program of the City for its conformity with the General Plan, any Specific Plans, any Special Purpose Plans, and all elements and parts of the General Plan, and provide a report concerning said Capital Improvement Plan to the City Council;
- (6) Interpret the text of the General Plan as it relates to this Title;
- (7) Interpret the maps of the General Plan as they relate to the text of the General Plan;
- (8) Develop and maintain any Master Plans, Public Financing Plans, Specific Plans, or Special Purpose Plans necessary or desirable for the implementation of the General Plan;
- (9) Consider and recommend upon applications for Master Plans, Public Financing Plans, Specific Plans, and Special Purpose Plans;
- (10) Serve as the appellate body for discretionary staff decisions;
- (11) Review and act upon referrals or appeals from the Floodplain Administrator;
- (12) Act as the advisory agency, as that term is used in the Subdivision Map Act, on Major Subdivisions;
- (13) Review and act upon applications requiring public hearings;

(14) Determine that there has been adequate environmental review under the provisions of the California Environmental Quality Act, of all matters the Planning Commission is considering;

(15) Recommend changes to the environmental guidelines for the City; and

(16) Perform such other functions as the City Council may require, including conducting studies and preparing plans other than those authorized by Title 7 of the Government Code.

(g) **Compensation.** Planning Commission shall be compensated in accordance with a Resolution of the City Council, if any, adopted for such purpose.

SECTION 9. Amendment of Section 9-2-206. Section 9-2-206 of the Mountain House Municipal Code is hereby amended to read as follows:

9-2-206 Community Development Department.

The Community Development Department shall have the following functions in the administration of this Title and related regulations and policies:

(a) **Administer General Plan.** Perform the duties required for the proper preparation and administration of the General Plan, as provided by law and ordinance;

(b) **Administer Master Plans and Public Financing Plans.** Perform the duties required for the proper preparation and administration of Master Plans and Public Financing Plans and regulations as provided by ordinance;

(c) **Administer Specific Plans.** Perform the duties required for the proper preparation and administration of Specific Plans and regulations as provided by law and ordinance;

(d) **Administer Special Purpose Plans.** Perform the duties required for the proper preparation and administration of Special Purpose Plans and regulations as provided by law and ordinance;

(e) **Advise City Council and Commission.** Provide administrative support and professional advice to the Planning Commission and City Council;

(f) **Special Studies and Surveys.** Perform special studies and surveys as directed by the City Council;

(g) **Publicize General Plan.** Endeavor to promote public interest in, comment on, and understanding of the General Plan and regulations relating to it;

(h) **Consult on General Plan.** Consult and advise with public officials and agencies; public utility companies; civic, educational, professional, and other organizations; and citizens concerning the preparation and implementation of the General Plan;

(i) **Coordinate Plans and Programs.** Promote the coordination of local plans and programs with the plans and programs of other public agencies; and

(j) **Report to City Council.** Provide an annual report to the City Council on the status of the General Plan and progress in its implementation.

SECTION 10. Amendment of Section 9-2-208. Subdivision (b) of Section 9-2-208 of the Mountain House Municipal Code is hereby amended to read as follows:

(b) Functions. The Design Consistency Review Committee shall review all Development Permit applications (as defined in Section 9-1-304) for consistency with the design policies and requirements of City-adopted plans and ordinances. In addition, the Design Consistency Review Committee shall make design consistency recommendations for Mountain House plan and program documents related to

community design that are submitted to the Community Development Department for review. The design consistency recommendations of the Design Consistency Review Committee shall be submitted to the Director.

SECTION 11. Amendment to Section 9-2-311. Section 9-2-311 of the Mountain House Municipal Code is hereby amended to read as follows:

9-2-311 Violation of Permits.

Violation of permits approved under the provisions of this Chapter shall be subject to the enforcement procedures in Division 19 of this Title.

SECTION 12. Amendment to Section 9-2-408. Subdivision (i) is hereby added to Section 9-2-408 of the Mountain House Municipal Code to read as follows:

(i) ***Notice on Site.*** Applicant shall be required to post a copy of the development proposal on a 4' x 8' sign board posted on the subject site of the application. The notice shall include detail of the proposed development. Said notice shall be posted on the subject site for a minimum of 30 days prior to the final determination of the City.

SECTION 13. Amendment to Section 9-2-508. Subdivision (i) is hereby added to Section 9-2-508 of the Mountain House Municipal Code to read as follows:

(i) ***Notice on Site.*** Applicant shall be required to post a copy of the development proposal on a 4' x 8' sign board posted on the subject site of the application. The notice shall include detail of the proposed development. Said notice shall be posted on the subject site for a minimum of 30 days prior to the final determination of the City.

SECTION 14. Amendment to Section 9-2-601. Section 9-2-601 of the Mountain House Municipal Code is amended to read as follows:

9-2-601 Intent.

The intent of this Chapter is to provide a process for the alteration of any permit granted under this Title. The revocation or modification of a permit for cause shall comply with the provisions of Chapter 7 of Division 2 of this Title.

SECTION 15. Amendment of Section 9-2-706. The heading of Section 9-2-706 of the Mountain House Municipal Code is hereby amended to read as follows:

9-2-706 Action by Planning Commission or City Council.

SECTION 16.

SECTION 17. Amendment of Section 9-2-707. Section 9-2-707 of the Mountain House Municipal Code is hereby amended to read as follows:

9-2-707 Cumulative Rights.

The City's right to revoke a development approval, as provided by this Chapter, shall be cumulative to any other remedy allowed by law.

SECTION 18. Amendment of Section 9-2-806. Section 9-2-806 of the Mountain House Municipal Code is hereby amended to read as follows:

9-2-806 Repairs Necessary to Protect Health and Safety.

Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any City or State official charged with protecting the public health or safety, upon order of such official.

SECTION 19. Amendment of Section 9-2-807. Subdivision (a)(1) of Section 9-2-807 of the Mountain House Municipal Code is hereby amended to read as follows:

(1) The City shall consider such ordinance requirements as minimum requirements.

SECTION 20. Amendment to Section 9-2-904. Section 9-2-904 of the Mountain House Municipal Code is amended to read as follows:

9-2-904 Refunds.

All fees shall be nonrefundable except:

(a) **Lack of Jurisdiction.** Where the City does not have jurisdiction to act on an application, a one hundred percent (100%) refund shall be given; or

(b) **Before Public Notification.** Where notification of the project is required and has not yet been served, the City may give a refund, not to exceed fifty percent (50%).

SECTION 21. Amendment of Section 9-2-910. Section 9-2-910 of the Mountain House Municipal Code is hereby amended to read as follows:

9-2-910 Time and Materials Fees.

At the discretion of the Director of Community Development Department or Director of Public Works, the fee for a project application may be based on the actual City cost of processing the application. The decision to use actual cost of processing shall be based on the extraordinary amount of staff time estimated to process the application. The decision must be made within thirty (30) business days after the application is declared complete. Actual cost shall include employee salaries and benefits, overhead, and materials.

SECTION 22. Amendment of Section 9-2-911. The introductory paragraph of Section 9-2-911 of the Mountain House Municipal Code is hereby amended to read as follows:

The City may use professional services as follows:

SECTION 23. Amendment of Section 9-2-1002. Subdivision (a) of Section 9-2-1002 of the Mountain House Municipal Code is hereby amended to read as follows:

(a) A request for reasonable accommodation may be made by any person with a disability or their representative, when the application of a requirement of this Title or other City requirement, policy, or practice acts as a barrier to fair housing opportunities. For the purposes of this Chapter, a “person with a disability” is any person who has a physical or mental impairment that limits or substantially limits one (1) or more major life activities, anyone who is regarded as having such impairment, or anyone who has a

record of such impairment. This Chapter is intended to apply to those persons who are defined as disabled under the Acts.

SECTION 24. Amendment of Section 9-2-1004. Subdivision (d) of Section 9-2-1004 of the Mountain House Municipal Code is hereby amended to read as follows:

(d) The requested reasonable accommodation would not conflict with the nature of a City program or law, including, but not limited to, land use and zoning;

SECTION 25. Amendment of Section 9-3-202. Section 9-3-202 of the Mountain House Municipal Code is hereby amended to read as follows:

9-3-202 Permitted Use Types.

Permitted, not permitted and conditionally permitted use types shall be as provided in Table 9-3-2.1.

SECTION 26. Amendment of Section 9-3-206. Section 9-3-206 of the Mountain House Municipal Code is hereby amended to read as follows:

9-3-206 Special Use Regulations.

In addition to the provisions of Section 9-3-201 through Section 9-3-205, the following Special Use Regulations shall apply to those uses or use types specified below:

(a) ***Accessory Dwelling Units.*** An accessory dwelling unit and a junior accessory dwelling unit are permitted, subject to the provisions of Chapter 13 of Division 8.

(b) ***Education Animal Project.*** In the Rural Residential (R-R) and Very Low Density Residential (R-VL) zones, the number of animals that may be raised for an educational animal project shall not exceed the number permitted under the Family Food Production Use Type, as specified in Chapter 10 of Division 10, and shall not include the raising of swine.

(c) ***Trucks in Residential Zones.*** No truck exceeding eleven thousand (11,000) pounds gross vehicle weight rating (GVWR), as defined in the California Vehicle Code, shall be parked or stored on private property in any area zoned for residential use and containing a primary dwelling unit.

(d) ***Parking.*** The Automotive Sales and Services-Parking Use Type may be permitted in Low Density Residential (R-L), Medium Density Residential (R-M), Medium-High Density Residential (R-MH) and High Density Residential (R-H) zones if adjacent to a commercial or industrial zone with an approved Use Permit.

(e) A maximum of eight (8) special outdoor events may be permitted with an approved site approval application in the Low Density Residential (R-L) and Medium Density Residential (R-M) zones.

(f) ***Religious Assembly.*** Regional uses shall have a minimum parcel size requirement of ten (10) acres.

(g) ***Permit Type Required for Change in Existing Use.*** Any change in an existing use to a new use which requires either a Use Permit, a Site Approval, or an Improvement Plan shall be permitted without a Use Permit, Site Approval, or Improvement Plan, provided the Review Authority finds that the proposed use is less detrimental to, or will have no greater impact in, the zone than the existing use.

SECTION 27. Addition of Section 9-3-208. Section 9-3-208 of the Mountain House Municipal Code is hereby added to read as follows:

9-3-208 Short-Term Rental Prohibited.

No person shall establish, operate, or maintain any short-term rental. Notwithstanding the foregoing, a property owner may rent their home for up to 14 days in a year, provided that each rental period shall not be less than 7 consecutive days. Notwithstanding anything to the contrary in this Code, any violations of this section are subject to increased fines under subdivision (d) Government Code section 36900 and sections 1-2-201 and 1-2-303 of this Code.

SECTION 28. Amendment of Table 9-3.2.1. Table 9-3.2.1 of the Mountain House Municipal Code is hereby amended as follows:

- a. by deleting the row entitled "Group Care, Farm Related";
- b. by amending the row entitled "Group Residential" to provide that the use is "Use Permitted Subject to Use Permit" ("U") in the R-L zone; and
- c. by deleting the rows entitled "Wineries and Wine Cellars, Wine Cellar, Off-Site," and "Wineries and Wine Cellars, Wineries, All Sizes."

SECTION 29. Amendment of Section 9-3-302. Section 9-3-302 of the Mountain House Municipal Code is hereby amended to read as follows:

9-3-302 Reserved.

SECTION 30. Amendment of Section 9-3-303. Section 9-3-303 of the Mountain House Municipal Code is hereby amended to read as follows:

9-3-303 Lot Size.

Minimum lot size by residential zone shall be as set forth in Table 9-3-3.2, as modified by Table 9-3-3.3, for the Specific Plan III area and as set forth in Table 9-3-2.1 unless otherwise specified for other areas of Mountain House.

(a) **Major or Minor Subdivisions.** For Major and Minor Subdivision applications, the size of individual lots may be reduced to ninety percent (90%) of the minimum lot size required by Table 9-3-3.2 for the Specific Plan III area and by Table 9-3-3.1 for other areas, provided Master Plan density requirements are met.

(b) **Affordable Housing.** Lot size exceptions for projects providing affordable housing shall be as specified in the Development Title.

SECTION 31. Amendment of Section 9-3-304. Section 9-3-304 of the Mountain House Municipal Code is hereby amended to read as follows:

9-3-304 Lot Width.

Unless otherwise specified, lots within residential zones shall have a width as specified in Table 9-3-3.2 for the Specific Plan III area and in Table 9-3-3.1 for other areas.

(a) **Major or Minor Subdivision.** Minimum lot width for individual lots may be reduced five (5) feet from the required minimum, provided the average lot width in the proposed subdivision is at least equal to the minimum lot width required.

(b) **Affordable Housing.** Lot width exceptions for projects providing affordable housing shall be as specified in the Development Title.

SECTION 32. Amendment of Section 9-3-305. Section 9-3-305 of the Mountain House Municipal Code is hereby amended to read as follows:

9-3-305 Setbacks.

Buildings and structures within the Specific Plan III area of Mountain House shall meet the setback requirements specified in Table 9-3-3.2, except as noted in Table 9-3-3.3. For other areas of Mountain House, unless otherwise specified, buildings and structures shall meet the setback requirements specified in Table 9-3-3.1. For lots located within the R-M zone and within a tract for which a Model Home Master Plan has been approved, the setback and structure standards specified in Table 9-3-3.2 for lots within the Specific Plan III area and in Table 9-3-3.1 for other areas for lots with an area of less than thirty-six hundred (3,600) square feet shall be applicable to all lots in the tract if at least one (1) of the residential lots has an area of less than thirty-six hundred (3,600) square feet.

(a) **Front, Side, and Rear Setback Exceptions.**

(1) Structures on lots zoned R-MH or R-H, or designated R/MH or R/H on the Master Plan, shall increase the minimum setback by five (5) feet for each story over the first story when adjacent to arterial roads or lots designated R/VL, R/L or R/M on the Master Plan.

(2) For side yards, the following setbacks shall be applicable, provided coverage requirements as specified in Table 9-3-3.1 are met:

(A) The side setback in the R-L, R-M and R-MH zones may be reduced to zero (0) feet along the common wall in a zero lot-line residential project or where the distance between the building on the subject lot and the building on the adjacent lot is at least the minimum building separation as specified in Table 9-3-3.1.

(B) For lots less than fifty-one (51) feet in width, the side setback shall equal ten percent (10%) of the smallest lot width within said Tract, but in no case shall the side setback be less than three (3) feet.

(3) For single story accessory buildings located in the rear third of the parcel, the rear setback may be reduced to zero (0) feet where the distance between the accessory structure on the subject lot and the structure on the adjacent lot is at least the minimum building separation as specified in Table 9-3-3.1.

(4) For corner lots, the following setbacks shall be applicable, provided coverage requirements as specified in Table 9-3-3.1 are met:

(A) For corner lots zoned R-L the minimum streetside side setback shall be ten (10) feet.

(B) For corner lots zoned R-M less than fifty-one (51) feet in width, the minimum streetside side setback shall be five (5) feet, plus an additional ten percent (10%) of the smallest lot width within said Tract, but in no case shall be less than nine (9) feet.

(C) For corner lots zoned R-M, greater than or equal to fifty-one (51) feet in width, the minimum streetside setback shall be ten (10) feet.

(D) For reverse corner lots, the side setback requirement shall be applied to the rear setback.

(E) For corner lots within Tract 3202, the rear setback shall be ten (10) feet.

(5) For buildings with common automobile or pedestrian access, except where a building is adjacent to a public street, front and rear setbacks may, with the Director's approval, be reduced, provided that minimum building separations per Table 9-3-3.1 are maintained.

(6) For single-family homes with common automobile or pedestrian access in the R-MH zone, the rear setback for lots backing onto a public street may be reduced to five (5) feet, provided that minimum building separations as specified in Table 9-3-3.1 are maintained.

(7) For lots located within the R-M zone, the minimum building separation for all lots shall be twenty percent (20%) of smallest lot width within the tract, but in no case shall be less than six (6) feet.

(8) For lots zoned R-L less than one hundred (100) feet in depth, the minimum front and rear setback shall be fifteen (15) feet.

(b) *Setback Exceptions for Specified Streets.*

(1) Great Valley Parkway. Dwellings shall maintain a minimum setback of one hundred (100) feet from the Community Boundary.

(2) I-205. Dwellings shall maintain a minimum setback from I-205 as specified in the Master Plan.

(c) *Setback Exceptions for Garages.*

(1) The minimum front setback for garages with doors facing the local, collector or arterial streets shall be five (5) feet behind the primary living area of the main structure.

(2) The minimum setback for side entry garages, including a side entry garage with a second unit dwelling located over said garage, shall be twenty-five (25) feet in the R-VL zone and ten (10) feet for all other residential zones.

(3) For garages served by common driveways, auto courts or alleys, garage setbacks may, subject to Director approval, be reduced provided that a minimum building separation of twenty (20) feet is maintained between the subject garage and the building across the common driveway, and consistency with Subsection (c)(1) is maintained.

(4) For single story garages located in the rear third of the parcel that includes either one (1) space of a total three (3) car garage or both spaces of a two (2) car garage, the rear setback may be reduced to zero (0) feet where the distance between said garage on the subject lot and the structure on the adjacent lot is at least the minimum building separation as specified in Table 9-3-3.1.

(d) *Setback Exceptions for Off-Street Parking Areas.*

(1) Reserved.

(2) The minimum setback for off-street parking areas in the R-MH and R-H zones shall be fifteen (15) feet from any adjacent street; ten (10) feet from any adjacent lot zoned R-VL, R-L or R-M; and five (5) feet from any side or rear property line not abutting a street or lot zoned R-VL, R-L or R-M.

(e) *Setback Exceptions for Other Specified Structures.*

(1) Fire Escapes. Fire escapes shall not extend or project more than four (4) feet beyond the setback line.

(2) Stairways and Balconies. Open, unenclosed stairways, or balconies not covered by a roof or canopy, shall not extend or project more than four (4) feet beyond the side or rear setback line, and shall not extend or project more than thirty (30) inches beyond the front setback line.

(3) Porches. Porches, platforms or landing places which do not extend above the level of the first floor of the building may extend six (6) feet in the R-M zone or eight (8) feet in the R-L and R-VL zones into any setback adjacent to a public street, but must maintain a minimum four (4) feet setback from the property line. Any open work railing, no more than thirty (30) inches in height, may be installed or constructed on any such porch, platform or landing place.

(4) Patio Covers. Patio covers, as defined by Chapter 49 of the Uniform Building Code, may be located within three (3) feet of the rear or interior side property line.

(5) Eaves, Roof Overhangs and Similar Features. Eaves, roof overhangs and other similar architectural features may extend or project up to:

(A) Thirty (30) inches beyond the setback line, provided said architectural feature is no closer than thirty (30) inches to the property line where the setback requirement is ten (10) feet or less;

(B) Four (4) feet beyond the setback line, where the setback requirement is more than ten (10) feet.

(6) Fireplaces, Air Conditioning Equipment, Water Softener Units. Fireplaces, air conditioning units and water softening units may extend or project up to thirty (30) inches beyond the setback line, provided said structure is no closer than thirty (30) inches to the property line.

(7) Pools. Pools shall not be located closer than three (3) feet from any side or rear property line. On corner lots, pools shall be located no closer to the street than the setback specified for that residential zone.

(8) Non-Habitable Architectural Features. Non-habitable architectural features may project up to thirty (30) inches into any setback or setback exception, but must maintain a minimum of four (4) feet from the property line when fronting on a public street.

(9) Fences.

(A) For corner lots that are not reverse corner lots in the Low Density (R-L) and Medium Density (R-M) residential zones: a fence up to six (6) feet in height may be located five (5) feet from the streetside side property line, provided the fence tie-in to the house along said streetside side yard occurs at a point that is approximately one-half the length of the house, or less, as measured from the rear of the house.

(B) For reverse corner lots in the Low Density (R-L) and Medium Density (R-M) Residential Zones: a fence up to seven (7) feet in height may be permitted in the streetside side yard, provided it is located a minimum of ten (10) feet from the streetside side property line.

(C) For side yards that are adjacent to the knuckle of a cul-de-sac in the Low Density (R-L) and Medium Density (R-M) residential zones: a fence up to six (6) feet in height may be permitted, provided it is located a minimum of five (5) feet from said side yard property line.

(D) For front yards in all residential zones except the Very Low Density (R-VL) zone: a fence up to seven (7) feet in height may be permitted, provided it is located a minimum of ten (10) feet from the property line.

(E) For front yards and streetside side yards in the Medium-High Density (R-MH) and High Density (R-H) residential zones: a fence up to seven (7) feet in height may be permitted, provided it is located a minimum of ten (10) feet from the property line.

(F) For any required yard in the Very Low Density (R-VL) residential zone: an open fence up to seven (7) feet in height may be permitted.

(G) For corner lots in which the rear yard is adjacent to a street or an alley, a fence up to six (6) feet in height may be located five (5) feet from the streetside side property line.

(f) ***Setback Exceptions for Specified Land Uses or Features.***

(1) County Line. Dwellings shall maintain a minimum setback from the Alameda County Line as specified in the Master Plan.

(2) Power Line Easements.

(A) Dwelling units shall maintain a minimum setback of twenty-five (25) feet from the Rio Oso-Tesla powerline easement.

(B) School sites shall maintain a minimum setback of one hundred (100) feet from a fifty (50) to one hundred thirty-three (133) kV line existing or proposed powerline easement; one hundred fifty (150) feet from a two hundred twenty (220) kV line existing or proposed powerline easement; and three hundred fifty (350) feet from a five hundred (500) to five hundred fifty (550) kV line existing or proposed powerline easement.

(C) Other nonresidential structures shall maintain a minimum of ten (10) feet from the Rio Oso-Tesla powerline easement.

(3) Mountain House Creek Corridor. Buildings shall maintain a minimum setback of fifty (50) feet from the Mountain House Creek Corridor.

(4) Wetlands. Buildings and structures shall maintain a minimum setback from wetlands in accordance with the setback requirements for wetlands specified in the Wetlands Management Plan.

(5) Delta-Mendota Canal. Dwellings, excluding garages, shall maintain a minimum setback from the Delta-Mendota Canal as specified in the Master Plan.

(g) ***Affordable Housing.*** Setback exceptions for projects providing affordable housing shall be those specified in the Development Title.

(h) ***Setback Exceptions for Property Surrounding a Neighborhood Center.*** The front yard setback for structures on lots zoned R-L may be reduced to fifteen (15) feet, provided said lots surround, or are across from, a Neighborhood Center.

(i) ***Setback Exceptions for Residential Lots on Central Parkway.*** For residential lots in the R-L zone that front on Central Parkway, the front yard setback may be reduced to fifteen (15) feet and the rear yard setback may be reduced to fifteen (15) feet.

(j) ***Minimum Driveway Length.*** For all residential lots, other than those excepted under subdivision (a)(5) of this section, the minimum setback to any garage that faces the street shall be 18 feet.

SECTION 33. Amendment of Section 9-3-308. The introductory paragraph of Section 9-3-308 of the Mountain House Municipal Code is hereby amended as follows:

For corner lots in the Specific Plan III planning area, corner lot dimensions and setbacks shall be as per Table 9-3-3.2. For corner lots in other areas of Mountain House, the following provisions shall be applicable:

SECTION 34. Deletion of Section 9-3-309. Section 9-3-309 of the Mountain House Municipal Code is hereby deleted.

SECTION 35. Amendment of Table 9-3-3.1 (Lot and Structure Standards). Table 9-3-3.1 of the Mountain House Municipal Code is hereby amended to read as follows:

TABLE 9-3-3.1 LOT AND STRUCTURE STANDARDS¹

<i>Zoning District</i>	<i>Minimum Lot Size (square feet)</i>	<i>Minimum Lot Width (feet)</i>	<i>Maximum Building Height (stories)</i>	<i>Maximum Building Coverage (Percent)</i>
R-VL	15,000	75	2	35 Coverage
R-L	5,000	50	2	50 Coverage; 60 Coverage (for one story homes)
R-M (≥3,600 sf)	3,000	40	2	55 Coverage; 65 (for one story homes)
R-M (<3,600 sf)	2,000	35	2	75 Coverage
R-MH	-	-	3	65 Coverage
R-H	-	-	3	65 Coverage

¹ See Sections 9-3-303 through 9-3-308 for exceptions and modifications.

MINIMUM SETBACK REQUIREMENTS²

<i>Zoning District</i>	<i>Front Setback (feet)</i>	<i>Side Setback (feet)</i>	<i>Minimum Building Separation (feet)</i>	<i>Rear Setback (feet)</i>
R-VL	25	15	30	25
R-L	20; 15 (for one story building)	5	10	20; 15 (for one story homes)
R-M (≥3,600 sf)	15	5	10	15
R-M (<3,600 sf)	10	5	10	10
R-MH	10	5	10	10
R-H	15; 10 (for arterial)	10	20	10

² Unless otherwise specified, setbacks shall be measured from the planned ultimate right-of-way width of the roadway, as shown on the Master Plan or on any applicable Specific Plan.

SECTION 36. Amendment of Table 9-3-3.2 (Lot and Structure Standards for Specific Plan III Area).
Table 9-3-3.2 of the Mountain House Municipal Code is hereby amended to read as follows:

TABLE 9-3-3.2 LOT AND STRUCTURE STANDARDS FOR SPECIFIC PLAN III AREA

	<i>R-VL</i>	<i>R-L</i>	<i>R-M</i>	<i>R-M small lot¹</i>	<i>R-MH</i>	<i>R-H</i>
Lot Size (SF)²	15,000	5,000	3,600	2,000	-	-
Lot Width (FT)²	75	45	35	30	25	-
Corner Lot Width (FT)²	75	50	40	35	30	-
Lot Depth: Width Ratio	-	-	-	-	-	-
Setbacks²						
Front (FT)	25	20 ³	12	10	15 ⁴	15 ⁴
Rear (FT)	25	20	15	10	10	10
Side (FT)	15	5	5 ⁹	4 ⁹	5	5
Corner Side (FT)¹¹	side plus 5	side plus 5	side plus 5	side plus 5	side plus 5	side plus 5
Building Separation (FT)²	30	10	10 ¹⁰	8 ¹⁰	10	20
Max. Building Coverage²	35%	40% ⁵	50%	N/A ⁶	65%	65%
Max. Building Height (Stories)²	2	2	2	2 ⁷	3	3

Key to Land Use Regulations

¹ Small lot, lots within subdivision tracts that have a standard lot size of less than 3,600 square feet.

² Unless otherwise specified, standards are minimums and setbacks shall be measured from the planned ultimate right-of-way width of the roadway as shown on the Master Plan or on any applicable Specific Plan. Setbacks and other criteria shall apply to all new residential lots within the Specific Plan III planning area, except where specific lot type/product design criteria have been approved and adopted as part of the College Park Specific Plan Area Design Manual or as part of a Special Purpose Plan.

³ A 15-foot front setback is allowed for single-story homes.

⁴ A minimum 10-foot front setback is allowed on arterial streets, but the minimum front setback shall be increased by five feet for each story over the first story for structures zoned R-MH and R-H adjacent to arterial roads or adjacent to lots designated R/VL, R/L or R/M in the Master Plan.

⁵ A 50% maximum building coverage is allowed for single-story homes.

⁶ Building coverage is not limited, buildings must meet all setbacks. At least one (1) plan of the model home master plan may not exceed the square feet of Livable Area set forth in the table below. Where "Standard Lot Size" may not be applicable, average lot size may be substituted for the purposes of calculating the Maximum Livable Area. The mix of plans on a Model Home Master Plan shall conform to plotting criteria set forth in the table below, but in no case shall the plan(s) required to have a Maximum Livable Area as set forth in the table above be plotted on less than 15% of lots within the Model Home Master Plan.

<i>Standard Lot Size</i>	<i>Maximum Livable Area (for one plan)</i>
<3,000 sq. ft.	1,400 sq. ft.
3,000—<3,200 sq. ft.	1,500 sq. ft.
3,200—<3,400 sq. ft.	1,600 sq. ft.
3,400—<3,600 sq. ft.	1,700 sq. ft.

<i>Number of plans in Model Home Master Plan</i>	<i>Portion of Model Home Master Plan occupied by each plan, Minimum</i>	<i>Portion of Model Home Master Plan occupied by each plan, Maximum</i>
3	30%	40%
4	20%	35%
5	15%	30%
6	13%	27%
7	11%	24%
8	9%	21%
9	7%	18%
10	5%	15%

⁷ A third level is allowed if contained within 2nd level roof and 2nd level eave line. Dormers are permitted through the roof envelope for light and egress.

⁸ A residential subdivision or development may be approved at a density which exceeds or falls below the density range specified by the Master Plan, provided the subdivision is within the General Plan density range; and that the Master Plan density range for each land use district will be maintained for the neighborhood, or the developer's aggregate subdivisions for a land use district within Specific Plan III.

⁹ Side setback equals ten percent (10%) of lot width for those lots with a lot width less than fifty (50) feet wide, but in no case shall be less than three (3) feet.

¹⁰ Building separation equals twenty percent (20%) of lot width for those lots with a lot width less than fifty (50) feet wide, but in no case shall be less than six (6) feet.

¹¹ Lots siding on pedestrian paseos, Homeowners' Association (HOA) landscape parcels or street rights-of-way that include a minimum of five (5) feet of landscaping adjacent to the parcel in question shall not be considered corner lots.

SECTION 37. Amendment of Section 9-3-404. Section 9-3-404 of the Mountain House Municipal Code is hereby amended to read as follows:

9-3-404 Incentives.

(a) A builder may request incentives pursuant to this section only when the builder is eligible for and receives a density bonus pursuant to Section 9-3-402. A residential development may receive the following number of incentives:

(1) One (1) incentive for a project that includes:

(A) At least five (5) percent of the total units for very low-income households;

(B) At least ten (10) percent of the total units for low-income households; or

(C) At least ten (10) percent for persons or families of moderate income in a common interest development.

(2) Two (2) incentives for a project that includes:

(A) At least ten (10) percent of the total units for very low-income households;

(B) At least twenty (20) percent of the total units for low-income households; or

(C) At least twenty (20) percent for persons and families of moderate income in a common interest development.

(3) Three (3) incentives for a project that includes:

(A) At least fifteen (15) percent of the total units for very low-income households;

(B) At least thirty (30) percent of the total units for low-income households; or

(C) At least thirty (30) percent for persons or families of moderate income in a common interest development.

(b) One (1) or more of the following incentives shall be made available to a builder eligible for incentives, per the requirements in subdivision (a) above, except as provided in Section 9-3-405:

(1) Reduction in setback;

(2) Reduction in lot width;

(3) Reduction in square footage requirements of the lot;

(4) Reduction in yard dimensions;

(5) Increase in building height;

(6) Increase in building intensity;

(7) Reduction of ratio of vehicular parking spaces per unit;

(8) Reduction in open space requirements; or

(9) Reduction in fees.

(c) In addition to the incentives described above, an applicant for a development that meets the requirements of Section 9-3-402 may request parking standards consistent with Government Code Section 65915.

SECTION 38. Amendment of Section 9-3-405. Section 9-3-405 of the Mountain House Municipal Code is hereby amended to read as follows:

9-3-405 Written Finding That Incentive Not Necessary.

If the Director concludes that an incentive as specified in Section 9-3-404 is not necessary for affordability of the target units, a written finding stating such shall be made.

SECTION 39. Amendment of Section 9-3-406. Section 9-3-406 of the Mountain House Municipal Code is hereby amended to read as follows:

9-3-406 Request for Density Bonus.

(a) If a density bonus is desired by the applicant, the applicant shall submit a written request for a density bonus with the application for residential development.

(b) A developer may submit a preliminary written proposal pursuant to this section prior to the submittal of any application for residential development. Within 90 days the City shall notify the developer in writing of any additional procedures necessary to comply with this section and Section 65915 of the Government Code.

SECTION 40. Amendment of Section 9-3-407. Subdivision (a)(2) of Section 9-3-407 of the Mountain House Municipal Code is hereby amended to read as follows:

(2) Ten (10) years if the City does not grant at least one of the additional incentives and government financing with a longer designated preservation period is not used for the project.

SECTION 41. Amendment of Table 9-3-2.4 (Temporary Uses and Structures in Residential Zones). Table 9-3-2.4 of the Mountain House Municipal Code is hereby amended by deleting the row entitled "Agricultural Excavation."

SECTION 42. Amendment of Section 9-4-205. Section 9-4-205 of the Mountain House Municipal Code is hereby amended to read as follows:

9-4-205 Special Use Regulations.

In addition to the provisions specified in the development title, the following provisions shall be applicable:

(a) ***Medical Services Use Type.***

(1) Medical offices shall be designed and configured to appear as office type uses in those commercial zones where they are allowed.

(2) Urgent care centers, and other facilities included under the medical services use type that provides emergency medical care, shall be situated on and accessed from arterial roadways. Said facilities shall be separated from residential and other sensitive land uses by means of an arterial roadway, landscape easement or other effective buffer.

(b) ***Public Services: Essential, Use Type.***

(1) Hospitals shall not be allowed in the C-FS zone.

(2) Hospitals shall be situated on and accessed from arterial roadways. Said facilities shall be separated from residential and other sensitive land uses by means of an arterial roadway, landscape easement or other effective buffer.

(c) **Commercial Buildings in Neighborhood Commercial (C-N) Zones.** If the Director determines that the uses and architectural, siting, and other issues associated with a commercial building of a proposed application have been addressed by an existing Special Purpose Plan or Specific Plan, an Improvement Plan may be allowed for said commercial building in lieu of the permit type specified in Table 9-4-2.1.

(1) New commercial buildings not included in an existing Special Purpose Plan or Specific Plan shall be subject to the permit type specified in Table 9-4-2.1.

(2) A building expansion of an existing commercial building which has been included in an existing Special Purpose Plan or Specific Plan may be allowed subject to an Improvement Plan, provided the building expansion involves less than a twenty-five percent (25%) increase in floor area covered by the existing commercial building. If said expansion is twenty-five percent (25%) or more of the floor area covered by the existing commercial building, the expansion shall be subject to Site Approval.

SECTION 43. Amendment of Table 9-4-2.1. Table 9-4-2.1 of the Mountain House Municipal Code is hereby amended as follows:

- a. by deleting the “Group Care, Farm Related” row; and
- b. by deleting the rows entitled “Wineries and Wine Cellars,” “Wine Cellar, Off-Site,” and “Wineries, All Sizes.”

SECTION 44. Amendment of Table 9-4-2.2 (Temporary Uses and Structures in Commercial Zones). Table 9-4-2.2 of the Mountain House Municipal Code is hereby amended by deleting the row entitled “Agricultural Excavation.”

SECTION 45. Amendment of Section 9-4-302. Section 9-4-302 of the Mountain House Municipal Code is hereby amended to read as follows:

9-4-302 Reserved.

SECTION 46. Amendment of Section 9-4-307. Section 9-4-307 of the Mountain House Municipal Code is hereby amended to read as follows:

9-4-307 Building Coverage.

The maximum building coverage by zone for buildings and structures shall be as set out in Table 9-4-3.1.

SECTION 47. Amendment of Table 9-4-3.1. Table 9-4-3.1 of the Mountain House Municipal Code is hereby amended to read as follows.

TABLE 9-4-3.1 LOT AND STRUCTURE STANDARDS*

<i>Zoning District</i>	<i>Minimum Lot Size (square feet)</i>	<i>Minimum Lot Width (feet)</i>	<i>Maximum Building Height (stories)</i>	<i>Maximum Bldg Coverage (Percent)</i>
C-N	-	50 (-1)	2	60
C-C	-	50	3	60
C-O	5,000	50 (-1)	3	60

C-G	-	50	3	60
C-FS	-	50	5	60

SETBACK REQUIREMENTS**

Zoning District	Arterial Street (feet)	Collector and Local Streets (feet)	Side Setback (feet)	Rear Setback (feet)
C-N	0	0	-	-
C-C	0	0	-	-
C-O	20 (10 ¹)	20 (10 ¹)	20 (10 ^{1,2})	15 (10 ¹)
C-G	20	20	-	-
C-FS	30	20	20	20

* See Sections 9-4-303 through 9-4-307 for exceptions and modifications.

** Unless otherwise specified, setbacks shall be measured from the planned ultimate right-of-way width of the roadway, as shown on the Master Plan or on any applicable Specific Plan.

Notes: Refer to Table 9-4-3.1 for depth to width ratio. Table 9-4-3.1 does not apply within Specific Plan III area of Mountain House.

¹ Applies within Specific Plan III area of Mountain House.

² Side setback for C-O is 20' for the streetside side of corner lots in Specific Plan III area.

SECTION 48. Amendment of Section 9-5-205. Section 9-5-205 of the Mountain House Municipal Code is hereby amended to read as follows:

9-5-205 Special Use Regulations in Industrial Zones.

In addition to the provisions of Section 9-5-201 through 9-5-204, the following regulations shall apply to industrial zones:

(a) Unless the use type is more restrictive, a Site Approval (Chapter 9 of Division 8) is required for any industrial use that is:

(1) Six thousand (6,000) square feet or greater in ground floor area;

(2) Occupies ten (10) or more acres of site area; or

(3) Not served by a public wastewater treatment plant, public water system, and a public drainage system.

(b) Any change in an existing use to a new use which requires either a Use Permit, Site Approval, or an Improvement Plan shall be permitted without a Use Permit, Site Approval, or Improvement Plan, provided the Review Authority finds that the proposed use is less detrimental to, or will have no greater impact in, the zone than the existing use.

(c) Uses allowed in all Commercial zones, except Neighborhood Commercial (C-N) and Commercial Recreation (C-R), may be allowed in Limited Industrial (I-L) and General Industrial (I-G) zones under the following conditions:

(1) The Commercial zone is immediately adjacent to the Industrial zone;

(2) The uses are located in a "transition area" between the two zones that is designated in an adopted Special Purpose Plan;

(3) The specific uses that may be allowed in the "transition area" must conform with the use regulations of the particular Industrial and Commercial zones that are located adjacent to each other;

(4) The specific uses that may be allowed must be based upon land use plans and criteria included in an adopted Special Purpose Plan;

(5) A full range of public services is provided to all of the properties.

(d) Deleted.

(e) Deleted.

(f) Deleted.

(g) ***Automotive Sales and Services.*** Automotive Sales, Use Type. Uses classified under the Automotive Sales and Services: “Automotive Sales, Use Type” shall be adjacent to a freeway.

(h) Medical Services Use Type.

(1) Medical offices shall be designed and configured to appear as office type uses in those commercial zones where they are allowed.

(2) Urgent care centers, and other facilities included under the medical services use type that provides emergency medical care, shall be situated on and accessed from arterial roadways. Said facilities shall be separated from residential and other sensitive land uses by means of an arterial roadway, landscape easement, or other effective buffer.

(i) Public Services: Essential, Use Type.

(1) Hospitals shall be situated on and accessed from arterial roadways. Said facilities shall be separated from residential and other sensitive land uses by means of an arterial roadway, landscape easement, or other effective buffer.

SECTION 49. Amendment of Section 9-5-208. Section 9-5-208 of the Mountain House Municipal Code is hereby amended to read as follows:

9-5-208 Reserved.

SECTION 50. Amendment of Section 9-5-209. Section 9-5-209 of the Mountain House Municipal Code is hereby amended to read as follows:

9-5-209 Reserved.

SECTION 51. Amendment of Section 9-5-210. The heading of Section 9-5-210 of the Mountain House Municipal Code is hereby amended to read as follows:

9-5-210 Special Use Regulations in the Limited Industrial Zone.

SECTION 52. Amendment of Table 9-5-2.1 (Uses in Industrial Zones). Table 9-5-2.1 of the Mountain House Municipal Code is hereby amended

- a. by deleting the row entitled “Group Care, Farm Related”;
- b. by amending the rows entitled “Liquor Sales, On-Premises, General,” “Liquor Sales, On-Premises, Limited,” and “Liquor Sales, Off-Premises” to provide that the uses are “Use Permitted Subject to Use Permit” (“U”) in the I-L zone; and
- c. by deleting the rows entitled “Wineries and Wine Cellars, Wine Cellar, Off-Site,” “Wineries and Wine Cellars, Wineries, Large and Medium,” and “Wineries and Wine Cellars, Boutique and Small.”

SECTION 53. Amendment of Table 9-5-2.2 (Temporary Uses and Structures in Industrial Zones). Table 9-5-2.2 of the Mountain House Municipal Code is hereby amended:

- a. by deleting “AX Permitted Subject to Agricultural Excavation Permit” in the Legend; and
- b. by deleting the row entitled “Agricultural Excavation.”

SECTION 54. Amendment of Section 9-5-302. Section 9-5-302 of the Mountain House Municipal Code is hereby amended to read as follows:

9-5-302 Reserved.

SECTION 55. Amendment of Section 9-5-307. Section 9-5-307 of the Mountain House Municipal Code is hereby amended to read as follows:

9-5-307 Building Coverage.

The percentage of the total area of any lot which may be occupied by buildings and structures in the industrial zones shall not exceed that set forth in Table 9-5-3.1.

SECTION 56. Amendment of Section 9-6-204. The introductory paragraph of Section 9-6-204 of the Mountain House Municipal Code is hereby amended to read as follows:

Permitted, not permitted and conditionally permitted accessory uses and structures in the AU zone shall be as provided in Table 9-6-2.1. Accessory uses or structures not specifically listed in Table 9-6-2.2 may be permitted with an improvement plan, provided:

SECTION 57. Amendment of Section 9-6-206. Section 9-6-206 of the Mountain House Municipal Code is hereby amended to read as follows:

9-6-206 Special Use Regulations.

In addition to the provisions of Sections 9-6-201 through 9-6-205, the following Special Use Regulations shall apply to the uses or use types specified below:

(a) **Accessory Dwelling Units.** An accessory dwelling unit and a junior accessory dwelling unit are permitted, subject to the provisions of Chapter 13 of Division 8.

(b) Agricultural Processing.

(1) A use classified under the Agricultural Processing use type may be expanded provided all of the following conditions are met:

(A) The use was lawfully in existence at the time the property was rezoned to AG;

(B) The expansion involves less than a fifty percent (50%) increase in floor area;

(C) The expansion involves less than a twenty-five percent (25%) increase in overall site area; and

(D) The expansion complies with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency.

(2) If a proposed expansion does not comply with the above, a new use permit shall be required.

(c) **Power-Generating Facility.** A permit approval shall be subject to all of the following findings:

(1) The source of the power requires locating the use in an area designated as Agriculture or Resource Conservation in the General Plan;

(2) The use will not have a significantly detrimental effect on agricultural activities in the vicinity; and

(3) The site of the use can be rehabilitated for agricultural production or a permitted use in the AG zone if the power source is temporary.

(d) **Resource Recovery.** A permit approval shall be subject to all of the following findings:

(1) The nature of the materials processed and the operational characteristics of the use require a location outside of an urban area as designated on the General Plan.

(2) The facility only converts waste products from agricultural operations to other useable products.

(e) **Agricultural Truck Parking.** A permit approval for truck parking as an accessory use in an agricultural zone shall be subject to the following minimum requirements:

(1) The property contains a minimum of two (2) acres for up to one (1) truck and two (2) trailers, and four (4) acres for up to two (2) trucks and four (4) trailers;

(2) The property fronts on a City-maintained road with a minimum twenty (20) foot width of pavement;

(3) The property contains the residence of the owner-operator of the truck(s);

(4) No employees, other than members of the owner-operator's immediate family, are allowed in the agricultural truck parking operation;

(5) One (1) accessory structure only is allowed for maintenance and repair of the permitted trucks and trailers.

(f) **Temporary Farm Employee Housing.** Permit approval shall be subject to the following minimum requirements:

(1) The housing must be used in conjunction with work performed on the site or on property owned or leased by the owner;

(2) The housing may not be occupied for more than eight (8) weeks per year; and

(3) The housing must be under permit of the Environmental Health Division.

(g) **Equipment Sales and Repair, Farm Machinery, Sales.** Permit approval shall be subject to the following requirements:

(1) The use type shall only be established where the proposed use or project has direct access to a Collector or higher classification roadway.

(h) **Agricultural Urban Reserve Zones.** Existing uses in the Agricultural Urban Reserve Zone which are consistent with the General Plan may be expanded or changed to other uses which are consistent with the General Plan, subject to a Site Approval, unless another discretionary approval is specified by this Title.

(i) **Open Space/Resource Conservation Area.** In areas designated as Open Space/Resource Conservation on the General Plan Map, all uses or use types shall require Site Approval, except:

(1) When another discretionary approval is specified by the Title.

(2) At the discretion of the Director, an Improvement Plan may be permitted in the following cases:

(A) Expansions of less than twenty-five percent (25%) to existing structures, or

(B) New accessory uses or structures that comply with the requirements in Section 9-6-203.

(j) No more than twenty-five percent (25%) of the kennel building area may be used for pet grooming.

(k) **Veterans Organizations.** In the AU zone, Veterans Organizations may only be located in existing Community Assembly facilities, and the facilities may not be rented.

(l) **Permit Type Required for Change in Existing Use.** Any change in an existing use to a new use which requires either a Use Permit, a Site Approval, or an Improvement Plan shall be permitted without a Use Permit, Site Approval, or Improvement Plan, provided the Review Authority finds that the proposed use is less detrimental to, or will have no greater impact in, the zone than the existing use.

SECTION 58. Amendment of Section 9-6-207. Section 9-6-207 of the Mountain House Municipal Code is hereby amended to read as follows:

9-6-207 Prohibited Uses.

All uses, including, but not limited to, flooding inconsistent with generally accepted agricultural practices or which presents or could present a threat to the physical integrity of Delta levees, on land with a general plan designation of AG and located within the Primary Zone of the Sacramento-San Joaquin Delta are prohibited, except:

(a) Allowed uses as identified in Tables 9-6-2.1 and in Sections 9-6-203 and 9-6-204 of the City of Mountain House Development Title;

(b) The Delta Wetlands Project as defined in the 2011 Delta Wetlands Project Place of Use Environmental Impact Report and reflected in the protest dismissal and settlement agreement reached in the matter of *Central Delta Water Agency et al. v. Semitropic Water Storage District et al.*, San Francisco County Superior Court Case No. CPF-II-51175; and

(c) Easements obtained under the San Joaquin Multispecies Habitat Conservation Plan, but not greater than eighty (80) cumulative acres by a single entity.

SECTION 59. Amendment of Table 9-6-2.1 (Uses in Agricultural Zones). Table 9-6-2.1 of the Mountain House Municipal Code is hereby amended as follows:

- a. by adding "See categories below" to second column in the row entitled "Farm Employee Housing";
- b. by deleting the row entitled "Group Care, Farm Related";
- c. by deleting the rows entitled "Liquor Sales, On-Premises, General," "Liquor Sales, On-Premises, Limited," and "Liquor Sales, Off-Premises"; and
- d. by deleting the rows entitled "Wineries and Wine Cellars, Wine Cellar, Off-Site," "Wineries and Wine Cellars, Wineries, Large and Medium*," and "Wineries and Wine Cellars, Boutique and Small."

SECTION 60. Amendment of Table 9-6-2.3 (Temporary Uses and Structures in Agricultural Zones). Table 9-6-2.3 of the Mountain House Municipal Code is hereby amended:

- a. by deleting "AX Permitted Subject to Agricultural Excavation Permit" in the Legend; and
- b. by deleting the row entitled "Agricultural Excavation."

SECTION 61. Amendment of Section 9-6-303. Section 9-6-303 of the Mountain House Municipal Code is hereby amended to read as follows:

9-6-303 Reserved.

SECTION 62. Amendment of Section 9-6-305. Subdivision (b)(1) Section 9-6-305 of the Mountain House Municipal Code is hereby amended to read as follows:

- (1) Architectural features, subject to the provisions of Chapter 3 of Division 10;

SECTION 63. Amendment of Section 9-7-206. Subdivision (c)(7) of Section 9-7-206 of the Mountain House Municipal Code is hereby amended to read as follows:

- (7) Signs shall comply with the regulations for multi-family residential projects contained in Section 9-17-108(b).

SECTION 64. Amendment of Section 9-7-208. Subdivision (d) Section 9-7-208 of the Mountain House Municipal Code is hereby deleted.

SECTION 65. Amendment of Table 9-7-2.1 (Uses in Other Zones). Table 9-7-2.1 of the Mountain House Municipal Code is hereby amended:

- a. by deleting the row entitled “Group Care, Farm Related”;
- b. by deleting the rows entitled “Wineries and Wine Cellars, Wine Cellar, Off-Site,” and “Wineries and Wine Cellars, Wineries, All Sizes.”

SECTION 66. Amendment of Table 9-7-2.3 (Temporary Uses and Structures in Other Zones). Table 9-7-2.3 of the Mountain House Municipal Code is hereby amended:

- a. by deleting “AX Permitted Subject to Agricultural Excavation Permit” in the Legend; and
- b. by deleting the row entitled “Agricultural Excavation.”

SECTION 67. Amendment of Section 9-7-304. The introductory paragraph of Section 9-7-304 of the Mountain House Municipal Code is hereby amended to read as follows:

Unless otherwise specified, buildings and structures shall meet the setback requirements specified in Table 9-7-3.1. Said setback requirements and the following exceptions shall replace the chapter concerning yards and the provisions concerning yard dimensions in the development title (Chapter 3 of Division 10).

SECTION 68. Amendment of Section 9-8-203.1. Subdivision (b) of Section 9-8-203.1 of the Mountain House Municipal Code is hereby amended to read as follows:

- (b) The applicant shall be responsible for the cost of any consultant services plus an administrative fee as set by resolution of the City Council.

SECTION 69. Amendment of Section 9-8-303. Subdivision (b) of Section 9-8-303 of the Mountain House Municipal Code is hereby amended to read as follows:

- (b) **City Council.** The City Council shall hold a Public Hearing to take final action if the Planning Commission has recommended approval or if the Planning Commission's denial was appealed.

SECTION 70. Amendment of Section 9-8-705. Section 9-8-705 of the Mountain House Municipal Code is hereby amended to read as follows:

9-8-705 Reserved.

SECTION 71. Amendment of Section 9-8-802. Subdivision (f) of Section 9-8-802 of the Mountain House Municipal Code is hereby amended to read as follows:

- (f) **Parking.** Providing comprehensive parking plans, consistent with Chapter 4 of Division 10, for specific commercial areas.

SECTION 72. Amendment of Section 9-8-903. Section 9-8-903 of the Mountain House Municipal Code is hereby amended to read as follows:

9-8-903 Review Procedures.

Site Approvals shall be reviewed by the Director using the Staff Review with Notice Procedure in Chapter 4 of Division 2.

SECTION 73. Amendment of Chapter 13 of Division 8 of Title 9 (Accessory Dwelling Units (ADU)). Chapter 13 of Division 8 of Title 9 of the Mountain House Municipal Code is amended to read as set forth in Exhibit B.

SECTION 74. Repeal of Chapter 14. Chapter 14 of Division 8 of Title 9 of the Mountain House Municipal Code is hereby repealed and reserved for future use.

SECTION 75. Repeal of Chapter 15. Chapter 15 of Division 8 of Title 9 of the Mountain House Municipal Code is hereby repealed and reserved for future use.

SECTION 76. Amendment of Chapter 16 of Division 8 of Title 9 (Home Occupation Permit). Chapter 16 of Division 8 of Title 9 of the Mountain House Municipal Code is amended to read as set forth in Exhibit C.

SECTION 77. Repeal of Chapter 18. Chapter 18 of Division 8 of Title 9 of the Mountain House Municipal Code is hereby repealed and reserved for future use.

SECTION 78. Amendment of Section 9-8-1902. Subdivision (b)(1) of Section 9-8-1902 of the Mountain House Municipal Code is hereby amended to read as follows:

(1) Will Serve Letters for all public services and utilities from the City and other service providers;

SECTION 79. Amendment of Section 9-8-1903. Subdivision (b) of Section 9-8-1903 of the Mountain House Municipal Code is hereby amended to read as follows:

(b) ***Action with EIR.*** If an Environmental Impact Report is required, the final action shall be rendered within fifty (50) calendar days after certification of the Environmental Impact Report.

SECTION 80. Amendment of Section 9-8-1904. Subdivision (a) of Section 9-8-1904 of the Mountain House Municipal Code is hereby amended to read as follows:

(a) ***Plan Consistency.*** The proposed subdivision is consistent with the General Plan, the Master Plan, any applicable Specific Plan, any applicable Special Purpose Plan, the Public Financing Plan, and any other applicable plan adopted by the City;

SECTION 81. Amendment of Section 9-8-2002. Section 9-8-2002 of the Mountain House Municipal Code is hereby amended to read as follows:

9-8-2002 Requirements for Application.

In addition to the application requirements specified in Chapter 2 of Division 9 of the Development Title, the additional application requirements specified in Section 9-8-1902 for Major Subdivision Applications shall be required for Minor Subdivision Applications.

SECTION 82. Amendment of Section 9-8-2003. Subdivision (b) Section 9-8-2003 of the Mountain House Municipal Code is hereby amended to read as follows:

(b) **Action with EIR.** If an Environmental Impact Report is required, the final action shall be rendered within fifty (50) calendar days after certification of the Environmental Impact Report.

SECTION 83. Amendment of Section 9-8-2006. Subdivision (c)(1) of Section 9-8-2006 of the Mountain House Municipal Code is hereby amended to read as follows:

(1) Vested rights shall remain in effect for an initial time period of one (1) year. A parcel map must be recorded within the time period set forth in Section 9-8-2005, or the vested rights shall expire.

SECTION 84. Amendment of Section 9-8-2102. The introductory paragraph of Section 9-8-2102 of the Mountain House Municipal Code is hereby amended to read as follows:

9-8-2102 Requirements for Application.

Applications for City-Initiated Mergers may be initiated by the City Council, the Planning Commission, or the Director of the Community Development Department. A City-Initiated Merger may proceed only if the parcels are under the same ownership, one (1) of the parcels or units has less area than the minimum parcel area or lot area required for new parcels or lots by the regulating zone, and if the requirements of Subsections (a) and (b) are satisfied.

SECTION 85. Amendment of Section 9-8-2304. Section 9-8-2304 of the Mountain House Municipal Code is hereby amended to read as follows:

9-8-2304 Findings.

The City Council may approve a Reversion to Acreage Application only if it finds that dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes, based upon the policies and designations in the General Plan, and either:

(a) **Consent.** All owners of an interest in the real property within the subdivision have consented to reversion;

(b) **Lack of Improvements.** None of the improvements required to be made have been made within two (2) years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or

(c) **Lack of Lot Sales.** No lots shown on the final or parcel map have been sold within five (5) years from the date such map was filed for record.

SECTION 86. Amendment of Section 9-8-2305. Section 9-8-2305 of the Mountain House Municipal Code is hereby amended to read as follows:

9-8-2305 Conditions.

The City Council shall require as conditions of the reversion:

(a) **Dedications.** Dedications or offer to dedicate streets or easements; and

(b) **Retentions.** The retention of all or a portion of previously paid subdivision fees, deposits, or improvements securities if the same are necessary to accomplish any of the provisions of this Division.

SECTION 87. Amendment of Section 9-8-2504. Subdivision (b) of Section 9-8-2504 of the Mountain House Municipal Code is hereby amended to read as follows:

(b) Conditional Issuance. If the parcel does not comply with regulations in effect at the time of its creation or does not comply with current regulations, the parcel shall be found not to comply with state and City regulations and a Conditional Certificate of Compliance which states the conditions required to bring the parcel into compliance shall be issued, pursuant to Section 66499.35(b) of the Government Code. Only conditions that would have been applicable at the time the applicant acquired his or her interest in the property may be imposed. Conditions may not exceed the requirements at the time the parcel was created. However, if an applicant was the owner of record at the time of the initial violation of the Subdivision Map Act or of local ordinances enacted pursuant to the Act, conditions may be imposed which are applicable to a current division of property. Fulfillment of all conditions shall be required prior to subsequent issuance of any permit or grant of approval for development of the property.

SECTION 88. Amendment of Section 9-8-2505. Section 9-8-2505 of the Mountain House Municipal Code is hereby amended to read as follows:

9-8-2505 Documents Constituting Certificates of Compliance.

A recorded final map or parcel map shall constitute a Certificate of Compliance declaring all parcels described therein to be in compliance with state and City regulations.

SECTION 89. Addition of Section 9-8-2508. Section 9-8-2508 of the Mountain House Municipal Code is hereby added to read as follows:

9-8-2508 Procedure.

Upon making a determination under Section 9-8-2503, the City shall take the steps outlined in Government Code subdivisions (a) and (b) of Government Code Section 66499.35.

SECTION 90. Amendment of Section 9-8-2904. Subdivisions (b)(1) and (e) of Section 9-8-2904 of the Mountain House Municipal Code are hereby amended to read as follows:

(1) Conforms to State and City requirements as to area, improvement and design, and flood water drainage control,

...

(e) Conformity with Other Ordinances. The proposed minor subdivision conforms with all other City ordinances;

SECTION 91. Repeal of Chapter 30. Chapter 30 of Division 8 of Title 9 of the Mountain House Municipal Code is hereby repealed and reserved for future use.

SECTION 92. Amendment of Section 9-9-209. Subdivision (c) of Section 9-9-209 of the Mountain House Municipal Code is hereby amended to read as follows:

(c) Division of Jurisdiction. No lot or parcel shall be permitted to be divided by a city boundary line;

SECTION 93. Amendment of Section 9-9-302. The heading of Section 9-9-302 of the Mountain House Municipal Code is hereby amended to read as follows:

9-9-302 Preliminary Submittal for City Approval.

SECTION 94. Amendment of Section 9-9-309. Section 9-9-309 of the Mountain House Municipal Code is hereby amended as follows:

9-9-309 Title Sheets.

The title sheet of each final map shall contain a title consisting of the number and name of the subdivision and a subtitle consisting of a geographic description of all property being subdivided by reference to such map or maps of the property shown thereon, as shall have been previously recorded or shall have been previously filed in the office of the County Recorder under authority of Chapter 3 (commencing at Section 11650) of Part 2 of Division 4 of the Business and Professions Code, or by reference to the plat of any United States survey. The title sheet shall also show, in a form acceptable to the City Engineer, such appropriate certificates, statements, and acknowledgements as required in Title 7, Division 2 (commencing at Section 66410), of the Government Code.

SECTION 95. Amendment of Section 9-9-321. Section 9-9-321 of the Mountain House Municipal Code is hereby amended to read as follows:

9-9-321 Streets and Highways Being Dedicated.

On each final map, the centerline of each highway, street, or road right-of-way to be dedicated, the total width thereof, the width on each side of the centerline, and the width of the portion to be dedicated shall be shown. Curve data as set forth in Section 9-9-319 shall also be included as appropriate. The boundary of the map shall be shown along the centerline of any street or highway where such centerline of said street or highway defines a limit of the parcel being subdivided.

SECTION 96. Amendment of Section 9-9-327. Section 9-9-327 of the Mountain House Municipal Code is hereby amended to read as follows:

9-9-327 Amendment of Final Map.

A final map may be amended pursuant to the provisions of Chapter 26 of Division 8.

SECTION 97. Amendment of Section 9-9-405. Section 9-9-405 of the Mountain House Municipal Code is hereby amended to read as follows:

9-9-405 Deferment of Monuments.

In the event that some of the required interior monuments are to be set subsequent to the filing of the parcel map, the map shall show which monuments, or the furnishing of notes thereon, as required by Section 9-9-404, shall be agreed to be set and/or furnished by the subdivider. Such agreement shall be accompanied by a security per Section 66496 of the Subdivision Map Act. The security shall be released per terms of Section 66497 of the Subdivision Map Act.

SECTION 98. Amendment of Section 9-9-412. Subdivision (b) of Section 9-9-412 of the Mountain House Municipal Code is hereby amended to read as follows:

(b) **Original Map.** The subdivider shall submit to the City Engineer the original tracing of the map and any duplicates per City requirements, corrected to its final form, and signed by all parties required to execute the statements or certificates on the map.

SECTION 99. Amendment to Table 9-10-2.1. Table 9-10-2.1 (Minimum and Maximum Parking Requirements) of the Mountain House Municipal Code is hereby amended:

a. To add the following rows in the Recreation Subcategory of the Nonresidential category:

Indoor Participant, large court – basketball, soccer, etc.	8.0	12.0	Per court, plus 1.0 per 200 sq. ft. for amenities and other non-court areas
Indoor Participant, small court – badminton, pickleball, racquetball	2.0	3.0	Per court, plus 1.0 per 200 sq. ft. for amenities and other non-court areas

b. To amend the row entitled “Indoor spectator” in the Recreation Subcategory of the Nonresidential category as follows:

Indoor spectator	5.0	7.0	per 1,000 sq. ft.
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SECTION 100. Amendment of Section 9-10-301. Section 9-10-301 of the Mountain House Municipal Code is hereby amended to read as follows:

9-10-301 Intent.

The intent of this Chapter is to establish special requirements for yards within the City, in order to assure light, air, privacy, and open areas appropriate to the use, location, and impact of structures.

SECTION 101. Amendment of Section 9-10-404. Subdivision (a) of Section 9-10-404 of the Mountain House Municipal Code is hereby amended to read as follows:

(a) **On Same or Adjacent Lot.** For dwellings, motels, automobile-oriented services, schools, and all uses in the C-N, C-FS, C-C, C-G, I-P, I-L, and M-X Zones, required parking spaces shall be provided on the same lot as the main building(s) or on an adjoining lot or lots zoned for the main use of the property.

SECTION 102. Amendment of Section 9-10-405. Subdivision (g)(2) of Section 9-10-405 of the Mountain House Municipal Code is hereby amended to read as follows:

(2) ***Alternative Surfacing Materials.*** At the discretion of the Review Authority, alternative surfacing materials may be used in combination with an asphalt concrete or Portland cement concrete driveway for the following uses:

SECTION 103. Amendment of Chapter 5 of Division 10 of Title 9 (Landscaping Regulations). Chapter 5 of Division 10 of Title 9 of the Mountain House Municipal Code is amended to read as set forth in Exhibit DExhibit D.

SECTION 104. Amendment of Section 9-10-603. Section 9-10-603 of the Mountain House Municipal Code is hereby amended to add subdivision (g) to read as follows:

(g) ***Applicability of Design Manuals and Guidelines.*** Fencing is subject to the Mountain House Single Family Design Manual and the Neighborhood-specific landscape guidelines.

SECTION 105. Amendment of Section 9-10-1002. Subdivision (a) of Section 9-10-1002 of the Mountain House Municipal Code is amended to read as follows:

(a) For single-family dwelling units, up to two (2) dogs and two (2) cats shall be allowed. Additional household pets may be allowed, provided the total combined number of household pets, exclusive of fish or marine life that are confined in an aquarium or pond, in one place of residence shall not exceed four (4).

SECTION 106. Repeal of Chapter 11 of Division 10 (Historic Resource Preservation). Chapter 11 of Division 10 of Title 9 of the Mountain House Municipal Code is hereby repealed and reserved for future use.

SECTION 107. Repeal of Chapter 12 of Division 10 (Mills Act Contract). Chapter 12 of Division 10 of Title 9 of the Mountain House Municipal Code is hereby repealed and reserved for future use.

SECTION 108. Amendment of Section 9-10-1303. Subdivision (a) of Section 9-10-1303 of the Mountain House Municipal Code is hereby amended to read as follows:

(a) The Director may request, and shall receive, assistance from other City departments in implementing the Monitoring and Reporting Plan.

SECTION 109. Amendment of Section 9-10-1403. Subdivisions (f) and (k) of Section 9-10-1403 of the Mountain House Municipal Code is hereby amended to read as follows:

(f) ***Signs.*** Signs shall conform to the requirements of Chapter 1 of Division 17, and shall not contain sexually oriented photographs, silhouettes, or other pictorial representations.

...

(k) ***Business License.*** Each Adult Entertainment business shall comply with all applicable laws and regulations, including obtaining a City business license.

SECTION 110. Amendment of Section 9-10-1603. Subdivision (f) of Section 9-10-1603 of the Mountain House Municipal Code is hereby amended to read as follows:

(f) **Signs.** The signage requirements for the Produce Sales use type shall apply pursuant to Section 9-17-108.

SECTION 111. Amendment of Section 9-10-1604. Subdivision (f) of Section 9-10-1604 of the Mountain House Municipal Code is hereby amended to read as follows:

(f) **Signs.** The signage requirements for the Produce Sales use type shall apply pursuant to Section 9-17-108.

SECTION 112. Amendment of Section 9-10-1605. Subdivision (f) of Section 9-10-1605 of the Mountain House Municipal Code is hereby amended to read as follows:

(f) **Signs.** The signage requirements for the Produce Sales use type shall apply pursuant to Section 9-17-108.

SECTION 113. Amendment of Section 9-10-1702. Subdivision (e) of Section 9-10-1702 of the Mountain House Municipal Code is hereby amended to read as follows:

(e) Deleted.

SECTION 114. Amendment of Section 9-10-1704. Subdivision (a) of Section 9-10-1704 of the Mountain House Municipal Code is hereby amended to read as follows:

(a) Unless exempt pursuant to Section 9-10-1705, no person shall provide or permit any entertainment that is open to the public without an entertainment permit issued pursuant to this Chapter.

SECTION 115. Amendment of Section 9-10-1705. Subdivision (t)(2) of Section 9-10-1705 of the Mountain House Municipal Code is hereby amended to read as follows:

(2) Operators of “amusement machines,” regulated under Chapter 3 of Division 1 of Title 6. However, if entertainment, other than the operation of amusement machines, is conducted on such premises, the business shall not, by virtue of this provision, be exempt from the permit requirement of this Chapter; and

SECTION 116. Amendment of Section 9-10-1705. Subdivision (c) of Section 9-10-1705 of the Mountain House Municipal Code is hereby amended to read as follows:

(c) Entertainment lawfully conducted at any City park, building or recreational facility;

SECTION 117. Amendment of Section 9-10-1722. Subdivisions (a)(2) and (a)(7) of Section 9-10-1722 of the Mountain House Municipal Code are hereby amended to read as follows:

(2) Conditions shall be based on specific and articulable facts reasonably related to insuring the public health, safety and welfare, including, but not limited to, the protection of minors from alcohol and other criminal activity, the conservation of limited City public safety resources and the prevention of public nuisance activities that detract from the peace and quiet of residential neighborhoods.

...

(7) If complaints have been received regarding operation of the premises, the Director may require the applicant to demonstrate compliance with applicable existing permits prior to issuance of the Entertainment Permit or may issue the permit conditioned upon the applicant obtaining any other necessary permit or approval, including from other county, state, or other jurisdictions as may be applicable.

SECTION 118. Amendment of Section 9-10-1725. Subdivision (b)(9) of Section 9-10-1725 of the Mountain House Municipal Code is hereby amended to read as follows:

(9) The modification has been requested by the applicant and the Director finds the modification is consistent with the provisions of this code and will not constitute a nuisance or an unreasonable burden upon City resources or the surrounding neighborhood.

SECTION 119. Amendment of Section 9-11-103. Subdivisions (a), (j)(2), and (j)(3) of Section 9-11-103 of the Mountain House Municipal Code are hereby amended to read as follows:

(a) **Public Improvements.** The developer or subdivider shall grade and improve, or agree to grade and improve, all land dedicated or to be dedicated for public improvements. Improvements and grading shall be designed and constructed to provide for the use of the properties affected and for the public safety and welfare. Design and construction of said grading and improvements shall conform to the approved tentative map or approved development project and the design standards of the agency providing service. The City may require the developer or subdivider to pay an in-lieu fee in the amount of the cost of improvements to construct the required improvements as part of a City construction contract. Unless otherwise specified, all public improvements must be dedicated to the public agency responsible for their maintenance and operation.

(j) ...

...

(2) **Improvement Participation Agreement.** If the Director of Public Works allows any required infrastructure improvements to be deferred to a specific date, as determined by the Director, a deferred improvement participation agreement shall be executed between the developer and the City guaranteeing construction of said improvements. The agreement shall be secured in accordance with Section 9-11-103(j)(3) herein.

(3) **Agreement Security.** Any agreements to install improvements shall be secured in accordance with the provisions of Section 66499 of the Subdivision Map Act. The amount of the security shall be based on a construction cost estimate prepared by the developer's engineer and approved by the Director of Public Works. Unit costs shall be determined by the Director of Public Works, based on costs for similar work on City Public Works projects. Security for improvements required by this Division shall be provided as follows:

SECTION 120. Amendment of Section 9-11-107. Section 9-11-107 of the Mountain House Municipal Code is hereby amended to read as follows:

9-11-107 Acceptance and Maintenance of Public Facilities.

For those public facilities to be operated and maintained by the City, the City will not accept the responsibility of maintenance of public improvements until final completion and acceptance of all items. Acceptance by the City will be by the City Council upon recommendation from the Director of Public Works.

SECTION 121. Amendment of Section 9-11-401. Section 9-11-401 of the Mountain House Municipal Code is hereby amended to read as follows:

9-11-401 Intent.

The intent of this Chapter is to specify the requirements for performing work within City rights-of-way.

SECTION 122. Amendment of Section 9-11-402. Subdivision (c) of Section 9-11-402 of the Mountain House Municipal Code is hereby amended to read as follows:

(c) **Liability of City.** Nothing in this chapter shall be construed to enlarge the liability of the City for any excavation or work or for damages to the public or otherwise resulting therefrom, and every permit and bond issued under this chapter shall provide that the City and its officers and employees shall be held harmless on account of any damage or injury to the public or otherwise resulting from the excavation or other work.

SECTION 123. Amendment of Section 9-11-403. Section 9-11-403 of the Mountain House Municipal Code is hereby amended to read as follows:

9-11-403 Highway Drainage.

(a) **Irrigation Drainage.** No person shall drain irrigation water, or permit irrigation water to be drained, from his lands onto any City highway by any means.

(b) **Obstructions.** No person shall obstruct any natural watercourse so as to:

(1) Prevent, impede, or restrict the natural flow of waters from any City highway into and through the watercourse, unless other adequate and proper drainage is provided.

(2) Cause waters to be impounded within any City highway.

(3) Cause interference with, or damage or hazard to, public travel.

(c) **Water Storage.** No person shall store or distribute water for any purpose so as to permit it to overflow onto, to saturate by seepage, or to obstruct any City highway.

(d) **Acts Requiring Permit.** No person without a permit shall cause or permit the following:

(1) Maintain or, if already existing, continue to maintain any obstruction of any drainage facility lying partly or wholly within, across, under, or above any City highway.

(2) Permit to be deposited in any drainage facility in any City highway any material or substance, including dirt, soil, weeds, trash, rocks, or any other substance which would tend to impede the drainage of water.

(3) Alter, construct, obstruct, constrict, or enlarge any drainage facility within any City road right-of-way by increasing or decreasing the amount, extent, nature, or direction of flow of water along any drainage facility.

(4) Decrease or increase, enlarge or construct, heighten or deepen, or in any other fashion change the drainage facilities on private property or public property facilities on

private property or public property adjacent to any drainage facility along or across any City highway so as to prevent the natural or ordinary drainage of waters along the highway or so as to place an extraordinary burden on the capacity of any drainage facilities along any City highway.

SECTION 124. Amendment of Section 9-11-404. Subdivisions (b)(1), (c), (g), (h), and (i) of Section 9-11-404 of the Mountain House Municipal Code are hereby amended to read as follows:

(b). . .

(1) If any encroachment exists in, under, or over any City highway, road, or land, the Director of Public Works may require the removal of the encroachment in the manner provided hereinafter.

. . .

(c) **Removal of Encroachment.** The Director of Public Works may immediately remove from any City highway any encroachment which:

. . .

(g) **Procedures Not Exclusive.** Procedure provided in this chapter is not exclusive and shall not prohibit the Director of Public Works or other City officers and departments from exercising any other remedy provided by law to prevent damage to or protect any City highway or to collect the damages therefrom.

(h) **Violation: Penalties.** In case of violations, appropriate procedures may be taken for the abatement, removal and restraint of any actions taken in violation of the provisions. Penalties shall be as specified in Chapter 2 of Division 19, with the correction period reduced to five (5) days.

(i) **Liability of City.** This chapter shall not be construed to impose on the City any liability or responsibility for damage resulting from drainage obstruction, nor shall the City or any City official or employee be held to assume any such liability or responsibility by reason of any inspection authorized under this chapter, by reason of any failure to make the inspection, or by the granting or denial of any permit.

SECTION 125. Amendment of Section 9-11-405. Section 9-11-405 of the Mountain House Municipal Code is hereby amended to read as follows:

9-11-405 Driveways.

It is unlawful to build or thereafter maintain any private or public driveway of ingress to or egress from land adjacent to a City highway without first having secured a driveway encroachment permit from the Director of Public Works. In no case shall a permit for construction permit the drainage facility along any City highway to be obstructed so as to impede the proper flow of drainage waters. Unless otherwise specified, driveways shall be constructed in accordance with City of Mountain House Improvement Standards. At a minimum, driveways shall be paved with asphalt concrete from the existing edge of pavement to the property line.

SECTION 126. Amendment of Section 9-11-503. Subdivision (g)(2) of Section 9-11-503 of the Mountain House Municipal Code is hereby amended to read as follows:

(2) Rural Residential roads provide access to residential development within Rural Residential zones, and agricultural zones with appropriate approvals.

SECTION 127. Amendment of Section 9-11-504. Subdivisions (a)(3) and (c) of Section 9-11-504 of the Mountain House Municipal Code are hereby amended to read as follows:

(3) The City may require a supplemental Traffic Study if, after preparing an original Traffic Study for any development project, the property's use is changed so that total trip generation is expected to increase by more than fifteen percent (15%).

...

(c) **Responsibility for Traffic Studies.** The City will prepare or contract for preparation of any required Traffic Studies.

SECTION 128. Amendment of Section 9-11-511. Section 9-11-511 of the Mountain House Municipal Code is hereby amended to read as follows:

9-11-511 Roadway Lighting.

Roadway lighting systems are required for all development projects in all urban communities, highway service, commercial recreation, and isolated industrial areas. Intersection lighting is required for all development projects in rural communities and other areas of nonagricultural development. Roadway lighting is not required in agricultural zones. Developments on existing parcels in commercial or industrial zones shall meet the roadway lighting requirements of this Section. Roadway lighting shall be designed in accordance with the City of Mountain House Improvement Standards. New development projects shall either annex to an existing Landscape/Lighting Assessment District, annex to or form a Community Facilities District, or other City-approved mechanism for ongoing lighting maintenance.

SECTION 129. Repeal of Chapter 1 of Division 12 (Local Park and Recreation Facilities Financing). Chapter 1 of Division 12 of Title 9 of the Mountain House Municipal Code is hereby repealed and reserved for future use.

SECTION 130. Amendment of Section 9-13-202. Section 9-13-202 of the Mountain House Municipal Code is hereby amended to read as follows:

9-13-202 Parties to the Agreement.

The City may enter into a Development Agreement, pursuant to the California Government Code, with any person having a legal or equitable interest in real property located within the City.

SECTION 131. Amendment of Section 9-13-303. Subdivision (c) of Section 9-13-303 of the Mountain House Municipal Code is hereby amended to read as follows:

(c) **Emergency Situations.** The City may suspend the issuance of building permits for the development project after a noticed hearing if it finds in good faith that a clear and present emergency situation requires the suspension.

SECTION 132. Amendment of Section 9-14-203. Subdivision (e) of Section 9-14-203 of the Mountain House Municipal Code is hereby amended to read as follows:

(e) Grading in accordance with the plan incorporated in an approved Use Permit for a sanitary landfill per Section 9-8-1001, Use Permits.

SECTION 133. Amendment of Section 9-14-203. Subdivision (g) of Section 9-14-203 of the Mountain House Municipal Code is hereby amended to read as follows:

(g) Grading or excavations within City rights-of-way or easements for which an encroachment permit has been issued under provisions of Section 9-11-402.

SECTION 134. Amendment of Section 9-14-205. Section 9-14-205 of the Mountain House Municipal Code is hereby amended to read as follows:

9-14-205 Removal from Site.

Except as specifically provided for by one of the following, no person shall do, or permit to be done, any grading in such a manner that any quantities of dirt, soil, rock, gravel, or sand is removed from the site:

- (a) Reserved.
- (b) Reserved.
- (c) Removal when done with an approved Use Permit for a sanitary landfill per Chapter 10 of Division 8, Use Permits.
- (d) Removal of material related to situations listed under Section 9-14-203, Exemptions.
- (e) Removal from a development project of incidental excess material during site grading that is done with an approved grading or building permit.
- (f) Removal, by governmental agency, of material donated to the governmental agency for use in governmental projects; material must have been previously stockpiled for a minimum period of eighteen (18) months. Removal shall be subject to Site Approval.
- (g) Grading done by or under the supervision or construction control of a public agency of an excavation within that agency's boundaries. The agency shall assume full responsibility for ensuring that the work is done in compliance with this Title, the San Joaquin Valley Unified Air Pollution Control District's Regulation VIII (Fugitive Dust Prohibitions), and the Surface Mining and Reclamation Act. Excess soil material must be used solely for projects owned or controlled by the public agency and which are within the agency's boundary and within the City of Mountain House.

SECTION 135. Repeal of Chapter 3 of Division 14. Chapter 3 of Division 14 of Title 9 of the Mountain House Municipal Code is hereby repealed and reserved for future use.

SECTION 136. Repeal of Chapter 4 of Division 14. Chapter 4 of Division 14 of Title 9 of the Mountain House Municipal Code is hereby repealed and reserved for future use.

SECTION 137. Amendment of Section 9-16-203. The introductory paragraph of Section 9-16-203 of the Mountain House Municipal Code is hereby amended to read as follows:

The Flood Control Engineer shall be designated as Floodplain Administrator and appointed to administer and implement this Chapter. The duties and responsibilities of the Floodplain Administrator shall include, but not necessarily be limited to, the following:

SECTION 138. Amendment of Section 9-16-205.1. Section 9-16-205.1 of the Mountain House Municipal Code is hereby amended to read as follows:

9-16-205.1 Special Flood Protection Findings Required by State Law.

The City is an urban community as defined in the Government Code Section 65007. Development approvals for projects in Mountain House shall require flood protection findings as specified in Government Code Sections 65865.5, 65962, and 66474.5.

SECTION 139. Amendment of Division 17 (Signs). Division 17 of Title 9 of the Mountain House Municipal Code is hereby amended to read as set forth in Exhibit E.

SECTION 140. Repeal of Division 18. Division 18 of Title 9 of the Mountain House Municipal Code is hereby repealed and reserved for future use.

SECTION 141. Amendment of Section 9-19-203. The first paragraph of Section 9-19-203 of the Mountain House Municipal Code is hereby amended to read as follows:

It is a violation of this Title and Section 1-2-201 for a property owner and/or other person in control of a property to maintain or permit a nuisance or a violation of this Title on real property. Any use or condition on real property which is in violation of this Title or in violation of permits approved pursuant to the provisions of this Title shall constitute a violation of this Title and, if not abated, may be subject to the enforcement procedures outlined in this Chapter or Title 1.

SECTION 142. Amendment of Section 9-19-303. Section 9-19-303 of the Mountain House Municipal Code is hereby amended to read as follows:

9-19-303 Enforcement Officials.

The Enforcement Official is designated as the official responsible for the administration of this Chapter. In the administration of this Chapter, the Enforcement Official may, upon presentation of proper credentials, enter upon private or public property to examine a vehicle or part thereof, or obtain information as to the identity of a vehicle, and to remove or cause the removal of a vehicle or part thereof declared to be a nuisance pursuant to this Chapter and to Section 22663 of the Vehicle Code.

SECTION 143. *Effective Date.* This Ordinance shall take effect thirty days after passage.

SECTION 144. *Publication and Posting.* The City Clerk shall comply with Government Code section 36933's publication and posting requirements.

SECTION 145. *Severability.* If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Exhibit A

Section 9-1-304 — Definitions

9-1-304 Definitions.

Unless otherwise specified, the following definitions shall be applicable throughout this Title, whether capitalized or not. Defined terms, unless the context suggests otherwise, include all grammatical variations (such as different tenses, plurals, and possessives).

Abandoned Sign. “Abandoned sign” is defined in Section 9-17-102.

Abatement. “Abatement” means the correction or elimination of a violation of this Title.

Abutting. “Abutting” means two (2) or more properties sharing a common boundary.

Access. “Access” means the right of an owner of land to go and return from his own land to a public road.

Access, Approved. “Approved Access” means a way or means of approach to a parcel from either an abutting public road or from a private road, street, or right-of-way approved by the City.

Accessory. “Accessory” means a building or a use that is compatible with, and incidental or subordinate to, the main structure or the main use of the land and is located on the same lot. For the purposes of Chapter 17 of Division 8 and Chapter 2 of Division 16, “Accessory structure” means a structure that is either: 1. Solely for the parking of no more than two (2) cars; or 2. A small, low-cost shed for limited storage, less than one hundred fifty (150) square feet and one thousand five hundred dollars (\$1,500.00) in value.

Accessory Dwelling Unit. “Accessory Dwelling Unit” or “ADU” means an attached or a detached dwelling unit that provides living facilities for one (1) or more persons and is located on a lot with a proposed or existing primary single-family dwelling. It includes permanent provisions for living, sleeping, eating, cooking, and sanitation. An accessory dwelling unit also may be an efficiency unit, as provided for in Section 65852.22 of the California Government Code, and a manufactured home, as defined in Section 18007 of the California Health and Safety Code, provided that the standards of this Title are met.

Accessory Structure. “Accessory Structure” means a structure that is accessory and incidental to a dwelling unit located on the same lot.

Accessory Use. “Accessory Use” means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

Access, Restricted. “Restricted access” means that the right of access to a parcel has been dedicated to the City and that, as a consequence, a property owner no longer has a right to go to and from his property over that right-of-way line.

Additional Town Center Unit. “Additional Town Center Unit” means a dwelling unit which provides affordable housing opportunities for low-income and medium income persons in the Town Center of the Mountain House Community and which is not included in the calculations of residential densities as specified by the Mountain House Master Plan or by any of the various Specific Plans for the Mountain House Community.

Adjacent Land. “Adjacent land” means a lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land.

Adopted Mountain House Planning Documents. “Adopted Mountain House planning documents” is defined in Section 9-17-102.

Advertising Sign. “Advertising sign” is defined in Section 9-17-102.

Affordable Housing. “Affordable housing” means that housing which can be rented or purchased by those of moderate, low, and very low-incomes as specified in the California Code of Regulations (Title 25, Sections 6922 and 6924).

Aggregate Base. “Aggregate base” means a mixture of sand and crushed rocks up to three-quarters inch ($\frac{3}{4}$ ”) in size. It is also known as AB or road base.

Agricultural Operation. “Agricultural operation” means any land-related activity on agriculturally zoned lands whose purpose is cultivating or raising plants or animals, or conserving or protecting lands for such purposes, and is not a surface mining or burrow pit operation.

Agricultural Products. “Agricultural products” means the item that results from any operation or process that changes the form, flavor or consistency of produce. Agricultural products include, but are not limited to, condiments, pies, candied or flavored nuts, wine, and pickled peppers.

Agricultural Store, Large. “Large agricultural store” means a food establishment, housed in a permanent structure, whose primary economic activity is the sale of produce directly to local consumers and to tourists. Secondary economic activity includes the sale of agricultural products, sundries, prepackaged food, bottled or canned beverages and freshly prepared food and beverages for consumption on-site.

Agricultural Store, Small. “Small agricultural store” means a food establishment, housed in a permanent structure, whose primary economic activity is the sale of produce directly to local consumers and to tourists. Secondary economic activity includes the sale of agricultural products, sundries, prepackaged food and bottled or canned beverages for off-site consumption.

Agriculture. “Agriculture” means the growing of crops for food or fiber and/or the raising of animals for commercial purposes.

Airport. “Airport” means any landing area, runway, airstrip, or other facility designed, used, or intended to be used either publicly or by any person or persons for the landing and taking off of aircraft, helicopters, and balloons, including all necessary taxiways, aircraft storage and tiedown areas, hangars, and other necessary buildings and open spaces.

Alley. “Alley” means a secondary means of access to property located at the rear or side of the property.

Alteration. “Alteration” is defined, for the purposes of Chapter 1 of Division 17, in Section 9-17-102.

Alternative Surfacing Materials. “Alternative surfacing materials” mean parking lot surfacing materials other than asphalt concrete or Portland cement concrete including, but not limited to, brick or cut (cobble) stone, treated or untreated aggregate base, treated or untreated gravel, or spraying the existing surface with water or dust palliatives.

Annular Space. “Annular space” means the space between two concentric well casings or between the casing and the wall of the drilled hole.

Antenna. “Antenna” means, when used in association with the terms wireless telecommunication facilities or supporting equipment, any system of poles, panels, rods, reflecting discs or similar devices that transmits or receives radio frequency signals for commercial, wireless telecommunication establishments.

Antiquated Subdivision. “Antiquated subdivision” means a subdivision that: (1) was approved prior to October 1961, (2) is underdeveloped or only partially developed, and (3) could not be approved as a subdivision now because of more stringent or different requirements.

Apartment. “Apartment” means a room or suite of rooms in a multiple dwelling, designed for, intended for, and/or occupied by one (1) family.

Applicable Public Agency. “Applicable Public Agency” means a public agency or its successor that is the recipient of Public Land within the Mountain House Community and that is authorized to provide the infrastructure and services on said Public Land.

Approval. “Approval” means favorable action on a map or development project, with or without conditions by the Review Authority, prior to the expiration date specified by ordinance. Previous favorable action on a map, development project, or time extension thereof which has expired does not constitute approval.

Aquifer. “Aquifer” means a geologic formation, group of formations, or part of a formation that is water bearing and which transmits water in sufficient quantity to supply springs and pumping wells.

Area of Benefit. “Area of benefit” means a geographical area which is created to spread the cost of a service or improvement.

Area of Special Flood Hazard. “Area of special flood hazard” means an area having special flood hazards as identified by the Federal Emergency Management Agency, the Federal Insurance Administration, or the Floodplain Administrator.

(a) The areas of special flood hazard identified by the Federal Emergency Management Agency or the Federal Insurance Administrator are those areas indicated in a scientific and engineering report entitled “Flood Insurance Study for County of San Joaquin, November 1979,” as amended, and shown on the accompanying Flood Insurance Rate Maps as Zones A, A0, A1-30, AE, A99, or AH, or on the Floodway Maps as floodways;

(b) The areas of special flood hazard identified by the Floodplain Administrator include those areas, not identified by the Federal Emergency Management Agency or the Federal Insurance Administration in Subsection (a), that the Floodplain Administrator considers a risk from flooding;

(c) The areas of special flood hazard are areas of floodway and flood fringe as defined in this Title.

Asphalt Concrete. “Asphalt concrete” means a commercially premixed surfacing material using a black, bituminous tar like binding agent that is placed on top of a base material such as aggregate base, sand or concrete. It is also known as AC, blacktop, paving or asphalt.

Attached ADU. “Attached ADU” means a new ADU constructed as a physical expansion (i.e., addition) of the primary dwelling that is attached to the Single-family Dwelling by one (1) or more common walls.

Balloon. “Balloon” means a large airtight bag that rises into the air when filled with a gas which is lighter than air.

Banner. “Banner” means a sign constructed of light weight, non-rigid materials with no enclosing framework.

Base Flood. See “Flood, Base.”

Basement. “Basement” means a story all or partly underground. A basement shall be counted as a story for purposes of height measurement if one-half (½) or more of its height is above grade.

Bedrock. “Bedrock” means the solid undisturbed rock in place either exposed at the ground surface or beneath surface deposits of loose rock or soil.

Bedroom. “Bedroom” means any room with a closet which meets the minimum Uniform Building Code requirements for egress, windows, and doorways.

Bikeway. “Bikeway” means a Class I bike path, a Class II bike lane, or a Class III bike route.

Billboard. See definition for “Off-Premises Sign.”

Biologist, Qualified. “Qualified biologist” means any person who has completed at least four (4) years of training in wildlife biology or a related science and has demonstrated field experience in the identification and life history of the animal that is the subject of the survey.

Biomass Energy Production. “Biomass energy production” means the conversion of plant material or plant or animal waste to a useable source of energy for on-site use.

Block. “Block” means one (1) side of a street located between two (2) intersections.

Boarding School. “Boarding school” means a school providing both lodging and meals for its pupils.

Boutique Sale. “Boutique sale” means the sale of handcrafted items from residential property.

Building. “Building” means any structure used for or intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building, Accessory. “Accessory building” means a subordinate building which is an incidental and related use to that of the main building or main use of the land on the same lot.

Building Coverage. “Building coverage” means the amount of land covered or permitted to be covered by a building, usually measured in terms of percentage of a lot.

Building Height. “Building height” means the vertical measure of a building from the average finished ground level of the building pad to the highest point of the roof.

Building, Main. “Main building” means the building or one of the buildings housing a principal use on a lot.

Building Official. “Building Official” means the Deputy Director of Building Inspection of the City of Mountain House, acting either directly or through his authorized deputies.

Building, Public. “Public building” means a building owned and operated by a public agency of the United States of America, the State of California, or any of their political subdivisions, districts, or municipal corporations.

Carport. “Carport” means a private garage not completely enclosed by walls or doors.

Casing. “Casing” means a tubular retaining structure which is installed in the bore hole to maintain the well opening.

Cathodic Protection Well. “Cathodic protection well” means any artificial excavation constructed by any means for the purposes of installing equipment or facilities for the electrical protection of metallic equipment in contact with the ground (commonly referred to as cathodic protection).

Cemetery. “Cemetery” means land used or intended to be used for the burial of animal or human dead and which is dedicated for cemetery purposes, including columbaria, crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Chip Seal. “Chip seal” means a layer of aggregate base covered by a layer of liquid asphalt topped with a layer of pea size gravel.

City. “City” means the City of Mountain House.

City Council or Council. “City Council” or “Council” means the City Council of the City of Mountain House.

City Engineer. “City Engineer” means the City Engineer of the City.

City Maintained Road. “City maintained road” means a road for which the City has accepted rights-of-way and maintenance responsibilities.

Civil Engineer. “Civil engineer” means a professional engineer registered as a civil engineer by the State of California.

Class I Bike Path. “Class I bike path” means a path where bicycle travel is the designated use and which is separated from the vehicular network to provide the greatest degree of physical safety for the cyclist.

Class II Bike Lane. “Class II bike lane” means a path where bicycle travel is the designated use and which consists of a separate marked lane within a roadway, with guide signs and pavement markings along the way.

Class III Bike Route. “Class III bike route” means a path where bicycle travel is the designated use and which is signed only, with the cyclist sharing the right-of-way with motorists.

Clearance. “Clearance” means the smallest vertical distance between grade and the lowest point of any sign, including any structure or framework and embellishments extending over the grade.

Club. “Club” means an association, whether incorporated or unincorporated, of persons organized for some common nonprofit purpose, not including a group organized solely or primarily to render a service customarily carried on as a business.

Collocation. “Collocation” means the sharing of a wireless telecommunications support structure between two (2) or more service providers.

Commercial Cannabis Activity. “Commercial cannabis activity” means the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products or any other activity provided for in Medicinal and Adult Use Cannabis Safety and Regulation Act.

Commercial Project. “Commercial project” means a development project which involves the distribution and sale or rental of goods and/or the provision of services.

Common Interest Development. “Common interest development” means any of the following:

- (a) A community apartment project (apartment).
- (b) A condominium project.
- (c) A planned development.
- (d) A stock cooperative.

Compaction. “Compaction” means the increase of density of a soil or rock fill by mechanical means.

Condominium. “Condominium” means a subdivision as defined in Civil Code Section 1350.

Consistency. “Consistency” means conformity to.

Construction. “Construction” means the construction, erection, enlargement, alteration, conversion or movement of any building, structure or land, including scientific surveys.

Contamination. “Contamination” means an impairment of the quality of waters to a degree which creates a hazard to the public health through poisoning or the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of waste, whether or not water of the City is affected.

Contiguous. Except as modified by Chapter 21 of Division 8, “contiguous” means to be in actual contact, touching, bounded or traversed by, even though separated by roads, streets, easements, or railroad rights-of-way. In Chapter 21 of Division 8, “contiguous” means parcels or units of land which share a common boundary.

Contour. “Contour” means a line representing the configuration of the ground at a certain elevation.

Convalescent Home. See “Nursing Home.”

Converted ADU. “Converted ADU” means an ADU constructed within the interior of an Existing Structure that occupies part of the floor area of the Existing Structure. A Converted ADU does not include an ADU that would: (a) increase the height of an Existing Structure; (b) require removal of more than fifty (50) cubic yards of earth as part of the excavation of an Existing Structure; or (c) increase the floor area of the Existing Structure by more than one hundred fifty (150) square feet beyond its existing physical dimensions for the purpose of accommodating ingress and egress.

Coop. “Coop” means a cage or pen for poultry or other fowl.

Corral. “Corral” means a space, other than a building, less than one (1) acre in area used for the confinement of animals.

Court. “Court” means an open, unoccupied space, other than a yard, located on the same lot with a building or buildings and bounded on two (2) or more sides by such building or buildings.

Cul-de-sac Street. “Cul-de-sac street” means a road open at one end only, with special provisions for turning around at the opposite end.

Cultivator License. “Cultivator license” means a license issued by the City to plant, grow, harvest, dry, cure, grade, or trim cannabis and who holds an authorized Annual State License with an A-License or M-License designation.

Cut. See “Excavation.”

Dairy. “Dairy” means any premises where milk is produced for sale or distribution and where two (2) or more cows or six (6) or more goats are in lactation.

Days. “Days” means calendar days.

Dedicate. “Dedicate” (and its derivations) means the legal process of transferring, whether by grant deed, certification on a subdivision map, or otherwise, land to a public agency.

Density Bonus. “Density bonus” means an increase in residential units over the maximum number of normally allowed units within a residential General Plan designation.

Density Bonus Unit. “Density Bonus Unit” means an additional residential dwelling unit which is not included in the calculations of residential densities specified by the Mountain House Master Plan or by

any of the various Specific Plans for the Mountain House Community and which is permitted to be constructed as part of a residential development in the Mountain House Community, provided said development satisfies the conditions specified in Chapter 4 of Division 3.

Department. “Department” means the City of Mountain House Community Development Department.

Design. “Design” means standards related to the following:

- (a) Street alignments, grades, and widths;
- (b) Drainage and sanitary facilities, utilities, and flood control projects, including sizes, alignments, and grades thereof;
- (c) Location and size of all required easements and rights-of-way (existing or future);
- (d) Fire roads and firebreaks;
- (e) Lot size and configuration;
- (f) Access;
- (g) Grading;
- (h) Land to be dedicated for park or recreational purposes;
- (i) Land to be dedicated for public access to public resources; and
- (j) Such other specific physical requirements as may be necessary to ensure consistency with, or implementation of, the General Plan or an applicable Specific Plan or Special Purpose Plan.

Design Standards. “Design standards” means the design requirements established by the City Council by resolution and applicable at the time of approval of a project.

Detached ADU. “Detached ADU” means a new ADU that is located on the same lot as a Single-family Dwelling but does not share any walls with that dwelling.

Developer. “Developer” means, for purposes of the Mountain House Development Title, the legal or beneficial owner or owners of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land, and any successor in interest thereto.

Development. “Development” means the division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of the land. For the purposes of Chapter 17 of Division 8 and Chapter 2 of Division 16 “Development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Development Agreement. “Development Agreement” means a written agreement between the City and a person having a legal or equitable interest in real property for the development of that real property as provided in Division 13 and Government Code Section 65864 et seq.

Development Permit. “Development Permit” means any Discretionary Permit or Ministerial Permit required for a project.

Development Project. “Development project” means any project for which a discretionary permit is required, excluding General Plan amendments, ordinance text changes, rezonings, Specific Plans and Specific Plan amendments, and Special Purpose Plans and Special Purpose Plan amendments.

Director. “Director” means the City Manager or his or her designee.

Director of Public Works. “Director of Public Works” means the Director of the Department of Public Works of the City or the Director's designee.

Discretionary Permit. “Discretionary permit” means any permit required before the development or use of real property can proceed, in which the Review Authority may approve, deny, or approve subject to conditions, said permit. Discretionary Permits do not include legislative approvals, such as approvals

of, or amendments to, General Plans, Master Plans, Specific Plans, Special Purpose Plans, ordinance text changes, or rezonings.

Disposal. “Disposal” means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste into or on any land or water so that the waste or any constituent of the waste may enter the ground, be emitted into the air, or be discharged into any waters, including groundwater.

Distributor License. “Distributor license” means a license issued by the City to procure, sell, and transport cannabis and cannabis products who holds an authorized Annual State License with an A-License or M-License designation.

District. “District” means any special district empowered to operate and maintain water or wastewater infrastructure.

Dock, Private. “Private dock” means a dock or basin providing water dockage for small craft for use by only the property owner, adjacent property owners or club members.

Drainage Facility. “Drainage facility” means any structure or feature, either natural or artificial, which causes or allows water to flow intermittently or continuously from one place to another and which lies partly or wholly along, within, or across any City highway or that affects any City highway.

Drip Line. “Drip line” means an area delineated by projection of the periphery of the crown area of a tree down to the ground surface.

Dwelling. “Dwelling” means any building or portion thereof which contains one or more dwelling units.

Dwelling, Multiple-Family. “Multiple-family dwelling” means a building arranged or designed to contain three (3) or more dwelling units.

Dwelling, Second Unit. “Second unit dwelling” means a detached or attached dwelling unit, not including a mobile home, that is located on the same parcel as a primary single-family dwelling, is clearly subordinate in size to said primary single-family dwelling, and is subject to the requirements specified in Chapter 13 of Division 8.

Dwelling, Single-Family. “Single-family dwelling” means a building arranged or designed to contain one (1) dwelling unit, not including mobile homes that are not on permanent foundations.

Dwelling Unit. “Dwelling unit” means any building or portion thereof containing living facilities, including provisions for sleeping, eating, cooking, and sanitation for no more than one family.

Easement. “Easement” means the right to use another’s property. Easements are usually over a defined area and for a specific use such as public utilities, drainage facilities, roads, sewers, or access.

Eave. “Eave” means the projecting lower edges of a roof overhanging the wall of a building.

Educational Animal Project. “Educational animal project” means an animal husbandry activity which is under the supervision of an educationally oriented youth program or organization connected to a school or nonprofit organization.

Efficiency Kitchen. “Efficiency Kitchen” (also known as a “kitchenette” or “partial kitchen”) means a kitchen that meets the requirements of subdivision (f) of Government Code section 66333.

Efficiency Unit. “Efficiency Unit” has the meaning set forth in subdivision (c) of Government Code section 66313.

Electrified Security Fence. An “Electrified Security Fence” is a permanent fence with a battery powered, low voltage, pulsed current that conforms to the 2006 International Standards and Specifications of the International Electrotechnical Commission for electric fence energizers (International Standard IED 60335, Part 2-76). No electrified security fence shall be installed unless there is an outer protective barrier a minimum of six (6) feet in height located between the property line and the electrified security fence.

Embankment. See “Fill.”

Emergency Work. “Emergency work” means the use of any machinery, equipment, vehicle, manpower or other activity in a short term effort to protect, or restore safe conditions in the community, or work by private or public utilities when restoring utility service.

Encroachment. “Encroachment” means the act of constructing, excavating, improving, or installing improvements within the City right-of-way. “Encroachment” also means the improvement, excavation, or facility constructed or installed within the City right-of-way.

Encroachment Permit. “Encroachment Permit” means a written permit issued by the Department of Public Works authorizing certain work within a publicly maintained right-of-way.

Enforcement Official. “Enforcement Official” means the City Manager or their deputy or employee, or any person authorized by law or ordinance.

Engineering Geologist. “Engineering Geologist” means a registered geologist certified as an Engineering Geologist by the State of California.

Environmental Impact. “Environmental impact” means projected long-term or short-term effects (adverse or beneficial) which a development project or plan may have on the natural and built environment if the project is carried out.

Environmental Review Officer. “Environmental Review Officer” means the Director or the Director's designee.

Equivalent Sound Level (Leq). “Equivalent sound level” or “Leq” means the sound level containing the same total energy as a time-varying sound level over a given sample period, typically computed for a one (1) hour sample period.

Erosion. “Erosion” means the wearing away and transportation of earth material as a result of the movement of wind, water, or ice.

Establishment. “Establishment” means a single, physical location at which economic activity occurs, such as a store, a factory or a farm.

Evacuation Plan. “Evacuation Plan” means a plan for the evacuation of mobile homes and recreational vehicles in existing mobile home parks, or for the evacuation of existing and proposed recreational vehicle parks, during time of flood hazards.

Existing Manufactured Home Park or Subdivision. “Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before October 3, 1980.

Existing Structure. “Existing Structure” means, for purposes of Chapter 13 of Division 8, Residential Accessory Dwelling Units, an existing Single-family Dwelling (including all fully enclosed areas such as a partial basement, attic, or an attached garage) or other Accessory Structure that can be safely converted into habitable space under building and fire codes.

Exotic Animals. “Exotic animals” mean animals generally considered wild or not normally domesticated, including, but not necessarily limited to, chinchillas, foxes, wolves and wolf-dog hybrids, and game animals.

Expansion to an Existing Manufactured Home Park or Subdivision. “Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Expansive Soil. “Expansive soil” means any soil which exhibits significant expansive properties as determined by a Geotechnical Engineer or the Building Inspector.

Family. “Family” means one (1) or more individuals, living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit.

Family, Immediate. “Immediate family” means individuals related by blood, marriage, or adoption who personally or through a spouse are in a direct line of descent from another family member.

Family Food Production. “Family food production” means the raising or keeping of small animals or fowl on the same lot as the primary residence of the family.

Farm Cooperative. “Farm cooperative” means a group of two (2) or more growers or producers who associate for the purpose of selling farm produce for the mutual benefit of its members.

Farm Employee Housing. “Farm employee housing” means any housing provided exclusively for temporary, seasonal, or permanent occupancy by agricultural employees and their immediate families, as defined in Section 1140.4 of the California Labor Code.

Farm Employee Housing, Large. “Large farm employee housing” means farm employee housing consisting of thirty-seven (37) or more beds in a group quarters used exclusively for farm employees, or thirteen (13) or more units or spaces designed for use by a single-family or household.

Farm Employee Housing, Small. “Small farm employee housing” means farm employee housing consisting of no more than thirty-six (36) beds in a group quarters used exclusively for farm employees, or twelve (12) units or spaces designed for use by a single-family or household.

Farm Employee Housing, Temporary. “Temporary farm employee housing” means farm employee housing used in conjunction with work performed on the site or on property owned or leased by the owner for no more than eight (8) weeks per year.

Fee Per Lot Square Foot. “Fee per lot square foot” means that fee component of the Affordable Housing Impact Fee that is applied to the net parcel area of a residential parcel.

Feedlot. “Feedlot” means a pen, corral, shelter, or other similar confinement used exclusively to fatten animals for market and in which supplemental feeding is provided.

Fence. “Fence” means a wall or barrier constructed of boards, masonry, wire, or any other material for the purpose of enclosing space or separating parcels of land. The term “fence” does not include retaining walls but does include fence gates and gateposts.

Fence, Open. “Open fence” means a fence constructed of materials which allow a clear view between the property that is fenced and a road or adjoining properties. Materials used to build an open fence may include wire, wood rails, chain link, and wrought iron.

Fill. “Fill” means the deposit of soil, rock, or other materials placed by man and includes the conditions resulting therefrom.

Final Map. “Final map” refers to the map or recording instrument for Major Subdivisions of land as described in Chapter 19 of Division 8. The final map must be in substantial compliance with the approved tentative map. A final map filed with the County Recorder may also be used to effect an approved tentative map for a Minor Subdivision at the option of either the subdivider or the City.

Findings. “Findings” means a set of conclusions required before specified permits or other entitlements may be granted by the Review Authority.

Finish Grade. “Finish grade” means the final elevation of the site after excavating or filling which conforms to the approved final grading plan. The finish grade is also the grade at the top of a paved surface.

Flag. “Flag” means a piece of cloth or bunting, often attached to a staff, representing emblems of the USA, State of California, or civic, philanthropic, educational, or religious organizations, when not used for advertising.

Flag Lot. See “Lot, Flag.”

Flea Market. “Flea market” means a building or portion of a building where individual market stalls or spaces are provided for persons to display, buy, sell, exchange, or deal in new or used goods.

Flood or Flooding. “Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas.

Flood Control Engineer. “Flood control engineer” means the engineer appointed by the City Council to supervise and administer the City of Mountain House Flood Control and Water Conservation District, and shall be the Director of Public Works.

Flood Control Facilities. “Flood Control Facilities” means levees, dredger cuts, retention basins, dams, and flood channels.

Flood Elevation. “Flood elevation” means the elevation of the water surface of the one hundred (100) year flood shown on the Flood Insurance Maps or the elevation of flood water in an area having a one percent (1%) or greater probability of flood in any given year, as determined by the Floodplain Administrator.

Flood Fringe. “Flood fringe” means the area of the one hundred (100) year flood, exclusive of the floodway, as shown on the Flood Insurance Maps and any area determined by the Floodplain Administrator to have a one percent (1%) or greater probability of flood in any given year.

Flood Hazard. “Flood hazard” means the danger of damage to persons or property from overflow water resulting from a one hundred (100) year flood or from the accumulation or flow of water determined to be hazardous by the Floodplain Administrator.

Flood Height. “Flood height” means the depth of the flood water during the one-hundred (100) year flood, computed as the difference between the elevation of the one hundred (100) year flood water surface and the elevation ground surface at a given point in the flooded area.

Flood Insurance Maps. “Flood Insurance Maps” means those maps submitted to the City by the Federal Emergency Management Agency as part of a report entitled “Flood Insurance Study for County of San Joaquin, November 1979,” as amended and any subsequent amendments and/or revisions. The maps include the Flood Insurance Rate Maps and the Floodway Maps.

Flood Insurance Rate Map or FIRM. “Flood Insurance Rate Map” or “FIRM” means the official map in which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the City (e.g., AO, AH, etc.).

Flood Insurance Study. “Flood insurance study” means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations submitted to the City by the Federal Emergency Management Agency as part of a report entitled “Flood Insurance Study for County of San Joaquin, November 1979,” as amended and any subsequent amendments and/or revisions.

Flood Variance. “Flood variance” means a grant of relief from the requirements of Chapter 2 of Division 16 of this Title that permits construction in a manner that would otherwise be prohibited by said chapter. (See Section 9-8-1701 for Flood Variance application.)

Floodplain Administrator. “Floodplain Administrator” means the person appointed by the City Council to administer and implement the flood prevention provisions of this Title, as described in Division 16 of this Title.

Floodplain Encroachment Permit. “Floodplain Encroachment Permit” means a permit issued by the Department of Public Works for any project that would alter a watercourse.

Floodplain Management. “Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage.

Floodproofing. “Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments which reduce or eliminate flood damage to properties, utilities, structures, and their contents.

Floodway. “Floodway” means:

(a) The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the one hundred (100) year flood without cumulatively increasing the water surface elevation more than one (1) foot;

(b) The floodway shown on the Flood Insurance Maps;

(c) The designated floodway of the State Reclamation Board, if the Flood Insurance Maps do not indicate the floodway;

(d) The river or other watercourse itself, between its levees or banks, to the elevation of the one hundred (100) year flood, if the Flood Insurance Maps do not indicate the floodway and the State Reclamation Board has not established a designated floodway; or

(e) The channel necessary to carry a flood with a one percent (1%) or greater probability of occurring in any given year established by the Floodplain Administrator, if the above criteria do not determine the floodway.

Floor Area. "Floor area" means the usable area of a building or portion thereof, under the horizontal projection of the roof or structural membrane, excluding garages, carports, porches, patios, courts and vent shafts.

Floor Area Ratio. "Floor area ratio" means the gross floor area of all buildings on a lot divided by the lot area.

Food Establishment. "Food establishment" means any location or portion thereof, any room or any building that is maintained, used or operated for the purpose of storing, preparing, packaging or otherwise handling food that is engaged in retail trade.

Food Preparation. "Food preparation" means packaging, processing, assembling, portioning or any operation which changes the form, flavor or consistency of food, but does not include the trimming of produce.

Forty-Five Degree (45°) Clear. "Forty-five degree (45°) clear" means that all points on a structure must not touch an imaginary line drawn at a forty-five degree (45°) angle from the nearest right-of-way line or property line, as applicable.

Freestanding Structure. "Freestanding structure" means a monopole, lattice tower, or other vertical support which is not a building, that is used for wireless telecommunication, or radio or television broadcasting.

Frontage. "Frontage" means that side of a lot which abuts a public road, or waterway if so specified.

Frontage, Primary. "Primary frontage" means that side of a lot abutting a street where the main building entrance is located and in the general direction in which the principal building faces.

Frontage, Secondary. "Secondary frontage" means that side of a lot abutting a street which is to the side or in the opposite direction from which the principal building faces.

Garage, Private. "Private garage" means either: (a) a building or portion of a building, not more than one thousand (1,000) square feet in area, in which motor vehicles or pleasure type vehicles used by the owners or tenants of the building or buildings are stored or kept, or (b) a building or a portion of a building up to three thousand (3,000) square feet in area which meets the special area provisions for private garage contained in the latest edition of the Uniform Building Code as adopted by the City. The building shall be without separate gas and electrical services.

Garage Sale. "Garage sale" means the sale of household articles or personal possessions incidentally accumulated during normal and conforming residential use of the property on which the sale is held.

General Plan. "General Plan" means the official document consisting of maps and text adopted by the City as a policy guide to decisions pertaining to the physical development of the City. It is the City's statement of goals, policies, and actions necessary for orderly development and growth and thereby serves as a guide for many public decisions, especially land use changes, preparation of capital improvement programs, enactment of growth accommodation legislation, and imposition of impact fees.

Geotechnical Engineer. "Geotechnical engineer" means a civil engineer registered by the State of California who is qualified in the field of soil mechanics and soil engineering and has the authority to use the title "soil engineer."

Grade. “Grade” means the elevation of a specified surface or the degree of rise or descent of a sloping surface.

Grading. “Grading” means any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition.

Grading Plan. “Grading Plan” means a plan prepared in accordance with Division 14 which shows excavation and reclamation work.

Ground Water. “Ground water” means that part of the subsurface water which is in the zone of saturation.

Group Care Facility. “Group care facility” means a facility authorized, certified, or licensed by the State of California to provide nonmedical residential care and supervision on a twenty-four (24)-hour a day basis to either mentally disordered or otherwise handicapped persons, to dependent and neglected children, or to aged individuals.

Group H Occupancies. “Group H Occupancies,” as defined by the Uniform Building Code, mean buildings or structures, or portions thereof, that involve the manufacturing, processing, generation, or storage of materials that constitute a high fire, explosion, or health hazard, including semi-conductor fabrication.

Grout. “Grout” means a fluid mixture of cement or other approved material and water of a consistency that can be forced through a pipe and placed as required to form a watertight seal. Various additives, such as sand, bentonite, and hydrated lime, are used to meet certain requirements. For example, sand is added when a considerable volume of grout is needed.

Guesthouse. “Guesthouse” means a separate dwelling structure, not exceeding four hundred (400) square feet, located on a lot with one or more main dwelling structures, used for housing guests or servants, not containing kitchen facilities, and not rented, leased, or sold separately from the rental, lease, or sale of the main dwelling.

Habitat. “Habitat” means the natural environment of a plant or animal.

Hazardous Materials. “Hazardous materials” means any substance, waste, or material defined as an “extremely hazardous waste” or “hazardous waste” by Section 25115 or 25117 of the California Health and Safety Code, and any material listed or cited in Section 66680 of Title 22 of the California Administrative Code. As used herein, “hazardous material” shall also include any substance, waste or material which meets any of the following criteria:

- (a) **Toxic:** capable of producing injury, illness, or damage to humans, livestock, or wildlife through ingestion, inhalation, or absorption through any body surface;
- (b) **Corrosive:** capable of destroying by chemical action living tissue through contact;
- (c) **Irritants:** capable of causing a local inflammatory reaction;
- (d) **Strong sensitizers:** capable of causing allergic or hypersensitive reactions; or
- (e) **Flammable:** capable of burning during normal handling and which may produce harmful gas or particles.

“Hazardous waste” means any waste, or combination of wastes, as specified in Title 22 of the California Code of Regulations, which because of its quantity, concentration, physical, chemical, or infectious characteristics may either:

- (a) Cause, or significantly contribute to, an increase in mortality or an increase in serious, irreversible, or incapacitating, reversible illness; or
- (b) Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, disposed of, or otherwise managed. The term “hazardous waste” shall include extremely hazardous waste and acute hazardous waste.

Heliport. “Heliport” means an area of land or water or a structural surface which is used, or intended for use, for the landing and takeoff of helicopters, and any appurtenant areas which are used, or intended for use, for heliport buildings and other heliport facilities.

Heritage Oak Tree. “Heritage oak tree” means a native oak tree that has a single trunk diameter of thirty-two (32) inches or greater measured at four and one-half (4½) feet above the average ground elevation of the tree.

Highest Adjacent Grade. “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed wall of a structure.

Historic District. “Historic district” means an integrated group of structures or an area which holds special historical interest or value.

Historic Resource. “Historic resource” means any object, building, structure, site, area, or place which is historically or archaeologically significant, or which is significant in the aesthetic, architectural, cultural, engineering, scientific, economic, agricultural, educational, social, political, or military annals of California, San Joaquin County, or local communities.

Historic Structure. “Historic Structure” means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

Historical Tree. “Historical tree” means any tree or group of trees given special recognition because of the size, age, location, or history. Designation of historical trees shall be made by the Planning Commission following a Public Hearing.

Home Occupation. “Home occupation” means any occupation which is customarily or ordinarily conducted within a dwelling, is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the residential character or design of the dwelling.

Homeowner's Association. “Homeowner's association” means a community association, composed of individual owners of a development, which is created for the purpose of holding title to common property, managing and maintaining the common property, and/or enforcing certain covenants and restrictions for the overall benefit of its members.

Hotel. “Hotel” means a building containing guestrooms providing transient lodging accommodations for compensation.

Household, Low-income. “Low-income household” means a household which meets the qualifications for Low-income Household as defined in Section 50079.5 of the Health and Safety Code.

Household, Very Low-income. “Very low-income household” means a household which meets the qualifications for Very Low-income Household as defined in Section 50105 of the Health and Safety Code.

Household Pets. “Household pets” means animals ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, and birds.

Improvement Plans. “Improvement plans” means plans, profiles, specifications, and engineering estimates of improvement cost, and all necessary details of the improvement proposed for installation or modification.

Improvements. “Improvements” means additional roadway, drainage, water, and wastewater facilities required to adequately serve development projects.

(a) Roadway improvements may include, but are not limited to, grading, pavements, curbs and gutters, sidewalks, driveways, bridges, traffic signals, roadway lighting, signs, or roadway landscaping.

(b) Drainage improvements may include, but are not limited to, main pipelines, culverts, drainage inlets, connector pipes, manholes, channels, ponds, ditches, and appurtenances.

(c) Wastewater improvements may include, but are not limited to, wells, main pipelines, service laterals, manholes, cleanouts, and appurtenances.

(d) Water improvements may include, but are not limited to, main pipelines, service laterals, valves, meters, hydrants, and appurtenances.

“Improvements” also means specific facilities whose installation is necessary or desirable to ensure conformity to, or implementation of, the City General Plan, Special Purpose Plan, or Specific Plans.

Impulsive Noise. “Impulsive noise” means noise of short duration, usually less than one (1) second, with an abrupt onset and rapid decay, such as the discharge of firearms.

Individual. “Individual” means a born human being.

Industrial Project. “Industrial project” means a development project which involves the on-site production of goods or commodities and/or the processing of raw materials.

Infrastructure. “Infrastructure” means facilities and services needed to sustain industrial, residential, and commercial activities, including water, drainage, and sewer lines; streets and roads; communications; and public facilities.

Inoperative Vehicle. “Inoperative vehicle” means a vehicle that mechanically is incapable of being driven, including a vehicle which is missing any part essential for movement or where such essential parts are broken or defective; or a vehicle prohibited from being operated on a public street or highway pursuant to Sections 4000, 5202, 24002, or 40001 of the California Vehicle Code, concerning license plates, registration, equipment, safety and related matters.

Intensity, Building. See “Building Intensity.”

Interior ADU. “Interior ADU” means an ADU that is contained entirely within an existing Single-family Dwelling. See also “Junior Accessory Dwelling Unit.”

Junior Accessory Dwelling Unit. “Junior Accessory Dwelling Unit” (also known as a “Junior ADU” or “JADU”) means an Accessory Dwelling Unit that is not more than five hundred (500) square feet and contained entirely within a Single-Family Dwelling. A JADU may include separate sanitation facilities or may share sanitation facilities with the Existing Structure.

Junk. “Junk” means, but is not limited to, any cast-off, damaged, discarded, junked, salvaged, scrapped, worn out or wrecked, thing or material including magazines, books, cardboard boxes, wood boxes, scrap lumber, trash, litter, refuse, paper, glass, cans, bottles, rags, ashes, trimmings from lawns, trimmings from plants, trimmings from trees, discarded furniture, scrap metal, used tires, materials from demolition or alteration or construction of buildings or structures, or solid waste.

Kennel. “Kennel” means a place where four (4) or more dogs, or four (4) or more cats, over four (4) months of age are kept for commercial or noncommercial purposes, but excludes animal control shelters operated by governmental agencies or to veterinary hospitals.

Kitchen. “Kitchen” means any room, all or any part of which is designed or used for cooking and preparation of food.

Land Voucher. “Land Voucher” means a document given in exchange for acreage in fulfillment of the requirements of the Public Land Equity Program.

Leq. See the definition for “equivalent sound level (Leq).”

Limited Retail Sales. “Limited retail sales” means the sale of items other than fresh produce and shell eggs. Limited retail sales areas are limited to one hundred fifty (150) square feet of the floor area for a small agricultural store and five hundred (500) square feet of floor area for a large agricultural store.

Livable Area. “Livable area” means the area within the outside walls of a residential unit, whether attached or unattached, but not including unfinished garages, unfinished basements, porches, or storage facilities not accessible from the interior of the residential unit.

Living Area. “Living Area” (also known as “habitable area”) means the interior area of a dwelling unit used for living, sleeping, eating, cooking, bathing, washing, and sanitation purposes, but does not include a garage or any accessory structure and storage or utility spaces and similar area that are not considered habitable spaces as defined by the Building Code.

Loading Space. “Loading space” means an off-street space or berth used for loading or unloading commercial vehicles.

Lot. “Lot” means a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon as a unit.

Lot, Corner. “Corner lot” means a lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed one hundred thirty-five (135) degrees.

Lot, Flag. “Flag lot” means an “L”-shaped or “T”-shaped lot in which one arm of the lot fronts on a public road and is used solely as a driveway.

Lot, Interior. “Interior lot” means a lot other than a corner lot.

Lot, Reverse Corner. “Reverse corner lot” means a corner lot in which the rear yard abuts the side yard of an interior lot.

Lot Area. “Lot area” means the total horizontal area included within the property lines of a lot.

Lot Area, Gross. “Gross lot area” means the total lot or parcel area within the lot lines of a lot, including existing and/or proposed rights-of-way.

Lot Area, Net. “Net lot area” means the total lot or parcel area within the lot lines of a lot, excluding the land area required for roads and off-street parking facilities.

Lot Depth. “Lot depth” means the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

Lot Line. “Lot line” means a line of record bounding a lot which divides that lot from another lot or from a public or private street or any other public space.

Lot Line, Front. “Front lot line” means the lot line separating an interior lot from a street. For flag lots, the front lot line is defined as follows:

(a) Where a lot's driveway will not be needed to serve more than one parcel, “front lot line” means the lot line closest to the public street, excluding the lot lines defining the driveway;

(b) Where a lot's driveway may be needed as part of a future public road, “front lot line” means a line extended from the end of the driveway straight through the parcel which will be parallel to the rear lot line and nearest to the location of the proposed dwelling.

Lot Line, Rear. “Rear lot line” means the lot line opposite and most distant from the front lot line; or, in the case of triangular or otherwise irregularly shaped lots, a line of no less than ten (10) feet in length within the lot, parallel to and at a maximum distance from, the front lot line.

Lot Line, Side. “Side lot line” means any lot line other than a front or rear lot line.

Lot Line Adjustment. “Lot Line Adjustment” means a minor relocation of a property line between the existing parcels which would create no new parcels.

Lot Size. “Lot size” means the gross or net lot area calculated for a particular parcel. For parcels in agricultural zones, lot size means gross lot area. For parcels in all other zones, lot size means net lot area.

Lot Width. “Lot width” means the distance between the side lot lines, measured at such distance back from the front lot line as is required for the depth of the front yard.

Lowest Floor. “Lowest floor” means the lowest floor of the lowest enclosed area, including basement (see “Basement” definition).

(a) An unfinished or flood-resistant enclosure below the lowest floor that is useable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a

building's lowest floor, provided it conforms to applicable non-elevation design requirements, including, but not limited to:

- (1) The wet floodproofing standard in Section 9-16-212(d).
- (2) The anchoring standards in Section 9-16-210.
- (3) The construction materials and methods standards in Section 9-16-211.
- (4) The standards for utilities in Section 9-16-213.

(b) For residential structures, all subgrade-enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.

Luminaire. "Luminaire" means a complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

Major Subdivision. "Major subdivision" means a subdivision of land creating five (5) or more parcels, five (5) or more condominiums, or a community apartment project containing five (5) or more units, unless otherwise excepted in the definition of a minor subdivision.

Manufactured Home. "Manufactured Home" means a structure transportable in one (1) or more sections that is built on a permanent chassis and is designed to be used as a dwelling, with or without a permanent foundation, when connected to utilities.

Manufactured Home Park or Subdivision. "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Marina. "Marina" means a facility for storing, servicing, fueling, berthing, and securing pleasure boats and which may include eating, sleeping, and retail facilities for owners, crews, and guests.

Master Developer. "Master Developer" means Trimark Communities, a California general partnership, and any successor in interest thereto, in the case of Mountain House lands outside the Specific Plan III planning area. Otherwise, "Master Developer" means Gerry N. Kamilos, LLC, and any successor in interest thereto.

Master Specific Plan. "Master Specific Plan" or "Mountain House Master Specific Plan" or "Master Plan" means the policy document which presents policies, requirements and standards for the entire Mountain House Community and guides the preparation of subsequent Specific Plans, Tentative Maps, and other approvals required to implement the building of the Mountain House Community.

Maximum Sound Level (Lmax). "Maximum sound level" or "Lmax" means the maximum sound level recorded during a noise event.

Median. "Median" means that portion of a divided highway separating the traveled way for traffic in opposite directions. A median may be raised, landscaped, or painted.

Merger. "Merger" means the process in which the City initiates an action to combine contiguous parcels or units of land under the same ownership, pursuant to Article 1.5 (commencing with Section 66451.10) of the Government Code and Chapter 21 of Division 8 of this Title.

Merger, Voluntary. "Voluntary merger" means the process in which an owner initiates an action to combine contiguous parcels of land owned by said owner, pursuant to Section 66499.20314 of the Government Code and Chapter 22 of Division 8 of this Title.

Mineral Resources. "Mineral resources" means any naturally occurring chemical element or compound, or group of elements and compounds, formed from inorganic processes and from organic and inorganic substances and present in sufficient quantities to permit commercial extraction. Included in this definition are peat, bituminous rock and aggregate minerals; excluded are geothermal resources, natural gas and petroleum.

Minimum Parcel Size. "Minimum parcel size" means the smallest unit of land permitted through subdivision within a zoning designation, as outlined in this Title.

Minor Subdivision. "Minor subdivision" means a subdivision of land where:

(a) The land before division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required by the legislative body; or

(b) Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a City maintained road, street, or highway; or

(c) The land consists of a parcel or parcels of land which have approved access to a public road, street, or highway and which compose part of a tract of land zoned for industrial or commercial development and which have the approval of the governing body as to street alignments and widths; or

(d) The subdivision would create four (4) parcels or less, or condominiums or community apartments containing four (4) units or less; or

(e) Each parcel created by the division has a gross area of not less than forty (40) acres or is not less than a quarter of a quarter-section.

Mobile Home. See “Manufactured Home.”

Mobile Home Park. “Mobile home park” means any parcel of land composed of a lot or contiguous lots used, designed, or intended to accommodate more than four (4) mobile homes but which does not include labor camps and labor supply camps.

Motel. “Motel” means a hotel as defined in this Title.

Multi-Use Path. “Multi-use path” means a pedestrian path that safely accommodates both pedestrians and bicycles.

Native Oak Tree. “Native oak tree” means a valley oak (*Quercus lobata*) with a trunk diameter of six (6) inches to less than thirty-two (32) inches for a single trunk tree, or a combined trunk diameter of eight (8) inches or greater for a multi-trunk tree, measured four and one-half (4½) feet above the average ground elevation of the tree; or an interior live oak (*Quercus wislizenii*), California live oak (*Quercus agrifolia*), or blue oak (*Quercus douglasii*) with a trunk diameter of four (4) inches to less than thirty-two (32) inches for a single trunk tree, or a combined trunk diameter of six (6) inches or greater for a multi-trunk tree, measured four and one-half (4½) feet above the average ground elevation of the tree.

Natural Bank. “Natural bank” means the bank of a waterway that does not have a levee or that has a levee which does not provide protection from a fifty (50) year flood.

New Construction. “New construction” means, for floodplain management purposes, structures for which the “start of construction” commenced on or after October 3, 1980 and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision. “New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after October 3, 1980.

Noise Contour. “Noise contour” means a line passing through points where the same sound intensity level prevails. Contours form bands of varying width emanating from a noise source.

Noise-Sensitive Land Uses. “Noise-sensitive land uses” mean uses included under the following use types: Residential, Administrative Offices, Child Care Services—Child Care Centers, Community Assembly, Cultural and Library Services, Educational Services—General, Funeral and Interment Services—Undertaking, Lodging Services, Medical Services, Professional Services, Public Services, Recreation—Indoor Spectator, and Religious Assembly.

Nonconforming Structure. “Nonconforming structure” means a building or structure which was legal when brought into existence but which does not conform to the current height, setback, or building intensity requirements of the zone where it is located.

Nonconforming Use. “Nonconforming use” means a use which was legal when brought into existence but does not conform to the current uses allowed or to the performance standards of the zone where it is located.

Nuisance. “Nuisance” means anything resulting from unreasonable or unlawful practices or from neglect which is or tends to be injurious to health, safety, or public welfare, including an accumulation of junk, or is so unsightly or offensive to the senses as to interfere with the comfortable enjoyment of life or property. Additionally, “nuisance” means “nuisance” as defined in Title 1 and any condition existing in violation of the Municipal Code, including this Title.

Nursing Home. “Nursing home” means a facility for the accommodation of convalescents or other persons who are not acutely ill or in need of hospital care, but who require skilled nursing care and related medical services, which is operated in conjunction with a hospital or in which such nursing care and medical services are prescribed by, or are performed under the general direction of, persons licensed to practice medicine or surgery in the State.

Open Space, Private. “Private open space” means the outdoor living area directly adjoining a dwelling unit or building which is intended for the private enjoyment of the residents or occupants of the dwelling unit or building and which is defined in such manner that its boundaries are evident.

Open Space, Public. “Public open space” means a continuous open space which is readily accessible to the public at all times and specifically designed for the use and enjoyment of the public.

Outdoor Activity Areas. “Outdoor activity areas” mean the outdoor recreation areas of noise-sensitive land uses. With respect to single-family dwellings, outdoor activity areas mean the rear yard, and/or side yard when the side yard is of a sufficient size to provide outdoor recreational opportunities, of said dwellings. With respect to multiple-family dwellings, outdoor activity areas mean the patios, balconies, common outdoor recreation areas, and swimming pool areas of said dwellings.

Outdoor Storage. “Outdoor storage” means the keeping in an unroofed area of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.

Outstanding Payments. “Outstanding payments” means any moneys owed to the City by an applicant for past work performed by the City or by the City's consultant on a project submitted to the City for processing by said applicant.

Overburden. “Overburden” means all materials lying on top of mineral resources which must be removed in order to extract those resources.

Owner. “Owner” means the real party in interest in the property, or the holder of record title in the property.

Owner-Operator. “Owner-operator” means an individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest in property to exert direct control over its use, development, and day-to-day operations.

Parcel. See “Lot.”

Parcel Map. “Parcel map” refers to the map and recording instrument for minor subdivisions of land and other subdivisions described in the Subdivision Map Act. The parcel map must reflect the design and conditions that were approved on the tentative map for minor subdivisions by the Director, Planning Commission, or City Council.

Parking Lot. “Parking lot” means an open area, other than a street, used for the parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

Parking Space or Stall. “Parking space” or “parking stall” means a space within a building, lot, or parking lot for the parking or storage of one (1) automobile.

Parkway. “Parkway” means the area adjoining the outer edge of the roadbed, extending to the right-of-way line in which sidewalks, plantings, utilities, bank slopes, and related facilities may be located.

Pedestrian Path . “Pedestrian path “ means a right-of-way designed for use by pedestrians and not intended for use by motor vehicles of any kind. Said pedestrian path or way may be located within or outside of a street right-of-way, at grade, or grade separated from vehicular traffic.

Pedestrian Way. “Pedestrian way” is synonymous with pedestrian path.

Pen. “Pen” means a small enclosure for animals.

Person. “Person” means any individual, firm, partnership, joint venture, association, concern, corporation, estate, trust, business trust, receiver, syndicate, group, or combination acting as a unit.

Pets. See “Household Pets.”

Planning Commission. “Planning Commission” means the Planning Commission of the City of Mountain House.

Portland Cement Concrete. “Portland cement concrete” means a commercially premixed surfacing material using a cement powder and water binding agent that is poured on top of a base material such as aggregate base or sand.

Poultry Ranch or Farm. “Poultry ranch” or “poultry farm” means a farm for the keeping or raising of more than thirty-five (35) game fowl or poultry, or, with respect to ostriches or other ratites, a farm for the keeping or raising of seven (7) or more animals.

Pre-Existing Residential Areas. “Pre-existing residential areas” means the three distinct residential areas that were in place before the Mountain House New Town was established, described and labeled as “Grant Line Village,” “Homesite Parcels,” and “Old River Homesites” by the Master Plan.

Preliminary Map. “Preliminary Map” means any lot line adjustment, merger or tentative map application that is submitted to the City, prior to the completion of all Mountain House Master Plan subsequent plans and programs, only for the purpose of financing, land sale or exchange, or planning area segregation, after which a more definitive Development Title application is required to be submitted to the City before construction permits can be obtained for the affected area.

Prepackaged Food. “Prepackaged food” means any properly labeled food, prepackaged by the manufacturer to prevent any direct human contact with the food product.

Private Land. “Private Land” means any land within the Mountain House Community that can be developed for private use and profit.

Private Rights-of-Way. “Private rights-of-way” means any of the following:

(a) Any right-of-way which has been offered for dedication but which has not been accepted by the City.

(b) A legally established private easement for access.

(c) A navigable waterway.

(d) Roads shown on antiquated subdivision plats that are not City maintained roads.

(e) Public roads for which there are not legally established rights-of-way or easement.

Private Road. See “Road, Private.”

Produce. “Produce” means shell eggs and any fruit or vegetable in its raw or natural state.

Produce Stand. “Produce stand” means a food establishment that sells only produce, cut flowers or shell eggs, or both, directly to the consumer. Produce stands must be located on property which is owned, rented, or leased to a grower, producer or a member of a farm cooperative.

Project Frontage. “Project frontage” means the developed portion of the property that fronts on an existing or planned public right-of-way.

Protected Zone. “Protected zone” means an area commencing at a point five (5) feet outside the drip line of a native oak tree or heritage tree and extending inward to the trunk of the tree.

Protective Barrier. “Protective Barrier” is an exterior fence or wall a minimum of six (6) feet in height, restricting direct access to an electrified security fence. When abutting an existing or planned residential area, or a residentially developed parcel, the protective barrier shall consist of a solid material (i.e., a wooden fence, a block wall, an approved mesh material, or equivalent material). A Protective

Barrier is subject to the standards of the Fencing and Screening Chapter (Chapter 6 of Division 10). In no event shall an electrified security fence be installed without a perimeter protective barrier.

Public. “Public” means that which is operated and/or maintained by governmental agency or by public utility.

Public Facilities. “Public facilities” means any facility operated by a public entity, including, but not limited to, the following:

- (a) Public buildings, including schools and related facilities;
- (b) Sewage collection, treatment, and disposal facilities;
- (c) Facilities for the supply, storage, treatment, and distribution of nonagricultural water for municipal and industrial uses for meeting Title 22 of the California Administrative Code;
- (d) Facilities for the collection and disposal of stormwaters for drainage and/or flood control purposes;
- (e) Facilities for the generation of electricity and the distribution of gas and electricity;
- (f) Transportation and transit facilities including, but not limited to, streets, roads, ports, airports, and related facilities;
- (g) Parks and recreation facilities;
- (h) Police stations and fire stations; or
- (i) Hospitals.

Public Health Services. “Public Health Services” means the Public Health Services of San Joaquin County.

Public Land. “Public Land” means acreage required by an Applicable Public Agency to provide public services and infrastructure to or on behalf of the residents of the Mountain House Community, as specified in the Public Land Equity Program Technical Report as of November 28, 1997.

Public Land Acreage Requirement. “Public Land Acreage Requirement” means the amount of land that a Landowner is required to provide in order to fulfill the requirements of the Public Land Equity Program, calculated by multiplying the gross acres of a subject property by the Public Land Percentage.

Public Land Deficit. “Public Land Deficit” means the additional amount of land needed to meet the Public Land Acreage Requirement for a subject parcel, calculated by subtracting the number of acres actually shown for public use on said parcel from the parcel's Public Land Acreage Requirement.

Public Land Equity Program. “Public Land Equity Program” means the program as set forth in Chapter 3 of Division 12 of this Title.

Public Land Equity Program Technical Report. “Public Land Equity Program Technical Report” means the report which provides the methodology for calculating the Public Land Acreage Requirement on a subject property and the Public Land Percentage.

Public Land Percentage. “Public Land Percentage” means the percentage of land within the Mountain House Community that is Public Lands, calculated by dividing the total Public Lands within the Mountain House Community by the gross acres within the Mountain House Community held in private ownership, as specified in the Public Land Equity Program Technical Report, and multiplying the result by one hundred (100).

Public Land Surplus. “Public Land Surplus” means the amount of land that exceeds the Public Land Acreage Requirement for a subject property, calculated by subtracting the Public Land Acreage Requirement from the number of acres actually designated for public use by the Master Plan or Specific Plan or any applicable Special Purpose Plan.

Public Nuisance. See “Nuisance.”

Public Road. See “Road, Public.”

Public Transit. “Public Transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, and other forms of transportation that charge set fare, run on fixed routes, and are available to the public.

Public Water System. “Public water system” means any potable water supply system owned, operated, and maintained by a public agency, and approved by, or under the supervision of, a public health agency of the State of California or the City. This definition is for use in interpreting the provisions of this Title and is not intended to be the same as a “public water system” as defined by Title 22 of the California Administrative Code.

Record Title Ownership. “Record title ownership” shall mean either fee title of record or, when a leasehold interest is to be divided, ownership of record of the leasehold interest.

Recreation. “Recreation” means any activity, voluntarily engaged in, which contributes to the physical, mental, or moral development of the individual or group participating therein, and includes any activity in the fields of music, drama, art, handicraft, science, literature, nature study, nature contacting, aquatic sports, and athletics, or any informal play incorporating any such activity.

Recreation, Commercial. “Commercial recreation” means any recreation area or facility that is under direct control of an individual, group, association, corporation, club, or fraternal organization and is open to the public.

Recreation Area. “Recreation area” means any land, water, or combination thereof used for purposes of recreation.

Recreational Vehicle. “Recreational vehicle” means a motorhome, travel trailer, truck camper, camping trailer, boat or boat trailer with or without motive power, designed for human recreational use only, that meets all of the following criteria as defined by State Health and Safety Code Section 18010:

(a) It contains less than three hundred twenty (320) square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;

(b) It contains four hundred (400) square feet or less when measured at the largest horizontal projection;

(c) It is built on a single chassis;

(d) It is designed to be either self-propelled, truck-mounted or permanently towable by a light-duty truck; and

(e) It is designed primarily as a temporary living quarters for recreational, camping, travel, or seasonal use and not for use as a permanent dwelling.

Recreational Vehicle Park. “Recreational vehicle park” means any parcel of land composed of a lot or contiguous lots used, designed, or intended as a campground to accommodate more than four (4) recreational vehicles and/or mobile homes, not including labor camps and labor supply camps.

Recycling. “Recycling” means the process by which waste products are reduced to raw materials and transformed into new and often different products. As it pertains to Chapter 7 of Division 11 of this title only, “recycling” means redirecting or utilizing a hazardous waste or substance from a hazardous waste, and includes recovery of resources from a hazardous waste.

Residence, Primary. “Primary residence” means a dwelling unit intended for occupancy by the owner or by members of the owner's family, excluding mobile homes, second unit dwellings, guest houses, and farm labor housing.

Residential. “Residential” means places where people live and sleep. The term includes, but is not limited to, single-family dwellings, apartments, institutions, mobile homes, group quarters, hotels and motels, convalescent hospitals, and rest homes.

Residential Development. “Residential development” means a development project containing residential dwellings, including mobile homes, consisting of one (1) or more dwelling units, or a subdivision for one (1) or more residential dwelling units.

Resource Recovery. “Resource recovery” means the reclamation or salvage of wastes for reuse, conversion to energy, or recycling. Resource recovery does not include automotive wrecking yards or junkyards.

Restricted Access. See “Access, Restricted.”

Retailer License. “Retailer license” means a license issued to sell cannabis to qualified individuals that hold an authorized Annual State License with an A-License or M-License designation.

Retention Basin. “Retention basin” means a drainage pond with no outlet facilities for terminal drainage that is capable of storing the required stormwater runoff volume and is capable of emptying through percolation and evaporation over a specified time.

Review Authority. “Review Authority” means any of the following entities which are empowered to interpret, implement and enforce this Title:

- (a) City Council;
- (b) Planning Commission;
- (c) Director of the Community Development Department; and
- (d) Community Development Department.

Right-of-Way. “Right-of-way” means an easement for the use of roads, water and wastewater facilities, flood and drainage works, overhead and underground utilities, or any related improvements.

Riparian Corridor. “Riparian corridor” means a strip or generally contiguous area of riparian habitat.

Riparian Habitat. “Riparian habitat” means the banks and other terrestrial environs of fresh water bodies, watercourses, estuaries, and surface waters whose conditions provide soil moisture sufficiently in excess of that otherwise available through local precipitation to support the growth of mesic vegetation.

Road. “Road” includes streets and highways, both public and private. The terms streets, roads, roadways, and highways are used interchangeably. “Road” includes the roadbed, all slopes, shoulders, side ditches, curbs, gutters, sidewalks, and all other related facilities within the right-of-way.

Road, Private. “Private road” means a roadway within a private development where the street improvements remain in private ownership.

Road, Public. “Public road” means any road which is open for unrestricted travel by the general public. A public road may or may not be dedicated to or maintained by the City.

Road System. “Road system” means the classification of streets and highways by their diverse functions and design. The following is a hierarchy of roads in the City.

(a) **Rural Road.** “Rural road” means a two-lane, undivided road providing access to agricultural properties. A rural road may also serve as a route connecting rural communities with each other and the urban communities.

(b) **Rural Residential Road.** “Rural residential road” means a two-lane, undivided road providing access to rural residential subdivision parcels.

(c) **Local Residential Road.** “Local residential road” means a two-lane, undivided road providing direct access to all abutting residential properties. The local residential road's primary purpose is to provide access to single-family lots.

(e) **Collector Road.** “Collector road” means a two-lane, undivided road which funnels traffic from local residential, commercial, and industrial roads to arterial roads.

(f) **Minor Arterial.** “Minor arterial” means a four-lane, undivided road with access limited to abutting commercial, industrial multi-family properties only. The minor arterial's primary purpose is to carry local and through traffic within urban communities.

(g) **Major Arterial.** “Major arterial” means a multi-lane, divided road with major access to abutting property limited to major commercial and industrial developments. The arterial's primary purpose is to carry major through traffic within and between urban communities and provide access to expressways and freeways.

(h) **Expressway.** “Expressway” means a roadway which provides no direct access to abutting properties. The primary purpose of an expressway is to carry through traffic with minimum interference with adjacent development.

(i) **Intersections** are limited to freeways, major and minor arterials, and rural roads only. Intersections are usually no closer than one-quarter mile.

(j) **Freeway.** “Freeway” means a multi-lane, divided highway providing no access to adjoining property. Freeways are intended to accommodate high speed, high volume, long distance regional through traffic and traffic between urban areas. Freeways typically connect to the local road system at high volume interchanges with arterial roads in urban areas and with some rural roads in rural county areas.

Roadbed. “Roadbed” means that portion of the road between curb-faces or between the outside line of improved shoulders.

Sanitary Landfill. “Sanitary landfill” means a disposal site employing an engineered method of disposal of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume practical, and applying cover material over all exposed wastes at the end of each operating day.

Screening. “Screening” means a method of visually shielding or obscuring one (1) abutting or nearby structure from another by fencing, walls, berms, or densely planted vegetation.

Seal, Sanitary. “Sanitary seal” means a grout, mastic, or mechanical device used to make a watertight joint between the pump and casing or the concrete base.

Sediment. “Sediment” means any material transported or deposited by water, including soil debris or other foreign matter.

Senior Citizen. “Senior citizen” means a person at least sixty-two (62) years of age, or a person at least fifty-five (55) years of age who meets the qualifications found in Section 51.3 of the California Civil Code.

Septic System. “Septic system” means an on-site wastewater disposal system which utilizes a septic tank for wastewater processing and a subsurface drainage system for the disposal of treated effluent.

Septic Tank. “Septic tank” means a watertight receptacle which receives the discharge of a building drainage system or part thereof, designed and constructed to retain solids, digest organic matter through a period of detention, and allow the liquids to discharge into the soil outside the tank through a subsurface drainage system meeting the requirements of Division II.

Setback Line. “Setback line” means that line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.

Sewage. See “Wastewater.”

Short-Term Rental. “Short-term rental” means any residential dwelling, or any portion of a residential dwelling, that is rented to a person or persons for 30 days or less.

Sign. “Sign” means any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising, directing attention, or identifying any establishment, product, goods, services, or entertainment.

Sign Area. “Sign area” means the entire area within a single, continuous, rectangular perimeter enclosing the extreme limits of writing, representation, emblem, or figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from its surroundings. This excludes the necessary supports or uprights on which such a sign is located.

Sign, Awning. “Awning sign” means a sign painted, printed, stenciled, sewn, or stained into the surface of an approved awning or canopy.

Sign, Freestanding. “Freestanding sign” means a sign in a fixed location which is self-supporting on the ground, and is in no part supported by a permanent structure (includes pole signs and monument signs).

Sign, Height of. “Height of sign” means the vertical distance measured from the highest point of the sign to the grade immediately beneath the sign.

Sign, Illegal. “Illegal sign” means a sign that was installed contrary to the laws and ordinances in effect at the time of its installation; or that has been abandoned; or that is unsafe and poses a danger to the public or is a traffic hazard.

Sign, Monument. “Monument sign” means a sign anchored to and continuously attached at grade.

Sign, Nonconforming. “Nonconforming sign” means a sign which was validly installed under the ordinances and law in effect prior to the effective date of this Ordinance but which is in conflict with the provisions of Division 17.

Sign, Off-premises. “Off-premises sign” means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign, On-premises. “On-premises sign” means a sign which directs attention to a business, community, service, or entertainment conducted, sold, or offered on the premises, or on property which is contiguous to the parcel which contains the business activity.

Sign, Pole. “Pole sign” means a sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is at least five (5) feet above grade.

Sign, Political. “Political sign” means a sign used in connection with local, state, or national elections, campaigns, or referendums.

Sign, Portable. “Portable sign” means a sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

Sign, Projecting. “Projecting sign” means a sign which is attached to and projects from a building wall.

Sign, Real Estate. “Real estate sign” means a sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

Sign, Traffic. “Traffic sign” means a sign pertaining to official traffic control and safety.

Sign, Wall. “Wall sign” means a sign painted on, or attached parallel to, a building wall.

Sign Structure. “Sign structure” means a structure specifically intended for supporting, bracing, or containing a sign.

Single Tone Noise. “Single tone noise” means noise which is distinctly audible as a single pitch (frequency) or set of pitches as determined by a qualified acoustical consultant, or as defined by the “Model Community Noise Control Ordinance, California Department of Health, 1977.”

Slope. “Slope” means an inclined ground surface, the inclination of which may be expressed as the ratio of horizontal distance to vertical distance.

Slope Stability. “Slope stability” means the maximum stable inclination of an unsupported slope under the most adverse conditions that it will likely experience, as determined by current engineering technology.

Slope Stability Standards. “Slope stability standards” means those standards that are necessary in order to ensure that a slope achieves slope stability.

Small Animal Farm. “Small animal farm” means a farm for the keeping or raising of over thirty-five (35) rabbits or other fur bearing animals of similar size at maturity.

Snipe. “Snipe” means the triangular area formed at the intersection of two streets whose sides are equal distance from the intersection of the street lines.

Social Care Facility. “Social care facility” means a facility authorized, certified, or licensed by the State of California to provide nonmedical residential care and supervision to mentally disordered or otherwise handicapped persons, to dependent and neglected children, or to aged individuals (includes both group care facilities and child care centers).

Soil. “Soil” means all earth material of any origin that overlies bedrock and may include the decomposed zone of bedrock which can be excavated readily by mechanical equipment.

Special Flood Hazard Area. See “Area of Special Flood Hazard.”

Special Indoor Event. “Special indoor event” means any temporary event or activity generally attracting large numbers of people, that is conducted within a structure, is subject to compliance with specific Uniform Building and Fire Code requirements, and is not already defined within a specified zone as an allowable “temporary” use activity. Included in this definition are Halloween haunted houses and home craft fairs. A maximum of either four (4) special indoor events or four (4) special outdoor events or four (4) of any combination of special indoor events and special outdoor events shall be permitted within a calendar year. Each special indoor event may not exceed a length of three (3) consecutive days.

Special Outdoor Event. “Special outdoor event” means any temporary event or activity generally attracting large numbers of people, requiring the importation of temporary facilities such as portable bleachers, food stands, and portable toilet facilities, conducted out-of-doors and not already defined within a specified zone as an allowable “temporary” activity. Excluded from this definition are parades, carnivals, and circuses. A maximum of either four (4) special indoor events or four (4) special outdoor events or four (4) of any combination of special indoor events and special outdoor events shall be permitted within a calendar year. In the R-L (Low Density Residential) and R-M (Medium Density Residential) zones, an additional four (4) special outdoor events shall be permitted within a calendar year. Each special outdoor event may not exceed a length of three (3) consecutive days.

Specific Plan. “Specific Plan” means, for the purposes of the Mountain House Development Title, a plan which is prepared pursuant to Government Code Section 65450 for the systematic implementation of the Mountain House Master Specific Plan and which provides detailed information and instruction regarding the types, locations and densities of land uses; development phasing; zoning regulations; public infrastructure and services; development; and design guidelines. “Specific Plan” shall include Mountain House Specific Plan I and other Specific Plans.

Specific Plan Reimbursement Program. “Specific Plan Reimbursement Program” means the program as provided for in the Mountain House Public Financing Plan that has been developed to reimburse the Master Developer and other Developers for the costs which they have incurred or will incur in the preparation and adoption of the Mountain House Master Specific Plan and subsequent Specific Plans, and the Supporting Documents.

Stable, Boarding. “Boarding stable” means a structure for the feeding, housing, and exercising of horses not owned by the owner of the premises.

Start of Construction. “Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State. “State” means the State of California.

Statement of Expense. “Statement of Expense” is an itemized statement explaining all enforcement costs incurred by the Enforcement Official and any other City Department in abating any violation of this Title that the Enforcement Official seeks to recover.

Stationary Noise Source. “Stationary noise source” means any fixed or mobile noise source not preempted from local control by existing Federal or State regulations, including, but not necessarily limited to, industrial and commercial facilities, and vehicle movements on private property.

Stock Cooperative. “Stock cooperative” means a development in which a corporation is formed or availed of, primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, and all or substantially all of the shareholders of the corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation.

Stormwater Runoff. “Stormwater runoff” means water that results from precipitation which is not absorbed by the soil, evaporated into the atmosphere, or entrapped by ground surface depressions and vegetation, and which flows over the ground surface.

Story. “Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story is defined as that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. “Story” also means that portion of a building between the upper surface of a floor and the upper surface of the floor next above, where the finished floor level directly above is more than six (6) feet above grade for more than fifty percent (50%) of the total perimeter or more than twelve (12) feet above grade at any point.

Street. See “Road.”

Structural Alteration. “Structural alteration” means any change in supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

Structure. “Structure” means any object constructed or installed by man having location upon, in, or under the ground, including, but not limited to, buildings, manufactured homes, fences over six (6) feet in height, towers, gas or liquid storage tanks, signs, smokestacks, and overhead transmission lines. For the purposes of Chapter 17 of Division 8 (Flood Variance Procedures) and Chapter 2 of Division 16 (Flood Hazards), “Structure” means a walled and roofed building, including gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Stub Street. “Stub street” means a street open at one (1) end only, without permanent provisions for turning around.

Subdivider. “Subdivider” means a person who proposes to divide, divides, or causes to be divided real property into a subdivision for himself, herself, or for others. A consultant, engineer, or surveyor who does not hold title to the land is not considered a subdivider.

Subdivision. “Subdivision” means the division by any subdivider of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease, or financing, whether immediate or future. Property shall be considered as contiguous units even if separated by roads, streets, utility easements, or railroad rights-of-way. “Subdivision” includes a condominium project as defined in Section 1350 of the Civil Code, a community apartment project as defined in Section 11004 of the Business and Professions Code, or the conversion of five (5) or more existing dwelling units to a stock cooperative as defined in Section 11003.2 of the Business and Professions Code. A conveyance of land for rights-of-way to a governmental agency, public entity, public utility, or subsidiary of a public utility shall not be considered a division of land for purposes of computing the number of parcels. “Subdivision” does not include:

(a) The leasing of agricultural land used for the cultivation of food or fiber or the grazing or pasturing of livestock;

(b) The financing or leasing of apartments, offices, stores, or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks, or recreational vehicle parks;

- (c) Mineral, oil, or gas leases;
- (d) Land dedicated for cemetery purposes under the Health and Safety Code of the State of California;
- (e) A lot line adjustment;
- (f) The financing or leasing of existing separate commercial or industrial buildings on a single parcel;
- (g) The financing or leasing of any parcel of land, or any portion, for the construction of commercial or industrial buildings on a single parcel, unless the project is not subject to review under other ordinances regulating design and improvements;
- (h) The construction, financing, or leasing of units classified as second unit dwelling;
- (i) Any separate assessment under Section 2188.7 of the California Revenue and Taxation Code for community apartment or cooperative housing projects;
- (j) The conversion of a community apartment project to a condominium if the requirements of Sections 66412(g) and (h) of the California Government Code are met; or
- (k) Leasing of, or grant of easement to, a parcel of land, or any portion or portions of land, for financing, erection, and sale or lease of a wind-powered electrical generation device.

Subsequent Plans and Programs. “Subsequent plans and programs” means the plans and programs required by the Mountain House Master Plan for development to proceed, as set forth in the Master Plan Development Agreement between the City and Trimark Communities, or plans and programs as set forth in the Development Agreement between the City and Gerry N. Kamilos, LLC.

Substantial Damage. “Substantial damage” means a damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial Improvement. “Substantial improvement” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred.

(a) “Substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure; and

(b) “Substantial improvement” does not include improvement of a structure solely to comply with existing state or local health, sanitary, or safety code specifications, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Subsurface Boring. “Subsurface boring” means any subsurface soil boring that is drilled or driven for testing or logging strata or to obtain data from the underground.

Sundries. “Sundries” mean a limited number of frequently or recurrently needed items or services for the traveling public. Examples include, but are not limited to, maps, sunglasses, ice, canned drinks, sunscreen, first-aid items, hats and souvenirs.

Supporting Documents. “Supporting Documents” means those plans and programs prepared to provide the background and technical bases for the Mountain House Master Specific Plan and subsequent Specific Plans, or developed to implement the Mountain House Master Specific Plan and subsequent Specific Plans.

Supporting Equipment. “Supporting equipment” means, when used in association with the terms wireless telecommunication antennas or wireless communication facilities, any electronic switching equipment, cabinet, or other equipment used for a wireless telecommunication and the ancillary building or buildings used to house said equipment.

Supportive Housing. “Supportive housing” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an on-site or off-site service that assists 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.

Consistent with Government Code Section 65583, supportive housing shall be permitted in all zones allowing residential uses, subject to the same permit requirements of other residential uses of the same type in the same zones.

Surface Water. "Surface water" includes, but is not limited to, rivers, creeks, sloughs, irrigation ditches, irrigation conduits, drainage ditches, and natural or unnatural impoundments.

Swine. "Swine" means a pig or a hog eight (8) weeks of age or older.

Tandem Parking. "Tandem Parking" means that two (2) or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one (1) another.

Target Population. "Target population" means persons with low-incomes who have one (1) or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

Tentative Map. "Tentative map" means a map submitted for approval as a Major Subdivision or Minor Subdivision.

Terminal Drainage or Terminal Drain. "Terminal drainage" or "terminal drain" means a storm drainage system or a portion thereof which conveys storm runoff into a terminal waterway.

Terminal Waterway. "Terminal waterway" means a natural or man-made channel which has the capacity to contain a fifty (50) year return frequency storm and which by gravity carries stormwater ultimately to the ocean.

Testing Laboratory License. "Testing laboratory license" means a license issued to a laboratory, facility, or entity in the state that offers or performs tests of cannabis or cannabis products that holds an authorized Annual State License.

Towing Service. "Towing service" means a commercial service in which a truck is used to tow or transport another vehicle.

Transit. "Transit" means public transportation.

Transportation Noise Source. "Transportation noise source" means traffic on public roadways, railroad line operations and aircraft in flight.

Tree. "Tree" means any object of natural growth having a woody stem or trunk.

Truck. "Truck" means a motor vehicle designed or used for either: (1) the transportation of property; or (2) drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load so drawn.

Truck Parking. "Truck parking" means the parking, storing, or keeping of trucks, semi-trucks, truck trailers, or trailers.

Excluded are the transferring, storing, assembling, or sorting of cargo.

Truck Terminal. "Truck terminal" means an area and buildings used by motor freight vehicles or trucks of common carriers for purposes of transferring, storing, assembling, and sorting cargo or for purposes of storing and maintaining the trucks used for such purposes on a regular basis.

Truck Trailer. "Truck trailer" means either: (1) a vehicle designed for carrying persons or property, used in conjunction with a motor vehicle, and constructed so that some part of its weight and that of its load rests upon, or is carried by, another vehicle; or (2) a vehicle designed to carry persons or property on its own structure and to be drawn by a motor vehicle which is constructed so that no part of its weight rest upon any other vehicle.

Use. "Use" means the purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

Use, Accessory. “Accessory use” means a subordinate use customarily incidental to and located upon the same lot occupied by a main use.

Utility. “Utility” means electric, communication, natural gas, and cable television facilities including, but not limited to, poles, wires, transformers, conduits, conductors, guys, pipes, meters, vaults, and all necessary appurtenances. Utility may also mean the company owning these facilities.

Vapor Probe. “Vapor probe” means a device used to test or extract from the subsurface.

Variance. “Variance” means a permit granted to an applicant pursuant to Chapter 12 of Division 8 of this Title, to allow the applicant's project to depart from the literal requirements of this Title.

Vehicle. “Vehicle” means a device by which any person or property may be propelled, moved, or drawn, not including a device drawn by human power or used exclusively upon stationary rails or tracks.

Vesting Tentative Map. “Vesting tentative map” means any tentative map that, when filed with the City, has conspicuously printed on its face the words “Vesting Tentative Map.”

Vineyard. “Vineyard” means land that contains grapevines and is assessed as a commercial vineyard for tax purposes. The wine grape crop is capable of being harvested and then sold for processing.

Violation. “Violation” means, for floodplain management purposes, the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Title is presumed to be in violation until such time as that documentation is provided.

Waste. “Waste” means waste as defined in Section 13050 of the California Water Code. Waste includes sewage and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to and for purposes of disposal.

Wastewater Disposal System. “Wastewater disposal system” means any and all portions of a facility which is used or intended to be used for the collection, transport, treatment, and disposal of wastewater.

Wastewater Treatment Plant. “Wastewater treatment plant” means those lands, structures, and equipment necessary for the processing and disposal of wastewater. It does not include a septic tank.

Water Main . “Water main” means the water supply pipe conveying potable water for public use.

Water Quality. “Water quality” means the chemical, physical, radiological, and biological characteristics of water with respect to its suitability for a particular purpose. The same water may be of good quality for one purpose or use, and bad or poor for another, depending upon its characteristics and the requirements for the particular use.

Water Source. “Water source” means either groundwater or surface water used to supply water.

Water System. “Water system” means all wells, pumps, tanks, filters, water treatment equipment, valves, water mains, water service lines, fire hydrants, fire hydrant piping, and all appurtenances to the system.

Watercourse. “Watercourse” means any natural or manmade channel flowing continuously or intermittently in a definite direction and course or used for the holding, delay, or storage of waters, and which functions at any time to convey or store stormwater runoff.

Watercourse, Major. “Major watercourse” means a watercourse which provides terminal drainage according to the Flood Control Engineer.

Waterway. See “Watercourse.”

Well. “Well” means a deep hole or shaft, dug or drilled.

Well, Cathodic Protection. See definition of “Cathodic protection well” above.

Well, Water. “Water well” means any artificial excavation constructed by any method for the purpose of extracting or recharging ground water or testing or logging of stratum to obtain data from the underground, not including the following:

(a) Wells, or geothermal wells constructed under jurisdiction of the Department of Conservation, State of California, except those wells converted to use as water wells;

(b) Wells used for the purpose of: (1) dewatering excavation during construction, or (2) stabilizing hillsides or earth embankments.

Well Contractor. “Well contractor” means any person or company licensed by the State Contractors License Law, as provided in Division 3, Chapter 9, of the Business and Professional Code.

Well Pit. “Well pit” means an excavation in which the well head or top of well casing is installed below the ground surface.

Windmill. “Windmill” means a wind driven machine which converts the kinetic energy in the wind into mechanical energy for the purpose of on-site use.

Wireless Telecommunication Facility. “Wireless telecommunication facility” means any unstaffed facility which is commercially licensed by the Federal Communications Commission and/or the Public Utilities Commission for the transmission and/or reception of microwave/radio signals. Included in this definition are facilities such as commercial radio-telephone towers, personal communication service towers, and commercial satellite and receiving dishes. Excluded from this definition are radio and television broadcasting towers.

Writing. “Writing” means any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, or record is required or authorized by this Title, it shall be made in writing in the English language.

Yard. “Yard,” except as otherwise provided in this Title, means an open space, other than a court, on a lot also occupied by a building. A yard is unoccupied and unobstructed from the ground upward and does not include any portion of any road, alley, or road right-of-way.

Yard, Front. “Front yard” means a yard extending across the front of the lot between the side lot lines, measured from the front lot line to a depth required by the zone in which the lot is situated.

Yard, Rear. “Rear yard” means a yard extending along the back of the lot between the side lot lines, measured from the rear lot line to a depth required by the zone in which the lot is situated.

Yard, Side. “Side yard” means a yard extending from the front yard to the rear yard, measured from the side lot line to a width required by the zone in which the lot is situated.

Yard, Street Side. “Street side yard” means a yard along a side street extending from the front yard to the rear yard, measured from the side lot line to a width required by the zone in which the lot is situated.

Zone. “Zone” means a portion of the City which is specifically designated in Divisions 3 through 7 of this Title, or on any map which is part of Divisions 3 through 7 of this Title, and given a zone name or number.

Zoning District. See “Zone.”

Exhibit B

CHAPTER 13. ACCESSORY DWELLING UNITS (ADU)

9-8-1301 Purpose

The purpose of this Chapter is to provide methods for approving Accessory Dwelling Units (ADUs) in the Mountain House Development.

9-8-1302 Permitted Zones; General Requirements and Restrictions

ADUs shall be permitted in the R-VL, R-L, R-M, R-MH, and M-X zones. ADUs may be permitted in the AU-20 zone, provided the underlying Master Plan designation is R/VL, R/L, R/M R-H or R/MH. ADUs are not permitted on a lot that contains a Second Dwelling Unit. ADUs must be located, developed, and operated in compliance with the following standards.

(a) *Where Allowed; General Requirements and Restrictions.*

(1) One ADU and one Junior Accessory Dwelling Unit (JADU) may be constructed or otherwise permitted on a lot in any zone which allows a single-family dwelling as a permitted use. An ADU or JADU that is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing structure shall be limited to accommodating ingress and egress.

(2) Multiple converted or detached ADUs may be constructed on a lot with an existing multi-family use, where consistent with Government Code Section 65852.2(e)(1)(C) and (D).

(b) *Types of Units Allowed.* The types of units allowed include an attached ADU, detached ADU, converted ADU, interior ADU, or JADU.

(c) *Relation to Primary Dwelling Unit.* To construct or convert an existing structure to an ADU, there must be a primary dwelling unit on the same legal parcel.

(d) *Relation to General Plan, Mountain House Master Plan, affected Specific Plan and Zoning Density Limits.* An ADU that conforms to the standards of this section shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located and shall be deemed to be a residential use that is consistent with the General Plan and zoning designations for the lot. The ADU shall not be considered in the application of any City ordinance, policy, or program to limit residential growth except where water or sewer system capacity constraints have been identified by the City.

(e) *Permanent Address.* The property owner shall obtain an approved permanent address for an ADU from the Community Development Department.

(f) *Availability of Water and Sewer Service.* Prior to issuance of a building permit for an ADU, the property owner must provide confirmation that adequate water and wastewater disposal service is available from the City to the Community Development Department.

(g) *Fees.* The property owner shall be subject to the payment of all sewer, water, and other applicable fees, except as specifically provided in Government Code Section 65852.2 and 65852.22.

(1) No impact fee shall be charged for development of an ADU less than 750 square feet in size.

(A) For purposes of this section, impact fee has the same meaning as the term "fee" is defined in subdivision (b) of Government Code Section 66000, except that it also includes fees specified in Section 66477.

(B) Impact fee does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(h) *Sprinklers.* Fire sprinklers are not required for ADUs if sprinklers were not required for the primary residence.

(i) *Solar.* Solar is required pursuant to the requirements of California Code of Regulations Title 24.

(j) **Restrictions.** All ADUs are subject to the following restrictions:

(1) The development and use of an ADU shall only be valid and permitted based on the terms established in this section.

(2) Prior to issuance of a building permit for an ADU, the property owner shall sign the appropriate Building Permit Application attesting to the Community Development Department that the project meets the following requirements:

(A) The ADU shall not be sold separately from the primary residence;

(B) The ADU is restricted to the maximum size as defined in this chapter;

(C) The property owner and all successors in interest in the property shall respond to the City's periodic surveys of owners of ADUs for reporting purposes to the State Department of Housing and Community Development; and

(D) The ADU shall not be rented or leased for a period of less than 30 consecutive days.

(3) Prior to issuance of a building permit for a JADU, the property owner shall record a deed restriction with the County Recorder's Office and provide a copy of the deed restriction to the Community Development Department, including the following restrictive covenants:

(A) The JADU shall not be sold separately from the primary residence;

(B) The JADU is restricted to the maximum size allowed by this section or as approved by a building permit for the JADU;

(C) The property owner and all successors in interest in the property shall respond to the City's periodic surveys of owners of JADUs for reporting purposes to the State Department of Housing and Community Development; and

(D) The JADU shall not be rented or leased for a period of less than 30 consecutive days.

(k) **Permits Required.**

(1) Building Permits. Applicants for ADUs must submit a building permit application to the Community Development Department to ensure that the standards of this section are met. The Department shall not issue a building permit without confirming compliance with the provisions of this chapter. The City shall not final building permits for an ADU before it final building permits for the primary dwelling.

(2) Other Required Approvals. Applications for ADUs are also subject to applicable permit requirements and approvals, including but not limited to building permits, grading permits, encroachment permits, home occupation permits, flood variances, if required, sanitation permits, well permits, and other construction related permits and approvals.

(l) **Building Permit Applications.** Requests for approvals of ADUs may be initiated by the property owner or the property owner's authorized agent by submitting a building permit application. All of the following minimum requirements shall be met when filing a building permit application:

(1) Owner Occupancy – JADUs Only. The owner of the property shall occupy either the existing single-family dwelling or the proposed JADU for a period exceeding 90 days per year.

(2) Number of Units. There shall be no more than one ADU or Second Dwelling Unit and one JADU per lot, unless otherwise permitted in this Chapter.

(m) **Building Plans.**

(1) An ADU shall include provisions for living, eating, cooking, and sleeping, including a closet or other reasonable storage.

(2) All exterior lighting, including landscape lighting, shall be shielded or directed so that it does not create glare off-site or illuminate the primary dwelling or adjacent property.

(3) An ADU shall have separate exterior access.

9-8-1303 Development Standards for ADUs.

The development requirements provided by this Section shall be applicable to ADUs.

(a) **Maximum Size of Unit.**

(1) Detached ADU. An ADU structurally independent and detached from the existing or proposed primary dwelling shall not exceed 1,200 square feet.

(2) Attached ADU. An ADU attached to an existing primary dwelling shall not exceed 50% of the total existing or proposed living area of the primary dwelling.

(b) **Height.** ADUs shall adhere to the following height requirements:

(1) A detached ADU shall not exceed 16 feet in height on a lot with an existing or proposed single family or multifamily dwelling unit.

(2) A detached ADU shall not exceed 18 feet in height on a lot with an existing or proposed single family that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. An additional 2 feet in height is permitted to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.

(3) A detached ADU shall not exceed 18 feet in height on a lot with an existing or proposed multifamily, multistory dwelling.

(4) An attached ADU shall not exceed 25 feet in height.

(5) An ADU which has more than 50% of the floor area located above an existing or proposed garage shall not exceed 25 feet in height.

(c) **Setbacks.**

(1) For an ADU a setback of no more than 4 feet from the side and rear property lines shall be required, unless it is a converted ADU. No setback shall be required for a converted ADU. Front yard and street-side yard setbacks for ADUs shall be the same as those required for the primary dwelling unit. In cases where there is no opportunity to construct an ADU elsewhere on the property, an ADU of no more than 800 square feet may be located within the front or street-side setback area only to the extent that is necessary to accommodate it.

(2) For an ADU that is not converted from an existing structure, the rear yard setback shall conform to the Mountain House Master Plan Community Edge treatment as defined in Chapter 4.3 of the Mountain House Master Plan. Government Code Section 65852.2(c)(2)(C) stipulates an exception to the Mountain House Community setback standards which would allow a 800-square foot ADU, 16 feet in height, with four-foot side and rear yard setbacks.

(d) **Location.** Detached ADUs shall be separated from the primary dwelling and any accessory structures on the lot by the minimum required by the California Building Code as adopted by the City.

(e) **Compatibility.** The ADU shall be of the same architectural style and constructed of the same materials as the garage and the primary dwelling. If attached to the primary dwelling or the garage, the ADU shall be visually and physically integrated into the design of the primary dwelling or garage.

(f) **Lot Coverage.** An ADU will not be required to conform to the lot coverage standard of the zone where the ADU will be located if application of the coverage standard would restrict the allowances for ADU provided in Government Code Section 65852.2(c)(2)(C) and not allow an 800-square foot ADU that is 16 feet in height with four-foot side and rear yard setbacks.

(g) **Off-Street Parking.** Off-street parking shall be provided as required by Chapter 4 of Division 10.

(1) The minimum parking requirement for an ADU shall be 1 parking space. This space may be provided as tandem parking on an existing driveway or in a setback area.

(2) No additional parking shall be required if the ADU is located:

(A) Within one-half mile of public transit;

(B) In a historic district designated by the City;

(C) In part of an existing primary residence or an existing accessory structure;

(D) In an area requiring on-street parking permits but they are not offered to the occupant of the accessory dwelling unit; or

(E) Within 1 block of a carshare pick up/drop-off location. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, the off-street parking provided by the garage, carport or covered parking structure does not have to be replaced.

(h) **Requirements for Manufactured Homes.** If the ADU is a manufactured home, it shall be installed on a permanent foundation, and the following additional requirements shall apply:

(1) The manufactured home shall comply with the 1974 National Manufactured Housing Construction and Safety Act and be 10 years or newer.

(2) No permanent room additions shall be allowed, but patio covers constructed of the same materials as the manufactured home shall be permitted; and

(3) Skirting constructed of the same materials as the manufactured home shall be installed.

(i) **Recreational Vehicles.** Recreational vehicles, including but not limited to motor homes, travel trailers, tent trailers, fifth wheel trailers, and house boats do not qualify as an ADU as defined in this Section.

(j) **Supplemental Standards for Attached ADUs.**

(1) An attached ADU must share at least one common wall or roofline with the living area of the principal dwelling.

(2) An attached ADU shall have a separate entrance, located on the side, front, or the rear of the ADU; provided, however, that in no event shall any external stairwell be placed within the side yard setback.

(k) **Supplemental Standards for Detached ADUs.**

(1) The distance between the principal dwelling and a detached ADU must be the minimum distance required by the California Building Code.

(2) A detached accessory structure legally in existence prior to the effective date of this Section and located outside of the front yard setback, may be converted into an accessory dwelling unit, regardless of any existing nonconformity as to side setback, rear setback, or height if:

(A) The existing structure is not modified or added to in any way that increases the level of nonconformity with all applicable regulations in Title 9; and

(B) The minimum parking requirements are met on site.

9-8-1304 Development Standards For JADUs.

(a) **Size of Unit.** JADUs shall not exceed 500 square feet of floor space. An efficiency unit (a single room that includes sleeping and kitchen function) shall not contain less than 150 square feet of floor space, exclusive of a bathroom.

(b) **Location.** A JADU must be contained entirely within the existing walls of a single- family dwelling and include conversion of an existing bedroom or other space within the dwelling to habitable space.

(c) **Exterior Entry.** A separate exterior entry shall be provided to serve the JADU.

(d) **Efficiency Kitchen.** A JADU shall include an efficiency kitchen.

(e) **Bathroom Access.** Access to a bathroom is required, which may be part of the JADU or located in the existing primary dwelling. If provided as part of the primary dwelling, the JADU shall have direct access to the main living area of the primary dwelling so as not need to go outside to access the bathroom.

(f) **Off-street Parking.** No additional parking is required for a JADU.

9-8-1305 Second Unit Dwelling Plan

For a Second Dwelling Unit Plan, the number of lots upon which second unit dwellings will be located shall be at least 6.5% for lands designated in Specific Plan I and Specific Plan II and 10% for Specific Plan III areas of the total number of detached single family residential lots as defined in each

specific neighborhood as illustrated in the Mountain House Master Plan. The number of secondary Dwelling Units per neighborhood shall be depicted on the relevant tentative map or maps, rounded to the nearest whole number.

Exhibit C

CHAPTER 16. HOME OCCUPATION PERMIT

9-8-1601 Intent.

The intent of this Chapter is to provide for business uses in association with residences in cases where such uses will clearly not alter the character, appearance, or function of the residential environment. Any home occupations that are approved consistent with this Chapter must also operate in compliance with the City of Mountain House Master Restrictions and CC&Rs.

9-8-1602 Permitted Uses.

Any business use that can be operated without adverse effects to the residential neighborhood in terms of traffic, parking, public safety, or other hazards may be accepted as a home occupation, provided said business use is conducted within a legally established residence or within a building that is clearly accessory to a legally established residence. Common examples of permitted home occupations include architecture, engineering, interior design, data processing and other computer-based work, insurance sales, consulting, online sales/commerce, dressmaking/sewing, jewelry or artisan craft making, and other sole-proprietor type businesses that do not rely on customer traffic.

9-8-1603 Requirements for Application.

Applications for Home Occupation Permits may be initiated by the property owner or the property owner's authorized agent, which is most often a tenant. Applications shall be filed with the Community Development Department. The property proposed to support the home occupation shall contain a minimum of one (1) dwelling unit. A fee, as specified by resolution of the City Council, shall be required.

9-8-1604 Review Procedures.

Proposed home occupations shall be subject to the Staff Review Procedure.

9-8-1605 Development Requirements.

In order to reduce the impact of a home occupation business to the degree that its effect on the neighborhood is undetectable from normal and usual residential activity, Home Occupation Permits approved pursuant to this Chapter shall comply with the provisions of this Section:

(a) **Appearance.** The appearance of the structure shall not be altered, nor shall the occupation within the residence be conducted, in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or signs, or by the emission of sounds, noises, or vibrations.

(b) **Employees.** All employees shall be members of the resident family and shall reside on the premises.

(c) **Sale of Merchandise.** There shall be no sale of merchandise on the premises, nor shall there be any customers or clients permitted on the premises, except for cottage food products consistent with the California Department of Public Health Requirements.

(d) **Traffic.** Pedestrian and vehicular traffic will be limited to that normally associated with residential districts.

(e) **Commercial Vehicle.** The home occupation may involve the use of a commercial vehicle, not to exceed eleven thousand (11,000) pounds gross vehicle weight rating (GVWR), as defined in the California Vehicle Code, or a single-vehicle limousine service. Any commercial vehicle used in a home occupation business shall be parked within a garage or carport on the same parcel as the residence where the home occupation business operations occur.

(f) **Size Limits.** Up to four hundred (400) square feet and no more than one-third ($\frac{1}{3}$) of any residence, including a second unit dwelling, may be used for the home occupation.

(g) **Storage.** There shall be no outdoor storage of materials or equipment; no storage of toxic or hazardous materials, including ammunition and gunpowder, except for those amounts which would normally be permitted by the Uniform Building Code or specifically approved as to type by the Director; nor shall merchandise be visible from outside the home.

(h) **Location.** The home occupation shall be confined within a building. When conducted in a garage, the home occupation shall not eliminate the use of the garage as a parking space for a car.

(i) **Use of Facilities and Utilities.** The use of utilities and community facilities shall be limited to that normally associated with the use of the property for residential purposes.

(j) **Advertising.** There shall be no public advertising which calls attention to the fact that the home is being used for business purposes. Telephone listings shall not contain the address of the home occupation business.

(k) **Electromagnetic Interference.** Electrical or mechanical equipment which creates audible interference in radio receivers or visual or audible interference in television receivers or causes fluctuations in line voltage outside the dwelling unit is prohibited.

(l) **Objectionable Impacts.** Work that produces noise, vibration, glare, fumes, odors, dust or electrical interference outside of the residence or structure is prohibited.

(m) **Number of Home Occupations.** No more than two (2) home occupations may be operated from any given residence or parcel.

9-8-1606 Noncompliance with Development Requirements.

The Review Authority may revoke any Home Occupation Permit for noncompliance with the development requirements set forth in approving the permit provided that the permittee is given notice and an opportunity to be heard.

9-8-1607 Restricted Home Occupations.

The following home occupations are permitted subject to specific requirements and limitations:

(a) **Construction Contractors.** No on-site storage of heavy equipment or construction materials is permitted. A maximum of one (1) pickup truck that is associated with the business may be parked on-site.

(b) **Cottage Food Operations.** Cottage Food businesses may be permitted only in compliance with all applicable State, County, and City regulations.

(c) **Small Equipment Repair.** No customer deliveries or pick-up may occur at the residence. Any testing must occur within an enclosed building.

(d) **Furniture Repair/Restoration.** No customer deliveries or pick-up may occur at the residence.

(e) **Landscape Maintenance.** No on-site storage of fertilizers, pesticides, plants, soils, or heavy equipment/machinery. A maximum of one (1) pickup truck that is associated with the business may be parked on-site.

(f) **Mail Order Businesses.** Direct on-site sales prohibited.

(g) **Manufacturing of Artisan Crafts, Clothing, etc.** Only light-duty equipment that is typically associated with residential use is permitted.

(h) **Private Lessons and Individual Instruction.** Only one (1) student may be instructed at a time.

9-8-1608 Prohibited Uses.

The following uses are expressly prohibited as home occupations:

(a) Taxicab, limousine, ambulance services, tow truck services, hearse service, or other services involving the on-call dispatching of a vehicle parked at the residence by radio, telephone, or other means;

(b) Ammunition reloading;

(c) Any business activities associated with cannabis-based products;

(d) Bed and Breakfast lodging;

(e) Ceramics production, repair, or maintenance using a kiln of six (6) cubic feet or larger;

(f) Dog and cat breeding;

(g) Gym, dance, or exercise studio;

(h) Mortician services;

(i) Medical or dental office;

(j) Private club;

(k) Restaurants;

(l) Retail sales, except those associated with an artist's, artisan's, or photographer's original work;

(m) Veterinary services;

(n) Welding shop;

(o) Storage, repair, or reconditioning of cars, boats, recreational vehicles, and other motorized vehicles;

(p) Storage, repair or reconditioning of major household appliances or other such large mechanical equipment on-site;

(q) Any use that is included in Group H Occupancies;

(r) Such other uses as determined by the Director to be incompatible with residences, residential uses, or the residential character of the neighborhood.

9-8-1609 Renewal of Home Occupation Permit Without Penalty.

A holder of a Home Occupation Permit who is in violation of the provisions under which it was originally issued, and who has received notice from the City that said Permit has been revoked, may renew the Home Occupation Permit without penalty, provided the home occupation business is conducted in accordance with the provisions of this Chapter. The holder of such Home Occupation Permit shall have thirty (30) days from the date of receipt of written notification of required renewal by the City to renew said Home Occupation Permit.

Exhibit D

CHAPTER 5. LANDSCAPING REGULATIONS

9-10-501 Purpose, Authority, and Responsibilities.

(a) **Purpose.** The intent of this Chapter is to prescribe standards for landscaping to protect public security and safety, conserve and protect property, improve the general appearance of the City of Mountain House, and support the implementation of the Model Water Efficient Landscape Ordinance (MWELo). The California Department of Water Resources prepares and updates the MWELo, which is set out in Chapter 2.7 of Title 23 of the California Code of Regulations ("Chapter 2.7"). The City uses the MWELo in reviewing and approving plans for landscape design and installation. For purposes of this chapter, terms not otherwise defined in this Code shall be deemed to have the meaning set out in section 490.2 of title 23 of the California Code of Regulations. If, after the adoption of this chapter, the California Department of Water Resources, or its successor agency, amends Chapter 2.7's requirements in a manner that requires the City to incorporate the requirements of an updated MWELo in a local ordinance, and the amended requirements include provisions more stringent than those required in this section, the City shall enforce the revised requirements of Chapter 2.7. Any references herein to Appendices A, B, or C shall be deemed to refer to such appendices to Chapter 2.7 of Title 23 of the California Code of Regulations.

(b) The purposes of landscape regulations under MWELo include:

(1) Promoting the values and benefits of landscaping practices that integrate and go beyond the conservation and efficient use of water;

(2) Establishing a structure for planning, designing, installing, maintaining, and managing water efficient landscapes in new construction and rehabilitated projects by encouraging the use of a watershed approach that requires cross-sector collaboration of industry, government, and property owners to achieve the many benefits possible;

(3) Establish provisions for water management practices and water waste prevention for existing landscapes;

(4) Using water efficiently without water waste by setting a Maximum Applied Water Allowance as the upper limit for water use and reduce water use to the lowest practical amount;

(5) Promoting the benefits of consistent landscape ordinances with neighboring local and regional agencies;

(6) Encouraging local agencies and water purveyors to use economic incentives that promote the efficient use of water, such as implementing a tiered-rate structure; and

(7) Encouraging local agencies to designate the necessary authority that implements and enforces the provisions of the Model Water Efficient Landscape Ordinance or its local landscape ordinance that is at least as efficient as the Model Water Efficient Landscape Ordinance.

(8) Require water-efficient landscaping through the use of native and drought-tolerant plants and water-conserving irrigation practices;

(9) Aid in energy conservation by providing shade from the sun and shelter from the wind;

(10) Provide habitat through the re-establishment of native plants;

(11) Assist in mitigating air quality impacts by reducing or absorbing pollutants; and

(12) Minimize or eliminate conflicts between potentially incompatible, but otherwise permitted land uses on adjoining lots through visual screening.

(c) **Authority.** These regulations are intended to comply with the requirements of California Government Code of Regulations, Title 23, Division 2, Chapter 2.7 for a "water efficient landscape ordinance."

(d) **The City's Responsibilities.** Pursuant to 23 California Code of Regulations § 491.3(b), the City is responsible for the enforcement of the MWELO, including but not limited to approval of a permit, plan check, or design review of a project.

(1) Prior to construction, the City shall:

(A) provide the project applicant with the model ordinance and procedures for permits, plan checks, or design reviews;

(B) review the Landscape Documentation Package submitted by the project applicant;

(C) approve or deny the Landscape Documentation Package;

(D) issue a permit or approve the plan check or design review for the project applicant; and

(E) For the performance compliance option only, upon approval of the Landscape Documentation Package, submit a copy of the Water Efficient Landscape Worksheet to the local water purveyor.

(e) **Project Applicant's Responsibilities.**

(1) Prior to construction, the project applicant shall:

(A) Submit a Landscape Documentation Package to the City

(2) Upon approval of the Landscape Documentation Package by the City, the project applicant shall:

(A) receive a permit or approval of the plan check or design review and record the date of the permit in the Certificate of Completion;

(B) submit a copy of the approved Landscape Documentation Package along with the record drawings, and any other information to the property owner or their designee unless the property owner is the project applicant; and

(C) for the performance-compliance option only, submit a copy of the Water Efficient Landscape Worksheet to the local water purveyor.

9-10-502 Applicability and Exemptions.

(a) **Applicability.**

The requirements of this Chapter apply to the following landscape projects:

(1) "New construction projects" (i.e. new building with a landscape or a new landscape where one did not exist before) with a landscape area equal to or greater than 500 square feet requiring a building or landscape permit, plan check, or design review;

(2) "Rehabilitated landscape projects" with a landscape area which is equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check, or design review;

(b) **Limited Applicability.** The requirements of this Chapter shall apply in a limited manner as it relates to existing non-rehabilitated landscapes, cemeteries, and certain projects that meet their landscape water requirements entirely with gray water or rain water, as specified below:

(1) Existing Non-Rehabilitated Landscapes. Existing Non-Rehabilitated Landscapes shall only be subject to Section 9-10-510; and

(2) Cemeteries. Recognizing the special landscape management needs of cemeteries:

(i) Existing Cemeteries. Existing Cemeteries are only subject to the performance compliance requirements and provisions for existing non-rehabilitated landscapes, as outlined under Section 9-10-510

(ii) New and Rehabilitated Cemeteries. New and Rehabilitated Cemeteries are only subject to the following requirements: 1) the water efficient landscape worksheet; 2) the landscape and irrigation maintenance schedule, and 3) irrigation audits.

(3) Certain Projects Using Gray Water or Rainwater. For Projects using gray water or rainwater, if any lot or parcel within the project has less than 2,500 square feet of landscape area and meets the lot or parcel's landscape water requirement entirely with treated or untreated gray water (i.e., household showers, dishwashing operations, etc.) or through stored rainwater captured on site, then that

respective lot or parcel is only subject to irrigation system requirements under the prescriptive compliance option set forth by the City.

(c) **Exemptions.** The following are exempt from the requirements of this Chapter:

- (1) Project landscaping that is less than 500 square feet;
- (2) Registered local, state or federal historical sites;
- (3) Areas in need of fire-resistant sections of vegetation;
- (4) Ecological restoration projects that do not require a permanent irrigation system;
- (5) Plant collections, as a part of botanical gardens and arboretums open to the public; and
- (6) Mined-land reclamation projects, and other projects that do not require a permanent irrigation system

(7) Any area for which the Review Authority authorizes conditional exceptions, unless the standard specifically states that an exception cannot be granted; such exceptions may be granted if the Review Authority finds in writing that the proposed design is in substantial compliance with the purpose and intent of this chapter.

9-10-503 Landscaping Standards.

(a) **General.** Landscaping may consist of a combination of ground cover materials, shrubs, and trees. Ground cover may include grasses, shrubs, perennials, vines, or other plants; as well as natural features such as, mulch such as gravel, rock, stone, cinder, bark, or other permeable materials. Landscaping may include incidental or structural features including, but not limited to, stepping stones, site furniture, water features (i.e. water fountains), reflecting pools, art, or other ornamental features placed within a landscaped setting. All landscaping required by this Chapter shall comply with the following provisions and with the applicable Mountain House Design Manual and with the Mountain House design manuals and the Neighborhood-specific landscape guidelines, as applicable and to the extent not inconsistent with this Chapter and chapter 2.7 of title 23 of the California Code of Regulations.

(b) **Composition.** Where required, planting shall include the installation and maintenance of no less than one (1) item from each of the following groups:

- (1) Group One: Trees;
- (2) Group Two: Shrubs or Vines; or
- (3) Group Three: Ground Cover, Flowers or Turf.

(c) **Water Efficient Landscape.** All new landscaping shall be planned to create a water efficient landscape.

The planted area shall balance the water demands of different plant species to create an overall landscape which requires a moderate amount of water. For design purposes, planting areas shall be defined as low use, medium use, or high use areas. The water value designations of low use, medium use, or high use, shall be determined from a plant list approved by the Director. Water use values reflect the relative water use of each type of planting area. To check a landscape design for compliance, multiply the water use value in the list by its respective planting area; if the sum of the water use factors is less than the design area, the design is acceptable.

(d) **Plant Materials.**

- (1) Turf Allowance and Limited Exceptions:
 - (A) Turfgrass shall not exceed 25% of the landscape area in residential landscapes;
 - (B) There shall be no turfgrass in non-residential landscapes; and
 - (C) Turfgrass shall not be planted on sloped areas which exceed a slope of one foot vertical elevation change for every four feet of horizontal length; and,
 - (D) Turfgrass is prohibited in parkways less than 10 feet wide, unless the parkway is adjacent to a parking strip and used to enter and exit vehicles.

(E) Any turfgrass in parkways must be irrigated by subsurface irrigation or by other technology that creates no water waste, overspray or runoff;

(F) Except for turf areas that comprise an essential component of a project (e.g., golf courses or playing fields), which are exempt from this limit. Turf is prohibited on slopes greater than 20 percent. The Director may grant exceptions for special landscape areas (an irrigated area that may be all or part of the landscape project and is permanently and solely dedicated to edible plants such as orchards and vegetable gardens, recreational areas, areas irrigated with recycled water, or water features using recycled water, including:

(i) Cemeteries, schools, and parks; and

(ii) Any area for which the Director finds that the proposed design is in substantial compliance with the purpose and intent of this Chapter.

(2) Stock Quality. Plants shall be healthy and meet minimum industry standards.

(3) Plant Selection. Plant selection for non-residential development shall be in accordance with the plant list maintained by the City. Plant selection for all other development is as follows:

(A) Any plant that is not specifically prohibited may be selected for the landscape, providing the Estimated Total Water Use in the area does not exceed the Maximum Applied Water Allowance.

(B) The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.

(C) Each hydrozone shall have plant materials with similar water use.

(i) Exceptions are allowed for hydrozones that use a mix of plant materials with low and moderate plant factors or moderate and high plant factors, as specified in Section 9-10-511.3 (d)(7).

(D) High water use plants, characterized by a plant factor range of 0.7 to 1.0, are prohibited in street medians.

(E) Plants should be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site, including water efficiency. Methods to achieve water efficiency include:

(i) Using the Sunset Magazine Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude and varying degrees of continental and marine influence on the local climate;

(ii) Recognizing the horticultural attributes of plants (i.e. mature plant size, invasive surface roots) to minimize damage to property or infrastructure (e.g., buildings, sidewalks, power lines) and to allow for adequate soil volume for healthy root growth; and

(iii) Using solar orientation for plant placement to maximize summer shade and winter solar gain.

(4) Native Plant Preference. Native plants, particularly native trees and shrubs, shall be considered as the first alternative when selecting plants.

(5) Height Limitations. Plantings, excluding trees, shall extend no more than three (3) feet above any street curb in the following locations:

(A) Within a thirty (30) foot snipe of a street intersection without a stop sign or stop light;

(B) Within a fifty (50) foot snipe of a street intersection containing a stop sign or stop light;

(C) Within a fifteen (15) foot snipe of a commercial driveway or alleyway; or

(D) Within a ten (10) foot snipe of a residential driveway.

(6) Trees. When planted, the trees shall be at least five (5) gallons in size.

(7) Mulch. A minimum of three (3) inch layer of an organic mulch shall be applied on all exposed soil surfaces of planting areas, except in turfgrass areas, areas receiving closely spaced plugs as a lawn alternative or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, up to five percent of the landscape area may be left without mulch. Stabilizing mulching products must be used on slopes that meet current engineering standards.

The mulching portion of the seed/mulch slurry in hydro seeded applications must meet the mulching requirement. placed in shrub areas on the soil surface after planting. Nonporous materials shall not be placed under the mulch.

(e) **Earth Berms.** Earth berms shall comply with the following provisions:

(1) An earth berm may contribute toward the prescribed height of any planting, fencing, or wall; and

(2) Mounds of earth which are used to screen or for planting shall not maintain a slope greater than two to one (2:1).

(f) **Irrigation.** Irrigation systems shall be installed for all landscaped areas as follows (please be advised water waste resulting from inefficient landscape irrigation may result in penalties, as outlined in the water conservation chapter):

(1) Soil types and infiltration rates shall be considered when designing irrigation systems. All irrigation systems shall be designed to avoid runoff, low head drainage, overspray, or similar conditions where water flows onto adjacent property, nonirrigated areas, walks, roadways, or structures.

(2) No overhead sprinkler irrigations systems (pop-up, impulse sprinklers, rotors) shall be installed in median strips less than ten (10) feet wide.

(3) Any landscaping is required to use rain switches as part of any automatic irrigation system.

(4) All landscaped areas shall be irrigated with automatic irrigation systems. Low volume spray heads and drip irrigation systems shall be used, and systems shall be compatible with any reclaimed water systems.

(g) **Erosion Control.** Erosion shall be controlled as follows:

(1) Slopes created through grading during construction shall be (re)planted with groundcover at a maximum of eighteen (18) inches on center or (re)planted with shrubs;

(2) Slopes shall be restricted to a maximum 2:1 slope ratio;

(3) Slopes greater than six (6) feet in vertical height shall be planted with groundcover a maximum of eighteen (18) inches on center;

(4) Erosion shall be controlled on all graded sites which remain vacant prior to building construction; and

(5) Protective netting may be required on an interim basis to ensure bank stability.

(h) **Protective Curbing.** Protective six (6) inch concrete curbs or standard concrete wheel stops shall be required where planting or screening abuts parking stalls or driveways.

(i) **Timing of Installation.** All required landscaping and irrigation shall be installed prior to the issuance of the Certificate of Occupancy or final inspection, unless a delay is granted by the Director.

(j) **Safety.** Landscaping and screening shall meet the following safety requirements:

(1) Landscape or screening elements which pose an unusual public health or safety threat shall not be permitted;

(2) The height, spread, and growth habit of all plantings shall not interfere with or obstruct ease of movement; and

(3) Street trees, shall be pruned so that no branch shall extend over the sidewalk lower than six (6) feet above curb level.

(k) **Maintenance.** Landscaping and screening shall be maintained as follows:

(1) Plantings shall be maintained in good growing conditions and, whenever necessary, replaced with new plant materials;

(2) Lawn and ground cover shall be trimmed and mowed regularly and planting areas shall be kept free of weeds and debris;

(3) Plantings shall be fertilized, cultivated, and pruned on a regular basis, and good horticultural principles shall be practiced;

(4) When necessary, plantings shall be appropriately staked, tied, or otherwise supported. Supports shall be regularly monitored to avoid damage to plants;

(5) All landscaping and related equipment, including, but not limited to, plant material, screening devices, walkways, benches, fountains, and irrigation systems, shall be maintained by the property owner; and

(6) All required screening materials shall be maintained in good condition and, whenever necessary, repaired or replaced.

(l) **Replacements.** When replacing vegetation, native plants, particularly native trees and shrubs, shall be considered as the first alternative.

(m) **Landscape Plans.** Landscape Plans, including location, variety, irrigation, and other information necessary to determine compliance with these requirements must be submitted and approved by the Director whenever landscaping is required. For large scale projects, the Director may require these plans to be prepared by a Landscape Architect.

9-10-504 Street Trees.

(a) The planting of trees along streets is required for all new residential developments as follows:

(1) Spacing. Trees shall be spaced at a maximum of sixty (60) foot intervals or a minimum of one tree per lot frontage, except in the Rural Residential Zone, in which case a minimum of three (3) trees are required for each lot frontage.

(2) Corner Lots. For corner lots, street trees shall be required on both street frontages. The trees cannot interfere with sight distances and setbacks.

(3) Size. Trees shall be five (5) gallons in size.

(4) Location. Trees shall be located such that at fifteen (15) years of age the crown will not encroach across side property lines.

(5) Location from Driveways. Trees shall be located a minimum of ten (10) feet from driveways.

(6) Location from Rights-of-Way. Trees shall be located a minimum of four (4) feet and a maximum of ten (10) feet outside of the road right-of-way.

(7) Street Frontages. Street trees shall be required along street frontages where noise attenuation walls are required. They shall be placed in the yard or integrated with a serpentine wall.

(8) City Tree List. Trees shall be chosen from the City Tree List.

(9) Exceptions. Exceptions to street tree planting may be permitted on those lots where proper spacing is not possible provided the exceptions are granted by the Director of the Community Development Department.

(10) Maintenance. Street trees shall be maintained by a public or private entity as follows:

(A) Plantings shall be maintained in good growing condition and, whenever necessary, replaced with new plant materials;

(B) Planting areas shall be kept free of weeds and debris;

(C) Plantings shall be fertilized, cultivated, and pruned on a regular basis, and good horticultural principles shall be practiced; and

(D) When necessary, plantings shall be appropriately staked, tied, or otherwise supported. Supports shall be regularly monitored to avoid damage to plants.

(11) Timing of Installation. Required street trees, including irrigation systems, shall be completely installed prior to the final inspection of the building.

(12) Developer Responsibility. Developers shall be responsible for the landscaping of local streets and those collector streets that are not in the Public Land Equity Program,

in accordance with the Master Plan, the Specific Plan and the Mountain House CSD Design Manual.

(13) Requirements in Industrial and Commercial Areas. In industrial and commercial areas, along collector streets, two (2) rows of large canopy shade trees shall be planted on each side of the roadway, flanking the sidewalks.

(A) Said trees shall be spaced an average of thirty (30) feet or less on center and shall be placed no closer than eight (8) feet to street light standards.

(B) One (1) row of trees shall be planted within the parkway strip and one (1) row shall be planted within the front or side yard, five (5) feet from the edge of the sidewalk.

(C) The Director may modify the requirement for plantings in the front or side yard to permit clustering of planting, or the Director may eliminate the requirement for plantings in commercial areas where the structures have minimal setbacks.

(14) Tree List. Tree selection shall be in accordance with the tree list maintained by the City.

9-10-505 Requirements for Parking Areas.

The following requirements shall apply to all open, off-street parking areas and off-street loading areas, including nonresidential driveways:

(a) Parking areas with more than twenty (20) stalls shall provide a minimum of five percent (5%) of landscaping within the perimeter of the parking area, not including landscaping along the street frontage.

(b) One tree shall be required for each five (5) parking stalls, or portion thereof, and shall be evenly spaced throughout the parking lot.

(c) A ten (10) foot wide landscaped strip shall be installed between parking areas and adjacent public streets.

(d) Planters which abut parking stalls shall be a minimum of five (5) feet wide. A minimum eighteen (18) inch wide paved strip shall be added to the adjacent parking stall to allow access to and from vehicles.

(e) Unless otherwise specified, parking areas abutting a residential zone, an area shown on the General Plan for residential use, or an existing residential use, shall be screened with a solid masonry wall six (6) to seven (7) feet in height along the abutting property line, and a five (5) foot planting strip shall be installed adjacent to the wall and the parking area.

(f) Parking lots shall be surrounded by hedges, shrubs and/or berms to mitigate the visual impacts on adjacent streets or uses. Hedges and shrubs shall be mature. The height of hedges or shrubs shall be maintained to provide visibility for safety.

(g) Planting islands within parking areas shall be adequately sized to allow parking lot trees and shrubs to thrive, and to allow adequate clearance for car doors, bumper overhangs and visibility.

9-10-506 Requirements for Residential Zones.

The following requirements shall apply in the residential zones:

(a) **Multifamily Developments.** The following requirements shall apply to developments which result in five (5) or more multifamily dwelling units:

(1) All areas not used for buildings, parking, driveways, walkways, recreational facilities, or other permanent facilities shall be landscaped; and

(2) Site development shall incorporate the surrounding topography and provide for the preservation of natural features such as water courses, native oaks, heritage trees, wooded areas, and rough terrain.

(b) **Mobile Home Parks.** The following requirements shall apply to mobile home parks:

(1) All areas not used for buildings, parking, driveways, walkways, recreational facilities, or other permanent facilities shall be landscaped; and

(2) Site development shall relate harmoniously to the surrounding topography and provide for the preservation of natural features such as water courses, native oaks, heritage trees, wooded areas, and rough terrain.

(c) **Reserved.**

(d) **Model Homes.** All model homes that are landscaped shall display signs that provide information demonstrating the principles of water efficient landscapes described in this model ordinance.

(1) Signs shall be used to identify the model home as an example of a water efficient landscape . Signage shall include:

(A) fundamental water efficient landscape elements such as hydrozones, irrigation equipment, native plants, gray water systems, rainwater catchment systems, and other elements as applicable that contribute to the overall water efficient theme.

(B) information about the site water use budget as designed per the local ordinance; specify who designed and installed the water efficient landscape.

(2) Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.

9-10-507 Requirements for Commercial Projects.

All areas not used for buildings, parking, driveways, walkways, or other permanent facilities shall be landscaped. A minimum ten (10) foot wide planting strip shall be required along adjacent streets. The strip shall be continuous except where crossed by driveways and walkways.

9-10-508 Requirements for Industrial Projects.

All areas not used for buildings, parking, driveways, walkways, approved outdoor storage areas, or other permanent facilities shall be landscaped. At a minimum, a ten (10) foot wide planting strip is required along adjacent streets. The strip shall be continuous except where crossed by driveways and walkways.

9-10-509 Requirements for Freeways and Scenic Routes.

For commercial and industrial projects, a minimum ten (10) foot wide planting strip shall be required along all Interstate highways, all on- and off-ramps thereof, and all scenic routes that are defined in the General Plan.

9-10-510 Provisions for Existing Non-rehabilitated Landscapes

(a) Existing non-rehabilitated landscapes that were installed before December 1, 2025 and are over one acre in size, are subject to the following provisions:

(1) For all existing non-rehabilitated landscapes that have a water meter, the City shall administer programs that may include, but are not limited to, irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the Maximum Applied Water Allowance for existing non-rehabilitated landscapes.

(A) The Maximum Applied Water Allowance for existing non-rehabilitated landscapes shall be calculated as: $MAWA = (ET_o) \times (0.62) \times (0.8 \times RLA + 1.0 \times SLA)$.

(2) For all existing non-rehabilitated landscapes that do not have a meter, the City shall administer programs that may include, but are not limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste.

(b) All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

9-10-511 Required Landscape Plans and Supporting Materials

(a) General Requirements. A complete Landscape Documentation Package and any supporting documents (if applicable) must be provided to the Administrator on the forms required by the MWELo for all non-exempt landscape projects. Streamlined review of submittals are available for projects subject to limited applicability of requirements under this chapter.

(b) Landscape Documentation Package Requirements

(1) Prescriptive Compliance. Landscape projects that involve 2,500 square feet or less of landscape area may be approved through a Zoning Compliance Review if the applicant meets all of the following requirements. Under this procedure, Landscape Documentation requirements of the MWELo are waived.

(A) A project information sheet with the following completed elements:

- (i) date the project information sheet is completed;
- (ii) name of the project applicant;
- (iii) contact information for the project applicant and property owner;
- (iv) project address (if available, parcel and/or lot number(s));
- (v) total landscape area (square feet);
- (vi) project type (e.g., institutional (i.e., public), private, cemetery, homeowner-installed);
- (vii) water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well; and
- (viii) applicant signature and date with statement: "I agree to comply with the requirements of the prescriptive compliance option to the MWELo."

(B) A Landscape design plan that includes:

- (i) Total landscape area (square feet); and
- (ii) A breakdown of turfgrass and plant material (e.g., plant legend).

(2) Performance Compliance. The performance compliance requirements shall be used as the compliance option for any landscape project with greater than 2,500 square feet of area and documented in the Landscape Documentation Package, as described in Section 9-10-511, and the Certificate of Completion Package, as described in Section 9-10-516. The Landscape Documentation Package Requirements shall include the following six (6) elements:

(A) A project information sheet with the following completed elements:

- (i) date the project information sheet is completed;
- (ii) name of the project applicant;
- (iii) contact information for the project applicant and property owner;
- (iv) project address (if available, parcel and/or lot number(s));
- (v) total landscape area (square feet);
- (vi) project type (e.g., new, rehabilitated, institutional (i.e., public), private, cemetery, homeowner-installed);
- (vii) water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well;

(viii) checklist of all documents in Landscape Documentation Package; and, applicant signature and date with statement: "I agree to comply with the requirements for the performance compliance option of the MWELo and submit a complete Landscape Documentation Package."

(ix) applicant signature and date with statement: "I agree to comply with the requirements for the performance compliance option of the MWELo and submit a complete Landscape Documentation Package."

(B) soil management report pursuant to Section 9-10-511.1;

(C) landscape design plan pursuant to Section 9-10-511(c);

(D) grading design plan pursuant to Section 9-10-511.2;

- (E) irrigation design plan pursuant to Section 9-10-511.3; and
- (F) Water Efficient Landscape Worksheet pursuant to Section 9-10-512;
- (G) Maximum Applied Water Allowance (MAWA);
- (H) Estimated Water Use (EWU); and
- (I) Estimated Total Water Use (ETWU).

(c) Landscape Design Plans. Landscape Design Plans, including location, variety, irrigation, and other information necessary to determine compliance with these requirements must be submitted and approved by the Director whenever landscaping is required. For large scale projects, the Director may require these plans to be prepared by a Landscape Architect.

(1) The landscape design plan, at a minimum, shall:

- (A) delineate and label each hydrozone by number, letter, or other method;
- (B) identify the plant factor for each hydrozone as very low, low, moderate, high, or mixed water use.
- (i) Temporarily irrigated landscape areas shall use the low water use plant factor range in the water budget calculation specified in Section 9-10-512(d)(1).

(C) identify special landscape areas, including:

- (i) recreational areas;
- (ii) areas permanently and solely dedicated to edible plants; and,
- (iii) areas irrigated with or water features using recycled water;

(D) identify type of mulch and application depth;

(E) identify type and quantity of soil amendments;

(F) identify type and surface areas of water features;

(G) identify hardscapes (pervious and non-pervious);

(H) identify location, installation details, and 24-hour retention or infiltration capacity of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Project applicants shall refer to the local agency or regional Water Quality Control Board for information on any applicable stormwater technical requirements. Stormwater best management practices are encouraged in the landscape design plan and examples are provided in subdivision (a)(5) of Section 490.1 of Title 23 of the California Code of Regulations.

(I) identify any applicable rain harvesting or catchment technologies and their 24-hour retention or infiltration capacity, if applicable;

(J) Identify any applicable graywater discharge piping, system components, and area(s) of distribution;

(K) identify designated insect habitat;

(L) make plants identifiable to an inspector during final inspection;

(i) Plants must be identifiable by botanical name, common name or cultivar as specified in Section 53481 of the Food and Agricultural Code.

(M) contain the following statement: "I have complied with the performance compliance option criteria of the MWELO and applied them for the efficient use of water in the landscape design plan."; and

(N) bear the signature of the designer of record.

(2) Plant Selection.

(A) Any plant may be selected for the landscape, providing the Estimated Total Water Use in the landscape area does not exceed the Maximum Applied Water Allowance.

(B) The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.

(C) Each hydrozone shall have plant materials with similar water use.

(i) Exceptions are allowed for hydrozones that use a mix of plant materials with low and moderate plant factors or moderate and high plant factors, as specified in Section 9-10-511.3(d)(7).

(D) High water use plants, characterized by a plant factor range of 0.7 to 1.0, are prohibited in street medians.

(E) Turfgrass is not allowed on slopes greater than 25% where the toe of the slope is adjacent to a non-pervious hardscape and where 25% means one (1) foot of vertical elevation change for every four (4) feet of horizontal length (rise divided by run x 100 = slope percent).

(F) Methods to achieve water efficiency shall include one or more of the following:

- (i) protection and preservation of native species and natural vegetation;
- (ii) selection of plants based on local climate suitability, disease, and pest resistance;
- (iii) selection of water-conserving plant, tree, and turfgrass species, especially local native plants;
- (iv) Selection of trees based on applicable local tree ordinances or tree shading guidelines, and size at maturity as appropriate for the planting area;
- (v) Selection of plants from local and regional landscape program recommended plant lists; and
- (vi) selection of plants from local Fuel Modification Plan Guidelines.

(G) Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. Methods to achieve water efficiency shall include one or more of the following:

- (i) use the Sunset Western Climate Zone System, 2007, which is herein incorporated by reference, which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;
- (ii) recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure (e.g., buildings, sidewalks, power lines); allow for adequate soil volume for healthy root growth; and
- (iii) consider the solar orientation for plant placement to maximize summer shade and winter solar gain.

(2) Water Features.

(A) Recirculating water systems shall be used for water features.

(B) Where available, recycled water shall be used for decorative water features.

(C) Surface area of a water feature shall use the high water use hydrozone plant factor in the water budget calculation.

(D) Pool and spa covers are highly recommended pursuant to subdivision (d) of Section 115921 of the Health and Safety Code.

(3) Soil Preparation, Mulch, and Amendments.

(A) Prior to the planting of any materials, compacted soils shall be transformed to a friable condition. On engineered slopes, only amended planting holes need meet this requirement.

(B) Soil amendments shall be incorporated according to recommendations of the soil management report and what is appropriate for the plants selected (see Section 9-10-511.1).

(C) For landscape installations, compost at a rate of a minimum of four cubic yards per 1,000 square feet of pervious area shall be incorporated to a depth of six inches into the soil. Soils with greater than 6% organic matter in the top six inches of soil are exempt from adding compost and tilling.

(D) A minimum three-inch (3") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turfgrass areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.

(i) To provide habitat for beneficial insects and other wildlife, up to 5% of the landscape area may be left without mulch and identified in the landscape design plan (see Section 9-10-511(c)(1)(K)).

(E) The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement in Section 9-10-511(c)(3)(C).

(F) Stabilizing mulching products shall be used on slopes that meet current engineering standards.

(G) Organic mulch made from recycled or post-consumer materials shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available.

(i) Organic mulches are not required where prohibited by local Fuel Modification Plan Guidelines or other applicable local ordinances. (Public Resources Code section 4291).

9-10-511.1 Soil Management Report.

(a) A soil management report shall be completed by the project applicant, or their designee, as follows:

(1) Submit soil samples to a laboratory for analysis and recommendations.

(A) Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.

(B) The soil analysis shall include:

(i) soil texture;

(ii) infiltration rate determined by laboratory test or soil texture infiltration rate table;

(iii) pH;

(iv) total soluble salts;

(v) sodium;

(vi) percent organic matter; and

(vii) recommendations.

(C) In landscape projects with multiple landscape installations (i.e., production home developments) a soil sampling rate of 1 in 7 lots or approximately 15% of the total number of lots will satisfy this requirement.

(i) Large landscape projects shall sample at a rate equivalent to 1 in 7 lots.

(D) The project applicant, or their designee, shall comply with one of the following:

(i) If significant mass grading is not planned, the soil management report shall be submitted to the local agency as part of the Landscape Documentation Package; or

(ii) If significant mass grading is planned, the soil management report shall be submitted to the local agency as part of the Certificate of Completion.

(E) The soil management report shall be made available, in a timely manner, to the professionals preparing the landscape design plans and irrigation design plans to make any necessary adjustments to the design plans.

(F) The project applicant, or their designee, shall submit documentation verifying implementation of soil management

9-10-511.2 Grading Design Plan.

(a) Grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. A grading plan shall be submitted by the project applicant as part of the Landscape Documentation Package. A comprehensive grading plan approved by the local agency for other local agency permits satisfies this requirement.

(1) A landscape grading plan that indicates finished configurations and elevations of the landscape area, including:

(A) height of graded slopes;

(B) drainage patterns;

(C) pad elevations;

(D) finish grade; and

(E) stormwater retention improvements, if applicable.

(2) To prevent excessive erosion and runoff, it is highly recommended that project applicants:

(A) grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-pervious hardscapes;

(B) avoid disruption of natural drainage patterns and undisturbed soil; and (C) avoid soil compaction in landscape areas.

(3) The grading design plan shall contain the following statement: "I have complied with the performance compliance option criteria of the MWELO and applied them accordingly for the efficient use of water in the grading design plan." and shall bear the signature of a licensed professional as authorized by law.

9-10-511.3 Irrigation Design Plan.

(a) This section applies to landscaped areas requiring permanent irrigation, not areas that require temporary irrigation solely for the plant establishment period. For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufacturers' recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

(b) Irrigation System Efficiency.

(1) The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria as described in Section 9-10-512 regarding the Maximum Applied Water Allowance.

(2) For the purpose of determining Estimated Total Water Use, average irrigation system efficiency is assumed to be: (A) 0.75 for overhead irrigation systems; and (B) 0.81 for drip irrigation systems.

(3) Sprinkler head spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations. Head-to-head coverage is recommended.

(c) The irrigation design plan, at a minimum, shall contain the following:

(1) location and size of separate water meters and submeters;

(2) location, type, and size of all components of the irrigation system, including controllers, main and lateral lines, valves, emission devices, moisture sensing devices, rain sensors, quick couplers, pressure regulating devices, and backflow prevention devices;

(3) static water pressure at the point of connection to the public water supply;

(4) flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for the emission devices controlled by each station;

(5) identification of special landscape areas irrigated with and water features using recycled water;

(6) identification of any applicable graywater discharge piping, system components, and landscape areas where graywater is distributed;

(7) Identification of hydrozone areas shall be designated by number, letter, or other designation as identified on the landscape design plan. Designate the areas irrigated by each valve and assign a number to each valve using the Water Efficient Landscape Worksheet (see Appendix A). This table can also assist with the irrigation audit and programming the controller.

(A) Each valve shall irrigate a hydrozone, or part of a hydrozone, with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.

(8) the following statement: "I have complied with the performance compliance option criteria of the MWELO and applied them accordingly for the efficient use of water in the irrigation design plan."; and

(9) the signature of the designer of record. (See Division 3, Chapter 3.5, Article 3 of the Business and Professions Code).

(d) General Design Criteria.

(1) Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system as specified in the California Plumbing Code (Cal. Code Regs., Title 24, Part 5,

Chapter 6). A project applicant shall refer to the applicable local agency code (i.e., public health) for additional backflow prevention requirements.

(2) The design of the irrigation system shall conform to the hydrozones of the landscape design plan.

(3) Emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.

(4) Where feasible, trees shall be placed on separate stations from hydrozones that include shrubs, groundcovers, and turfgrass to facilitate the appropriate irrigation of trees. The mature size and extent of the root zone shall be considered when designing irrigation for the tree.

(5) In mulched planting areas, the use of low-pressure and low volume irrigation systems is required to maximize water infiltration into the root zone.

(6) Areas less than 10 feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no water waste, runoff, or overspray.

(7) Individual hydrozones that use a mix of plants with low and moderate plant factors, or moderate and high plant factors, may be allowed if the plant factor used in the calculation of the estimated water use (EWU) is either:

(A) plant factor calculation is based on the proportions of the respective plant factors; or

(B) the highest plant factor is used.

(8) Individual hydrozones that use a mix of plants with high and low plant factors shall not be permitted.

(9) Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.

(10) Overhead irrigation shall not be permitted within 24 inches of any nonpervious surface. Allowable irrigation within the setback from non-permeable surfaces may include drip irrigation, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:

(A) no runoff occurs; or

(B) the adjacent non-pervious surfaces are designed and constructed to drain entirely to landscaping; or

(C) the irrigation designer specifies an alternative design or technology, as part of the Landscape Documentation Package, and clearly demonstrates strict adherence to the prevention of water waste. Prevention of overspray and runoff must be confirmed during the irrigation audit.

(11) Restrictions regarding overspray and runoff in any irrigation system may be modified if:

(A) the landscape area is adjacent to pervious surfacing and no runoff occurs; or

(B) the adjacent non-pervious surfaces are designed and constructed to drain entirely to landscaping; or

(12) Slopes greater than 25% shall not be irrigated with an irrigation system using an application rate exceeding 0.75 inches per hour.

(A) This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the Landscape Documentation Package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

(13) It is highly recommended that the project applicant or local agency inquire with the local water purveyor about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.

(e) Irrigation System Components.

(1) Meters.

(A) Pursuant to California Water Code section 535, a water purveyor with 15 or more service connections shall install a dedicated irrigation meter(s) for new retail water service to a property with

more than 5,000 sq. ft. of irrigated landscape excluding single-family residential connections and connections for the commercial production of agricultural crops or livestock.

(B) For the purposes of this model ordinance, a submeter or dedicated irrigation meter shall be installed and may be used to assist with leak detection and water management for:

(i) non-residential landscapes with an irrigated landscape of 1,000 sq. ft. but not more than 5,000 sq. ft.

(ii) residential landscapes with an irrigated landscape of 5,000 sq. ft. or more.

(2) Water Pressure.

(A) Static water pressure, dynamic or operating pressure, and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.

(B) If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.

(C) If the water pressure is below or exceeds the recommended pressure range of the specified emission devices, the installation of a pressure-regulating device is required to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.

(f) Water Waste Prevention Equipment.

(1) The irrigation system shall be designed to prevent water waste.

(2) Master shut-off valves are required on all projects except landscapes that make use of technologies that allow for the individual control of sprinklers that are individually pressurized in a system equipped with low pressure shut down features.

(3) Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a break in the pressurized pipeline that delivers water from the water source to the valve or outlet) or routine repair.

(4) Check valves or anti-drain valves are required on all sprinkler heads where low point drainage could occur.

(5) Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to hardscapes or in high traffic areas of turfgrass.

(6) Flow sensors that detect high flow conditions created by system damage or malfunction are required for all on non-residential landscapes and residential landscapes of 5000 sq. ft. or larger.

(g) Emission Devices.

(1) Emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.

(2) All irrigation emission devices must meet the requirements set in the American National Standards Institute (ANSI) standard, American Society of Agricultural and Biological Engineers'/International Code Council's (ASABE/ICC) 802-2020 "Landscape Irrigation Sprinkler and Emitter Standard," which is herein incorporated by reference.

(A) All overhead irrigation systems installed in the landscape must document a low quarter distribution uniformity of 0.65 or higher using the protocol defined in ASABE/ICC 802-2020

(3) Non-rotating spray sprinkler bodies are required to meet standards described in California Code of Regulations, Title 20, Division 2, Chapter 4, Section 1605.3(x).

(h) System Controls.

(1) Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data utilizing non-volatile memory shall be required for scheduling irrigation events.

(2) Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.

9-10-512 Water Efficient Landscape Worksheet.

(a) A project applicant shall complete the Water Efficient Landscape Worksheet, which compares the landscape project's Estimated Total Water Use (ETWU) with the Maximum Applied Water Allowance (MAWA). ETWU must be equal to or below the MAWA.

(1) The MAWA is calculated based on the maximum ETAF allowed for the landscape project and is expressed as annual gallons allowed. The maximum ETAF allowed is:

- (A) 0.55 for residential regular landscape areas,
- (B) 0.45 for non-residential regular landscape areas,
- (C) 1.0 for new and existing (non-rehabilitated) Special Landscape Areas.

(b) The ETWU is the sum of estimated water use (EWU) for each hydrozone. The evapotranspiration adjustment factor (ETAF) for each hydrozone is based on the plant factor and the average irrigation system efficiency. EWU is calculated using the ETAF, regular landscape areas, and the special landscape areas.

(c) In calculating the Maximum Applied Water Allowance and Estimated Total Water Use, a project applicant shall use the ETo values from the Reference Evapotranspiration Table in Appendix C. For geographic areas not covered in Appendix C, use data from other cities located nearby in the same reference evapotranspiration zone, as found in the CIMIS Reference Evapotranspiration Zones Map, Department of Water Resources, 1999, which is herein incorporated by reference.

(d) Water budget calculations shall adhere to the following requirements:

(1) The plant factor used shall be from WUCOLS or from horticultural researchers with academic institutions or professional associations as approved by the California Department of Water Resources. The plant factor ranges are:

- (A) less than 0.1 for very low water using plants,
- (B) 0.1 to 0.3 for low water use plants,
- (C) 0.4 to 0.6 for moderate water use plants, (D) 0.7 to 1.0 for high water use plants.
- (2) All water features shall use the high water use plant factor in the water budget calculations.
- (3) Temporarily irrigated areas shall use the low water use plant factor in the water budget calculations.

(4) All Special Landscape Areas (SLA) shall be identified in the Landscape Design Plan (Section 9-10-511(c)) and the Irrigation Design Plan (Section 9-10-511.3) and their water use calculated as shown in Appendix A.

(5) A local agency may consider Effective Precipitation (Eppt) (25% of annual precipitation) in tracking water use and may use the following equation to calculate Maximum Applied Water Allowance:

[(A) Residential landscapes: $MAWA = (ET_o - Eppt) \times (0.62) \times [0.55 \times RLA + 1.0 \times SLA].$]

[(B) Non-residential landscapes: $MAWA = (ET_o - Eppt) \times (0.62) \times [0.45 \times RLA + 1.0 \times SLA].$]

9-10-513 Irrigation Scheduling.

(a) All irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health and prevent water waste. Irrigation schedules shall meet the following criteria:

(1) Irrigation scheduling shall be regulated by automatic irrigation controllers.

(2) Parameters used to set the automatic irrigation controller shall be developed and submitted with the Certificate of Completion for each of the following:

- (A) the plant establishment period;
- (B) the established landscape; and
- (C) temporarily irrigated areas.

(3) Each irrigation schedule shall consider for each station all of the following parameters that apply:

- (A) irrigation interval (days between irrigation events);
- (B) irrigation run times (hours or minutes per irrigation event to avoid runoff and prevent water waste);

(C) number of cycle starts required for each irrigation event to avoid runoff and prevent water waste;

(D) amount of applied water scheduled to be applied on a monthly basis;

(E) application rate setting;

(F) root depth setting;

(G) plant type setting;

(H) soil type;

(I) slope factor setting;

(J) shade factor setting; and

(K) distribution uniformity or irrigation efficiency setting.

(4) Overhead irrigation systems shall be scheduled between 8:00 p.m. and 10:00 a.m., unless weather conditions prevent it. If the local agency or water purveyor has watering windows that are different or longer, the stricter of the two shall apply. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

(5) Total annual applied water shall be less than or equal to Maximum Applied Water Allowance (MAWA).

(A) Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.

(B) For implementation of the irrigation schedule, carefully consider the irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water does not exceed the Estimated Total Water Use.

9-10-514 Landscape and Irrigation Maintenance Schedule.

(a) Landscapes shall be maintained to ensure water use efficiency. A regular landscape and irrigation maintenance schedule shall be submitted with the Certificate of Completion Package.

(b) A regular maintenance schedule shall include, but not be limited to, routine inspection; auditing, adjustment, and repair of the irrigation system and its components; aerating and dethatching turfgrass areas; topdressing with compost, replenishing mulch; fertilizing; pruning; weeding in all landscape areas; and removing obstructions to emission devices.

(c) Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

(d) Repair of all irrigation equipment shall be done with replacement parts for the originally installed components or their equivalents, or with components that improve the average irrigation system efficiency.

(e) A project applicant is encouraged to implement established landscape industry sustainable Best Practices for all landscape maintenance activities.

9-10-515 Irrigation Audit.

(a) All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor. Landscape irrigation audits shall not be conducted by the person who designed the landscape or installed the landscape.

(b) In large landscape projects or landscape projects with multiple landscape installations (i.e., production home developments) an auditing rate of 1 in 7 individual lots or approximately 15% of the total number of individual lots will satisfy this requirement.

(c) For new construction and rehabilitated landscape projects installed after December 1, 2015:

(1) the project applicant shall submit an irrigation audit report with the Certificate of Completion Package to the local agency that may include, but is not limited to, inspection, system tune-up, system test with distribution uniformity, and reporting overspray or run off that causes overland flow; and

(2) the local agency shall administer programs that may include, but not be limited to, irrigation water use analysis, irrigation audits, and irrigation surveys for compliance with the Maximum Applied Water Allowance.

9-10-516 Certificate of Completion Package

The Certificate of Completion Package is completed by the project applicant or their designee to certify that the landscape project has been installed in accordance with the Model Water Efficient Landscape Ordinance.

(a) Prescriptive Compliance Option. The Certificate of Completion Package (see Appendix B for a sample certificate) shall include:

(1) a certificate of completion limited to:

(A) Project Information Sheet (Appendix B — Element 1);

(B) Certificate of Installation according to the Landscape Documentation Package (Appendix B — Element 2);

(C) addressing applicable parameters as described in Section 9-10-513(a)(3) (Appendix B — Element 4); and

(D) landscape and irrigation maintenance schedule (Appendix B — Element 5).

(b) Performance Compliance Option. The Certificate of Completion Package (see Appendix B for a sample certificate) shall include the following six (6) elements:

(1) project information sheet that contains:

(A) date the project information sheet is completed;

(B) project name;

(C) project applicant name, telephone, and mailing address;

(D) project address and location; and

(E) property owner name, telephone, and mailing address.

(2) certification by the designer of record that the landscape project has been installed per the approved Landscape Documentation Package (see Section 9-10-511(b));

(A) where there have been significant changes made in the field during construction, the “as-built” or record drawings shall be included with the certification;

(B) A diagram of the irrigation plan showing hydrozones shall be kept with the automatic irrigation controller for subsequent management purposes.

(3) soil management report, if not submitted with Landscape Documentation Package, and documentation verifying implementation of soil report recommendations (see Section 9-10-511.1);

(4) irrigation scheduling parameters used to set the automatic irrigation controller (see Section 9-10-511.3);

(5) landscape and irrigation maintenance schedule (see Section 9-10-514);

(6) irrigation audit report (see Section 9-10-515); and

(c) Submittal. The project applicant shall:

(1) submit the signed Certificate of Completion Package to the local agency for review; and

(2) ensure that copies of the approved Certificate of Completion Package are submitted to the local water purveyor and property owner or their designee, unless the property owner is the project applicant.

(d) Action on Submittal. The local agency shall:

(1) receive the signed Certificate of Completion Package from the project applicant; and

(2) approve or deny the Certificate of Completion Package. If the Certificate of Completion Package is denied, the local agency shall provide information to the project applicant regarding reapplication, appeal, or other assistance.

9-10-517 Modification of Requirements.

The requirements of this Chapter may be modified by the Director in cases where it is demonstrated that an alternative to said requirements would meet the intent of this Chapter and result in an equal or greater amount of landscaping. Decisions of the Director pursuant to this Section may be appealed using the Staff Review with Notice Procedure set forth in Chapter 4 of Division 2.

Exhibit E
DIVISION 17 SIGNS
CHAPTER 1 SIGN REGULATIONS

9-17-101 Purpose of Chapter.

The purpose of this chapter is to provide standards to regulate the size, height, design, quality of materials, construction, location, lighting, and maintenance of signs and sign structures not enclosed within a structure, in order to accomplish the following objectives:

(a) To bring harmony to the presentation of marketing, community, and public safety information in a wide variety of possible signage that safeguards life, health, and property values and preserves and enhances the character and aesthetics of the Mountain House community;

(b) To provide guidance to applicants in integrating their proposed signage into the fabric of the built environment of the community, thereby encouraging signs that are well designed and pleasing in appearance;

(c) To provide a reasonable and comprehensive system of sign controls;

(d) To provide fair and equal treatment of sign users;

(e) To provide maximum public convenience by properly directing people to various activities ; and,

(f) To promote public safety by providing that official traffic regulation devices are easily visible and free from nearby visual obstructions, including blinking signs, excessive number of signs, or signs resembling official traffic signs.

9-17-102 Definitions.

For the purposes of this chapter, the following definitions of signs, sign types, and related terms shall apply:

Abandoned Sign. “Abandoned sign” means any of the following: 1) a sign that is located on property that becomes vacant or unoccupied for a period of three (3) months; 2) a sign that advertises a business, lessor, owner, product, service, or activity that is no longer on the premises where the sign is displayed; or 3) a sign that has not been maintained for a period in excess of 30 days following legal notice to the owner of the property and/or owner of the advertising display, or tenant on whose property the advertising display is located that the sign does not meet minimum maintenance standards, as determined by the Director.

Adopted Mountain House Planning Documents. “Adopted Mountain House planning documents” means the *Master Plan*, *Specific Plan I*, *Specific Plan II*, *Specific Plan III*, the *Special Purpose Plans* and *Title 9*, which have been adopted by the City of Mountain House.

Advertising Sign. “Advertising sign” means any sign that provides copy intended to attract customers to purchase a product or service.

Alteration. “Alteration” means any change of copy, sign face, color, size, shape, illumination, position, location, construction, or supporting structure of any sign.

Animated or Moving Sign. “Animated or moving sign” means any sign which uses movement, lighting, or special materials to depict action or create a special effect to imitate movement, excluding animated signs where time and temperature are indicated by electronic or mechanical means. Does not include Digital and/or Electronic Signs or Message Display signs.

Awning Sign. “Awning sign” means any sign copy or logo painted, printed, stenciled, sewn, or stained into the surface of an awning.

Banner, Flag, or Pennant. “Banner, flag or pennant” means any cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes attached to any structure, staff, pole, line, framing, or vehicle, not including official flags of the United States, the State of California, and other

states of the nation, counties, municipalities, official flags of foreign nations and nationally or internationally recognized organizations.

Beacon or Searchlight. “Beacon” or “Searchlight” means any ground-mounted source of illumination that is projected in any direction(s) and that is intended to attract attention for purposes of advertising any location(s), business(es) or product(s).

Bench Sign. “Bench sign” means copy painted on any portion of a bench.

Building Complex. “Building complex” means a development of two (2) or more buildings or tenants or uses that are intended to function in a joint manner regardless of sequence of buildout, that may be situated one (1) or more lots or parcels, and that may include, but are not limited to, shared parking facilities, reciprocal access, and common building design.

Business Identification Sign. “Business identification sign” means a sign which serves to identify only the name, address, and lawful use of the premises upon which it is located and provides no other advertisements or product identification.

Cabinet Sign. “Cabinet sign” means a sign mounted on a building that contains internal lighting or backlighting.

Canopy Sign. Refer to “Marquee Sign.”

Changeable Copy Sign. “Changeable copy sign means a sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.

Clear-Vision Triangle. “Clear-vision triangle” means the required clear visibility area, unobstructed by any sign structure over three (3) feet in height, created by drawing an imaginary line between two points 30 feet back from where the curb lines of a corner lot intersect.

Community Amenity. “Community amenity” means a site, structure, feature, habitat, or point of interest, within Mountain House, of cultural, historical, archaeological, or paleontological importance or value to the community.

Community Gateway Sign. “Community gateway sign” means a monument sign or freestanding sign, owned by the MHCSD, and placed within the entry landscape area of the MHCSD's right-of-way, identifying Mountain House as a distinct destination and serving as a major entry point or gateway into the community.

Directional Sign. “Directional sign” means a monument sign or freestanding sign that is designed and erected solely for the purposes of directing vehicular and/or pedestrian traffic within a business complex, shopping center, or project area, where said sign is located; or a sign directing vehicular and/or pedestrian traffic to a business or use located off-site and not in a reasonable vicinity of said sign.

Double-Faced Sign. “Double-faced sign” means a sign constructed to display its message on the outer surfaces of two (2) identical and/or opposite parallel planes.

Freestanding Sign. “Freestanding sign” means any non-moveable sign not affixed to a building that is supported by one (1) or more uprights, braces, columns, or similar structural components placed on or into the ground, and that has a clearance from the ground of two (2) feet or less.

Freeway-Oriented Sign. “Freeway-oriented sign” means a sign that is designed to be viewed by occupants of vehicles traveling on Interstate 205 freeway that advertises businesses located within the Mountain House Business Park.

Garage Sale Sign. “Garage sale sign” means a sign with a message advertising the resale of personal property that has been used by the resident.

Illegal Sign. “Illegal sign” means a sign which includes any of the following: (1) a sign erected without first complying with all regulations in effect at the time of its construction or use; (2) a sign that was legally erected, but whose use has ceased, the structure upon which the display is placed has been abandoned by its owner, or the sign is not being used to identify or advertise an ongoing business for a period of not less than 90 days; (3) a sign that was legally erected but which later became nonconforming as a result of the adoption of an ordinance, the amortization period for the display

provided by the ordinance rendering the display conforming has expired, and conformance has not been accomplished; (4) a sign that was legally erected which later became nonconforming and then was damaged to the extent of 50 percent or more of its current replacement value; (5) a sign that is a danger to the public or is unsafe; (6) a sign that is a traffic hazard not created by relocation of streets or highways or by acts of the City Council; or, 7) a sign advertising a specific event in which five (5) days have elapsed since the occurrence of the event.

Logo. “Logo” means a distinctive organization or company signature, trademark, or symbol.

Major Rehabilitation Work. “Major rehabilitation work” means adding more than fifty percent (50%) to the gross floor area of a building or buildings, or increasing the exterior redesign of any façade by more than 50 percent.

Marquee Sign. “Marquee sign” means a sign which is attached to or otherwise made a part of a permanent roof-like structure which projects beyond the building wall in the form of a large canopy to provide protection from the weather.

Monument Sign. “Monument sign” means a non-moveable sign not affixed to a building that is constructed flush with the ground and that provides advertising/information regarding specific land uses, except for single family dwellings, duplexes, and triplexes.

Mountain House Design Manuals. “Mountain House design manuals” means the *Single-Family Residential Design Manual*, the *College Park at Mountain House Specific Plan III Residential Design Guidelines for Potential Housing Prototypes*, the *Multi-Family Development Design Manual*, the *Commercial, Office & Industrial Design Manual*, the *Mountain House Business Park Commercial, Office & Industrial Design Manual*, and the *Mountain House Community Services District Design Manual*.

Moving Display/Flashing Sign. “Moving display/flashing sign” means a sign that uses blinking, flashing, or intermittent illumination that has at least one (1) change in a 24-hour period, has light reflectors, or has moving or reflective characters or materials, and that may feature electronic message boards.

Nameplate. “Nameplate” means a small sign or plaque identifying the name and/or address of the occupant of a structure or business.

Nonconforming Sign. “Nonconforming sign” means a sign that was validly installed under the ordinances in effect at the time, but which later becomes nonconforming as to size or location either by reason of this Chapter or its amendment or by its operation.

On-Premises Sign. “On-premises sign or on-site sign” means a sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered on the premises or located within a business complex or shopping center.

Off-Premises Sign. “Off-premises sign” means a monument sign or freestanding sign that identifies, advertises, or directs attention to a business, activity, product, service, or other commercial or noncommercial interest of any person, firm, or business not located on the premises where the sign is located; or a freestanding structure on which a sign is located, where the sign structure is on a premises not owned by the owner of the sign structure and where the sign message is not sponsored by the owner of the premises;

Permanent Sign. “Permanent sign” means a sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

Pole Sign. “Pole sign” means a sign, not attached to a building or similar structure, which is displayed on and completely supported by one (1) or more support elements (i.e., pole(s)) which are ground-mounted, and that has a clearance above the ground of more than two (2) feet.

Political Sign. “Political sign” means a sign designed for the purpose of advertising support of or opposition to a candidate or proposition for a public election.

Portable Sign. “Portable sign” means a sign that is not permanently affixed to a structure or the ground.

Post Sign. “Post sign” means a temporary sign suspended from a horizontal swingpost that is attached to a vertical post mounted in the ground.

Projecting Sign. “Projecting sign” means a sign other than a wall sign suspending from, or supported by, a structure and projecting outward from, and perpendicular to, the structure.

Promotional Sign. “Promotional sign” means a sign erected on a temporary basis to promote the sale of new products, new management, new hours of operation, a new service, or to promote a special sale.

Readerboard and Electronic Sign. “Readerboard” and “Electronic Sign” means a sign with manual or electronic changeable copy

Real Estate Sign. “Real estate sign” means a sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent, or directing people to a property, but not including temporary subdivision signs in compliance with California Civil Code Section 713.

Roof Sign. “Roof sign” means a sign painted or constructed upon a roof, including a sign placed so as to extend above the edge of the roof.

Separate Building Pad. “Separate building pad” means a separate legal parcel that may be occupied by one (1) or more noncontiguous buildings which have frontage on a public or private street.

Shopping Center. “Shopping center” means an integrated commercial area providing retail and service uses on sites containing (or that will contain) two (2) or more separate businesses that are managed as a total entity and that share common access, circulation, and pedestrian and parking areas so that a public right-of-way is not needed to be used to get from one business to another.

Sign. “Sign” means any structure, device, figure, painting, display, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, or to provide data or information in the nature of advertising, to direct or attract attention to an object, person, institution, business, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

Site Sign. “Site Sign” means a temporary sign allowed on sites with uses under construction or not yet occupied.

Special Event Sign. “Special event sign” means a temporary sign, balloon, or banner that is intended to inform the public of a unique happening, action, purpose, or occasion (i.e., grand opening).

Sign Amortization. “Sign amortization” means the elimination of nonconforming signs over a period of time intended to allow the owner the opportunity to realize the value of his or her investment in the sign.

Sign Copy. “Sign copy” means the words and symbols expressed on the surface of a sign that relate to the name and/or nature of the business, business complex, or shopping center, as applicable, including any related trademark or logo, and/or other graphics used to identify said business, business complex, or shopping center.

Sign Height. “Sign height” means the vertical distance measured from the highest point of the sign to the grade immediately beneath the sign.

Temporary Sign. “Temporary sign” means any sign intended to be displayed for a limited period of time and capable of being viewed from any public right-of-way, parking area or neighboring property.

Vehicle Sign. “Vehicle sign” means a sign which is attached to or painted on a vehicle which is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.

Wall Sign. “Wall sign” means a sign which is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.

Window Sign. “Window sign” means any sign posted, painted, placed, or affixed in or on any window exposed to public view; or any interior sign which faces any window exposed to public view and is located within three (3) feet of the window.

9-17-103 Prohibited and Exempt Signs.

(a) **Prohibited Signs.** Unless otherwise permitted by this Chapter, the following signs are prohibited.

- (1) Animated or Moving signs.
- (2) Banner signs and pennants that are permanent signs.
- (3) Beacons and searchlights.
- (4) Bench signs.
- (5) Cabinet signs
- (6) Inflatable balloon signs and signs attached to inflated or gas-filled features.
- (7) Pole signs.
- (8) Portable signs.
- (9) Roof signs.
- (10) Abandoned signs.
- (11) Murals and decorations on the exterior of a building that advertise a product, business, or service.
- (12) Vehicle signs.

(b) **Prohibited Location or Placement.** Signs with the following location and/or placement characteristics are prohibited:

- (1) Signs attached to or placed adjacent to any utility pole, parking meter, traffic signpost, traffic signal, or any other traffic control device.
- (2) Signs attached to trees.
- (3) Signs erected or maintained with horizontal or vertical clearance from overhead utilities less than required by state agencies.
- (4) Signs installed without permission of the owner or the owner's agent of the property on which the sign is located.
- (5) Signs mounted or attached to a vehicle parked for the purpose of calling attention to or advertising a business establishment.
- (6) Signs projecting over a public roadway that have not received an encroachment permit from the City.
- (7) Signs that obstruct or interfere with the free use of a fire escape, exit, stairway, door, ventilator, or window in violation of the California Building or Fire Code.
- (8) Signs that interfere with visibility at an intersection, public right-of-way, driveway, or other point of ingress/egress. The City may require sign setbacks greater than specified in this chapter as needed to maintain adequate visibility for motorists and pedestrians.

(c) **Prohibited Design Features.** Except where allowed by this chapter, signs with the following design features and/or physical characteristics are prohibited:

- (1) Signs that constitute a traffic hazard due to highly reflective and fluorescent painted signs;
- (2) Signs that simulate in size, color, lettering, or design a traffic control sign or signal;
- (3) Animated signs that move, rotate, revolve and other similar signs that visibly moving or rotating parts or visible mechanical movement of any kind;
- (4) Signs emitting audible sounds, odor, or visible matter;
- (5) Signs that feature a flag, pennant, whirligig, or any device which is designed to wave, flutter, rotate or display other movement under the influence of wind;
- (6) Any sign that utilizes visible guy wires, angle irons and iron frame structures; and,
- (7) Signs or sign structures that have become a public nuisance or hazard due to inadequate maintenance, or dilapidation.

(d) **Exempt Signs.** The following signs, and alterations of existing signs, are exempt from the provisions of this chapter:

- (1) Official and legal notices required by a court or governmental agency;

(2) A sign erected and maintained in compliance with, and in discharge of, a Governmental function or required by law, ordinance, or governmental regulation, including signs erected by a public utility and pole signs erected by the City or other governmental entity within a public right-of-way for traffic control purposes;

(3) Changes to existing sign copy that does not alter the size, location, or illumination of a sign;

(4) Memorial signs installed by, or with the approval of, a governmental agency (e.g., signs and markers for historic events or memorials); and,

(5) Flags of the United States, California, San Joaquin County, City of Mountain House, or other governmental entities.

(e) **Exempt Signs Subject to Limitations.** The following signs are exempt from Section 9-17-104 regarding Sign Permits, provided the limitations specified below are met:

(1) Nameplates for each single-family dwelling, duplex, triplex, or condominium, subject to the following limitations:

(A) Maximum area shall not exceed three (3) square feet in area;

(B) Content shall contain Arabic numbers a minimum of four (4) inches in height and of contrasting color to the background to which they are attached; and,

(C) Illumination shall not exceed twenty-five (25) watts;

(2) Nameplates for multifamily dwelling, not including duplexes, triplexes, or condominiums, subject to the following limitations:

(A) Maximum area shall not exceed one (1) square foot in area per multi-family unit; and,

(B) Content shall contain Arabic numbers a minimum of four (4) inches in height if illuminated, or six (6) inches in height if not illuminated, and of contrasting color to the background on which they are attached;

(C) Interior window signs not exceeding five (5) square feet in area;

(D) Garage sale signs, subject to the following limitations:

(i) Signs shall not exceed six (6) square feet in area and four (4) feet in height;

(ii) Signs shall only be displayed one (1) day before the sale and during the time of the sale;

(iii) Signs shall only be displayed during the term of the garage sale, and shall be promptly removed at the end of the sale; and,

(iv) Signs shall not be placed on any public property or placed off-site;

9-17-104 Building Permit Required.

A building permit shall be required in order to erect, install, alter, relocate, or reconstruct any sign that is not a temporary sign. There is no separate planning permit process required; planning review and approval of the building permit application is required prior to permit issuance. Exceptions to this building permit requirement for certain signs and sign types may be granted by the Director or designee.

(a) **Application.** Applications for building permit shall be filed with the department on the appropriate forms, together with all the necessary fees, deposits, exhibits, maps, and other information required by the department to clearly and accurately describe the proposed sign(s).

(b) **Content.** The building permit application shall include the total number, size, height and type of signs, the location of all signs on the parcels or structures, applicable elevations, and illustrations of the proposed sign(s).

(c) **Consistency with Documents.** All proposed signs shall be consistent with the design policies and implementation measures of the adopted Mountain House policy documents, and with the applicable Mountain House design manuals.

9-17-105 Master Sign Program.

(a) **Purpose.** The purpose of a Master Sign Program is to provide a method for an applicant to integrate the design and placement of signs within a development project with the overall design of the development to achieve a more unified appearance. A Master Sign Program may also allow for minor variations in dimensional standards and other limitations of this Section, provided the Master Sign Program achieves a result that is superior to what would otherwise be allowed.

(b) **Applicability and Review Procedure.**

(1) Master Sign Program -- When Required. A Master Sign Program is required for:

- (A) New or remodeled non-residential projects on sites of one (1) acre or larger;
- (B) Multi-family uses with more than one (1) permanent sign proposed; or,
- (C) Any non-residential development with two (2) or more tenants.

(2) Master Sign Program -- When Allowed. A Master Sign Program may be substituted for specific sign designs and sign programs for individual buildings if requested by an applicant and approved by the Director.

(c) **Director Approval Required.** A Master Sign Program requires Director approval.

(d) **Applications.** Applications for a Master Sign Program must include the following:

- (1) A site plan showing the location of buildings, parking lots, driveways, and landscaped areas;
- (2) Computation of the maximum total sign area, the maximum area for individual signs, the height of signs

and the number of freestanding signs allowed, if proposed;

(3) An accurate indication on the site plan of the proposed location of each proposed sign and existing sign which is to remain;

(4) Color schemes, lettering, and graphic style (if tenants are not known, generic styles may be presented);

(5) Lighting and sign construction materials;

(6) Sign dimensions (if tenants are not known, generic dimensions may be presented);

(7) A written program of standards for all sign types to be distributed to future tenants, including color, size, illumination, construction details, and sign placement;

(8) A list of exceptions to the sign standards that would otherwise apply; and,

(9) A sign maintenance program.

(e) **Design Standards.**

(1) Master Sign Programs shall be consistent with regulations and requirements of the Mountain House design manuals for the applicable development type (e.g., commercial / office).

(2) Master Sign Programs shall feature a unified and coordinated approach to the materials, color, size, type, placement, and general design of signs proposed for a project or property. Master sign programs may allow for variety in the design of individual signs provided that the signs contribute to a consistent visual theme within the property.

(3) A Master Sign Program may deviate from standards contained in this chapter relating to permitted sign height, number of signs, and type of sign, only where said deviations would result in more restrictive design criteria. A Master Sign Program may not allow prohibited signs as identified in Subsection 9-17-103(a).

(f) **Required Findings.** The Director may only approve a Master Sign Program if the following findings are made.

(1) That the proposed signs are in harmony with and visually related to:

(A) Other Signs in the Project. Harmony and visual relation to other signs may be accomplished by incorporating common design elements such as materials, letter style, colors, illumination, sign type or sign shape;

(B) The Buildings They Identify. This may be accomplished by utilizing materials, colors or design motifs included in the building being identified; and,

(C) The Surrounding Development. Approval of a Master Sign Program must not adversely affect surrounding land uses and adjacent business or obscure adjacent conforming signs.

(2) That the proposed signs are appropriate for the size and character of the development and signs in the vicinity.

(3) That the proposed signs will comply with all the provision of this Division, except with regard to the specific exceptions requested and approved, which may include the number, height, size, and location of individual signs, but not the total allowable sign area on a site.

(g) **Conditions.** Reasonable conditions of approval may be imposed by the Director to achieve the purposes of this Section and ensure compatibility with adjacent land uses and signage.

(h) **Post-Approval Procedures.** After approval of a Master Sign Program, no signs shall be erected, placed, painted, or maintained, except in conformance with such Program, and such Program may be enforced in the same way as any provision in this Section.

(1) Lease Agreements. The Master Sign Program and all conditions of approval shall be attached and made applicable to the lease agreements for all leasable space within a project.

(2) Individual Signs. Any sign that conforms to an approved Master Sign Program may be approved by the Director; however, approval of a Master Sign Program does not waive the permit requirements for individual signs.

(3) Compliance with Other Sign Regulations. Approval of a Master Sign Program shall supersede the regulations of this chapter. Any aspect of the proposed signs not addressed by the Master Sign Program shall be in compliance with this chapter.

(4) Amendments. The Director may approve amendments to a Master Sign Program that are in substantial conformance with the original approval.

9-17-106 Temporary Signs.

(a) **Residential Zoning Districts.** Temporary signs in residential zoning districts shall comply with the standards below:

(1) Window, Wall, Freestanding, Post, Banner, and Political Signs.

(A) No more than three (3) signs are allowed per parcel.

(B) Total sign area shall not exceed 18 square feet , with a maximum of six (6) square feet per sign.

(C) Sign height shall not exceed three (3) feet.

(D) Signs shall not be illuminated.

(E) Duration of sign placement must conform with Section 9-17-106 (c)(5) of this code.

(2) Site Signs.

(A) Site signs shall only be permitted for residential uses that are under construction or not yet occupied.

(B) A maximum of one (1) sign is allowed per property public right-of-way frontage, with a maximum of two (2) signs permitted per site, as determined by the Director.

(C) A maximum sign area of 32 square feet shall be permitted, per sign.

(D) Sign height shall be a maximum of eight (8) feet.

(E) Signs shall be set back a minimum of five (5) feet from property lines adjacent to a public right-of-way.

(F) Signs shall not be illuminated.

(G) Duration of sign placement must conform with Section 9-17-106(c)(5) of this code.

(b) **Non-Residential Zoning Districts.** Temporary signs in non-residential zoning districts shall comply with the standards below:

(1) Wall, Freestanding, Post, and Banner Signs.

- (A) A maximum of one (1) temporary wall, freestanding, or banner sign is allowed per property.
- (B) Maximum sign area shall be 32 square feet.
- (C) Maximum sign height shall be seven (7) feet.
- (D) Signs shall not be illuminated.
- (E) Duration of sign placement must conform with Section 9-17-106(c)(5) of this code.

(2) Window Signs.

(A) Temporary window signs in total may not exceed a maximum of 25 percent of the window area, and together with permanent window signs, may not exceed

maximum allowed window sign area as defined in Section 9-17-108(H).

(B) Signs shall not be illuminated.

(C) Signs shall be stationary.

(D) Duration of sign placement must conform with Section 9-17-106(c)(5) of this code.

(c) **Real Estate Signs.** Temporary real estate signs offering property for sale, lease, or rent, on the property being advertised, subject to the following limitations:

(1) For single-family dwellings, one (1) freestanding sign per street frontage, not exceeding four (4) square feet in area and four (4) feet in height, shall be allowed;

(2) For multi-family dwellings, including duplexes, triplexes, and condominiums, one (1) freestanding sign for every 1,000 lineal feet of street frontage or portion thereof, not exceeding 32 square feet in area and six (6) feet in height, shall be allowed;

(3) For signs advertising the sale, rent, or lease of tenant spaces within a multi-tenant commercial center, office building, or industrial subdivision, one (1) freestanding sign for every 1,000 lineal feet of street frontage or portion thereof, not exceeding 40 square feet in area and six (6) feet in height, plus one (1) sign not exceeding six (6) square feet in area located at each individual tenant space to be rented or leased, shall be allowed;

(4) Signs may be placed on the site at the time of the listing or the availability of the rental space; and,

(5) Signs shall be removed no later than 30 days from the date of the completion of the sale or the signing of the lease.

(d) Duration. Temporary signs in all zoning districts shall be removed the earliest of when:

(1) A commercial message is obsolete and has become misleading (e.g., a "for lease" or "for sale" sign in front of a building that is leased or sold); or

(2) The sign falls into disrepair.

9-17-107 General Requirements.

(a) Unless otherwise specified, the following general requirements shall apply to all signs:

(1) Computation of Surface Area of Sign.

(A) If sign copy is on a sign board or sign structure, or on a sign with a defined sign background, the surface area of the sign shall be the area of the surface or face of the board or sign structure, as shown below.

(2) If the lettered or illustrative material of a sign is not located on a sign board or does not have a defined background (e.g., letters placed on a wall), the surface area of a sign shall be the area that would be encompassed within a frame or frames that are parallel to the top and sides of the structure on which the sign is located and which extend two (2) inches beyond the outermost boundaries of the lettered or illustrative material, as shown below:

(3) Supporting framework or bracing that is clearly incidental to the display itself shall not be included in the computation of the surface area of a sign.

(4) The area of a double-faced sign shall be calculated as having only a single face, provided that the distance between each sign face does not exceed 24 inches at any point. If the sign faces are not the same size, the larger sign face shall be used to determine the sign area.

(5) Where a sign consists of one (1) or more three (3) dimensional objects (e.g., balls, cubes, clusters of objects, sculptures), the sign area shall be determined by calculating their maximum projection upon a vertical plane.

(b) **Height of Signs.** Unless otherwise specified, sign height shall be measured from the uppermost part of the structure of the sign to the lowest elevation point of the finished grade immediately adjacent to the sign support structure, as shown below:

(c) **Illumination of Signs.** The artificial illumination of signs, either from an internal or external source, shall be designed to eliminate impacts on surrounding properties and streets.

(1) External light sources shall be directed and shielded to limit direct illumination of any object other than the sign.

(2) The light from an illuminated sign shall not be of an intensity or brightness that would interfere with the reasonable enjoyment of residential properties in direct visual proximity to the sign.

(3) Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices.

(4) Neither the direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles.

(d) **Maintenance of Signs.**

(1) Signs and supporting hardware, including non-conforming and temporary signs, shall be maintained in good repair and functioning properly at all times. Repairs to signs shall be of equal or better-quality materials and design as the original sign. Signs that are not properly maintained and are dilapidated shall be deemed to be a public nuisance.

(2) When existing signs are removed or replaced, all brackets, poles, and other supports that are no longer required shall be removed. Unpainted areas shall be painted to match the adjacent portion of the structure or sign support structure.

(e) **Location of Signs.** Signs shall be located on property in accordance with the following provisions:

(1) Signs shall be located so as to not block or interfere with the view of motorists to proceed safely through intersections or to enter onto, or exit from, public streets or private roads, or to otherwise interfere with circulation;

(2) Signs shall be located so as to not obscure or interfere with views of significant natural or scenic landscape features;

(3) Freestanding signs shall not be located within a non-buildable public utilities easement or in a public right-of-way, except for those signs authorized by the applicable utility company;

(4) Freestanding signs shall not be located closer than five (5) feet from a property line, nor erected or maintained any closer than three (3) feet to any building; and,

(5) Freestanding signs shall be located outside of the clear-vision triangle.

9-17-108 Standards for On-Premise Signs.

On-premises signs shall be subject to the following:

(a) **Awning Signs.** Awning signs shall be allowed in the R-H, C-N, C-C, C-O, C-G, C-FS, C-R, I-P, I-L, I-G, P-F, and M-X zoning districts, subject to the following requirements:

(1) Awning signs shall only be located on structure frontages, including those fronting a parking lot or pedestrian way;

(2) Awning signs shall be limited to ground level and second story occupancies only;

(3) A clear distance of eight (8) feet shall be maintained from the lowest part of an awning sign to the ground below; and,

(4) Maximum sign copy area for awning signs shall be included in the calculation for wall sign(s) area.

(b) **Directional Signs.** Unless otherwise specified by a Master Sign Program, directional signs shall be allowed in any zone and shall be subject to the following requirements:

(1) Maximum sign area shall be four (4) square feet in multi-family residential zones and six (6) square feet in nonresidential zones; and,

(2) Maximum height for directional signs shall be five (5) feet, except that taller signs may be approved by the Director, provided the Director determines that visibility would not be impaired.

(c) **Directory Signs.** Unless otherwise specified by a Master Sign Program, directory signs shall be allowed in any zone, except for single-family residential zones, subject to the following:

(1) Signs shall be pedestrian-oriented;

(2) Signs shall not exceed a maximum height of seven and one-half (7.5) feet, and signs shall not exceed a maximum area of 60 square feet;

(3) Signs shall be designed and erected or mounted as a wall sign, monument sign, or on or within a kiosk;

(4) Signs shall be located at or near the main pedestrian entrance to a building or building complex;

(5) Signs shall contain only a list of tenants and their location for each individual building or integrated center, with no additional advertising allowed; and,

(6) Signs may be subject to a master sign program, as specified in Section 9-17-105.

(d) **Monument Signs.** Unless otherwise specified by a Master Sign Program, monument signs shall be allowed in the R-H, C-N, C-C, C-O, C-G, C-FS, C-R, I-P, I-L, I-G, M-X, and P-F zones, and shall be subject to the following requirements.

(1) **General Requirements.** The following general requirements shall be applicable to all monument signs:

(A) Signs shall not be located closer than five (5) feet to a property line;

(B) Signs shall not be erected or maintained any closer than three (3) feet to any building;

(C) A monument sign shall not be located closer than 75 feet from another monument sign on adjoining properties to ensure adequate visibility, unless the Director reduces such spacing requirement in instances where its enactment would be impractical due to the locations of existing signs on adjacent properties or due to the size of the property;

(D) Signs shall be located within a landscaped area, with a permanent irrigation system provided at the base of the sign equal to double the area of one (1) face of the sign; and,

(E) Monument sign bases and structures shall be designed to be complementary with the architectural theme of the building(s).

(2) **Monument Signs in R-H, M-X, and C-R Zones.** The following requirements shall be applicable:

(A) One (1) monument sign shall be permitted per parcel;

(B) Maximum height shall be 7.5 feet; and,

(C) Maximum total area for all tenants shall be 50 square feet per sign face.

(3) **Monument Signs in Commercial, Industrial, and P-F Zones.** The following requirements shall be applicable:

(A) One (1) primary monument sign shall be permitted to identify a business complex, subject to the following:

(i) The sign shall be located near the primary street entrance to the complex;

(ii) A maximum of 100 square feet shall be allowed per sign face, in total, for all businesses advertised on the sign;

(iii) The maximum height shall be ten (10) feet;

(iv) The sign shall prominently display the name and address of the complex; and,
 (v) The sign may identify individual tenants in clearly subordinate copy, and may contain any related trademark, logo and/or other graphics used to identify the business complex.

(B) Unless otherwise specified by a Master Sign Program, one (1) secondary monument sign shall be allowed along each additional street frontage not including the street frontage on which the primary monument sign is located, subject to the following:

- (i) One (1) such secondary sign shall be permitted per parcel;
- (ii) Maximum height shall be seven and one-half (7.5) feet;
- (iii) Maximum area shall be 50 square feet per sign face, in total, for all businesses advertised on the sign; and,
- (iv) Sign shall contain only the name, address, type of business, and any related trademark, logo, and/or other graphics used to identify the business.

(4) Monument Signs Included in the Mountain House Business Park Special Purpose Plan. Monument signs permitted in the Mountain House Business Park, which includes the C-G, C-FS, I-P, and P-F zones, shall be subject to the following requirements:

(A) A maximum of two (2) monument signs shall be allowed for each parcel with four (4) or more tenants;

(B)

Maximum height shall be ten (10) feet; and,

(C) Maximum area shall be two hundred (200) square feet, in total for all businesses advertised on the sign.

(e) Projecting Signs. Projecting signs shall be allowed in the C-N, C-C, C-G, M-X, and P-F zones, subject to the following requirements:

- (1) Signs shall be located only on the wall frontage with the primary entrance to the structure;
- (2) Maximum area of each sign face shall be 24 square feet;
- (3) Signs may comprise logos, symbols, or figures in addition to, or instead of, written words;
- (4) Signs shall maintain a clear distance of ten (10) feet from the lowest part of said sign to the ground; and
- (5) A projecting sign shall be attached to the wall at no more than two (2) feet from the nearest point of the sign to the wall, with all mounting hardware concealed.
- (6) Maximum area for the sign copy of projecting signs shall be included in the calculation of wall signs.

(f) Under Canopy Signs. Unless otherwise specified by a Master Sign Program, under canopy signs shall be allowed in the C-N, C-C, C-O, C-G, C-R, M-X, I-P, and P-F zones and shall be subject to the following requirements:

- (1) Signs shall be located near the main entrance to the structure;
- (2) Signs shall maintain a clear distance of ten (10) feet from the lowest part of said sign to the ground, except under canopy signs over a public driveway shall maintain a clear distance of 15 feet from the lowest point of the sign to the ground;
- (3) Maximum area of each sign face shall be ten (10) square feet, with all mounting hardware concealed unless suspended by a chain no greater than 12 inches in length;
- (4) Signs may comprise logos, symbols, or figures in addition to, or instead of, written words; and,
- (5) Under canopy signs included in the Mountain House Business Park Special Purpose Plan. Under canopy signs permitted in the Mountain House Business Park, which includes the C-G, C-FS, I-P, and P-F zones, shall be subject to the following requirements:
 - (A) Signs shall maintain a clear distance of eight (8) feet from grade to the bottom of the sign; and,
 - (B) Maximum area of each sign face shall be 15 square feet.

(g) Wall Signs. Unless otherwise specified by a Master Sign Program, wall signs shall be allowed in C-N, C-C, C-G, C-FS, M-X, I-P, I-L, I-G, and P-F zones and shall be subject to the following requirements.

(1) General Requirements. The following general requirements shall be applicable to all wall signs:

(A) Signs shall only be located on structure wall frontages along streets, alleys, parking lots, or other rights-of-way, unless allowed by an approved Sign Permit that includes a planned sign program;

(B) Signs shall not project from the surface upon which they are attached more than required for construction purposes and in no case more than 12 inches;

(C) Signs shall not project above the eave of a roof or parapet;

(D) Signs shall not be placed to obstruct any portion of a window;

(E) The total area of wall signs shall include the area of all permanent awning signs, marquee signs and window signs.

(2) Wall Signs in the C-N, C-C, C-G, M-X, and P-F zones, the following additional requirements shall be applicable:

(A) The total area of wall signs shall not exceed a maximum of one (1) square foot of sign area for each lineal foot of building frontage on which the sign will be mounted; and,

(B) The total aggregate area of wall signs for all sides of a building shall not exceed 160 square feet.

(3) Wall Signs in the I-P, I-L, and I-G zones, the following additional requirements shall be applicable:

(A) The total area of wall signs shall not exceed a maximum of one (1) square foot of sign area for each lineal foot of building frontage on which the sign will be mounted; and

(B) The total aggregate area of wall signs for all sides of the building shall not exceed 600 square feet.

(4) Wall Signs Included in the Mountain House Business Park Special Purpose Plan. Wall signs permitted in the Mountain House Business Park, which includes the C-G, C-FS, I-P, and P-F zones, shall be subject to the following requirements:

(A) Maximum sign area allowed on primary frontage (i.e., the entrance side of leased area) shall not exceed 1.5 square feet of sign area for each lineal foot of building frontage;

(B) Maximum sign width allowed on primary street frontage shall not exceed 50 percent of the primary street building frontage;

(C) Maximum sign area allowed for tenants with secondary frontage (i.e., side or rear) shall not exceed one (1) square foot of sign area for each lineal foot of secondary building frontage; and

(D) Maximum sign width allowed on secondary street frontage shall not exceed 33 percent of the secondary street building frontage.

(h) Window Signs. Unless otherwise specified by a Master Sign Program, window signs shall be allowed in commercial, industrial, M-X, and P-F zones and shall be subject to the following requirements:

(1) Signs shall be allowed only on windows located on the ground level and second story of a structure;

(2) Signs shall not occupy more than 35 percent of the window area of a wall;

(3) The maximum area for window signs shall be included in the calculation of wall signs; and,

(4) Window Signs included in the Mountain House Business Park Special Purpose Plan. Window signs permitted in the Mountain House Business Park, which includes the C-G, C-FS, I-P, and P-F zones, shall be subject to the following requirements:

(A) Signs painted directly on a window shall not be permitted;

(B) Temporary signs may not be placed on the inside surface of a window; and,

(C) Temporary signs may not be hung closer than six (6) inches behind the inside surface of a window.

(i) Special Use Signs. The following special use signs shall be allowed, subject to the requirements specified below.

(1) Service Station Signs. Service station signs shall be allowed in the C-C, C-G, C-FS, I-P, I-L, and I-G zones, subject to the following requirements:

(A) One (1) monument sign identifying the use shall be allowed, subject to the following requirements:

(i) The monument sign shall comply with subsection (d)(1) regarding general requirements for monument signs;

(ii) Maximum area shall be forty (40) square feet;

(iii) Maximum height shall be seven and one-half (7.5) feet; and

(iv) Logos shall not exceed twenty (20) percent of the area of the sign.

(B) One (1) freestanding sign advertising motor vehicle fuel pricing shall be allowed for each service station dispensing any motor vehicle fuel, subject to the following requirements:

(i) Signs shall comply with the applicable provisions of the

Business and Professions Code regarding display requirements;

(ii) Maximum area shall be twenty-five (25) square feet;

(iii) Maximum height shall be six (6) feet; and,

(C) Service station sign copy shall be allowed on a multi-tenant pole sign in the C-C and C-G zones, provided the service station is located within the shopping center associated with said pole sign.

(2) Model Homes Sales Complex Signs. Model home sales complex signs shall be allowed in all residential zones, and in the M-X zone where a residential use is planned, subject to the following requirements:

(A) The maximum number of signs for each model homes sales complex shall be as follows: one (1) temporary freestanding marketing sign, one (1) temporary freestanding sales information sign, one (1) temporary freestanding model identification sign for each residential unit being marketed, one (1) temporary freestanding parking sign, and six (6) temporary onsite flags;

(B) The maximum height for model homes sales complex signs shall be as follows: seven and one-half (7.5) feet for a temporary freestanding marketing sign, six (6) feet for a temporary freestanding sales information sign, four (4) feet for temporary freestanding model identification sign, four (4) feet for a temporary freestanding parking sign, and 18 feet for temporary onsite flags; and,

(C) The maximum area for model homes sales complex signs shall be as follows: twenty-eight (28) square feet, including base and/or embellishments for a temporary freestanding marketing sign; twenty-four (24) square feet, including base and/or embellishments, for a temporary freestanding sales information sign; five (5) square feet, including base and/or embellishments, for a temporary freestanding model identification sign; and, twelve (12) square feet, including base and/or embellishments, for a temporary freestanding parking sign.

(3) Community Amenity Signs. Signs highlighting a community amenity may be located in any zone where the community amenity is present, subject to the following requirements:

(A) Signs shall be limited to monument signs or freestanding signs;

(B) Only one (1) sign shall be installed per amenity;

(C) Maximum sign area per sign, including base and/or embellishments, shall be forty-two (42) square feet; and,

(D) Maximum height of each sign shall be five and one-half (5.5) feet.

9-17-109 Standards for Permitted Off-Premises Signs.

The off-premises signs specified below shall be permitted, subject to the following:

(a) Temporary Special Event Signs. Special event signs shall be subject to the requirements specified below:

(1) The location of special event signs shall be subject to the approval of the City;

(2) Maximum area for each sign shall be 25 square feet;

(3) Signs shall be made of non-metallic, weather resistant material, and shall not be illuminated nor contain moving parts;

(4) Signs shall not be erected more than 14 days prior to the commencement of the special event, and shall be removed no later than three (3) days after the end of the special event; and,

(5) Signs may be displayed for no more than 21 days, regardless of the duration of the event.

(b) Off-Site Subdivision Signs. Off-site temporary freestanding subdivision signs may be located on private property, away from driveways and intersections so that traffic and pedestrian safety is not affected, to provide information and directions to the public about specific subdivisions within Mountain House with a model home sales complex, subject to the requirements and application review process specified below:

(1) The maximum area set aside for individual subdivision signs shall be four (4) feet by eight (8) feet;

(2) Maximum sign height shall not exceed 12 feet;

(3) Maximum sign width shall not exceed eight (8) feet;

(4) Signs shall contain no more than two (2) sides;

(5) Sign copy relating to specific subdivisions shall be limited to the subdivision name, the subdivision logo, and a directional arrow to the subdivision;

(6) A subdivision name may not be advertised on the sign before either a building permit or a public report by the California Department of Real Estate has been issued;

(7) A subdivision name shall be removed from the off-site temporary sign within 30 days if no model homes or lots are available for viewing or sale; and,

(8) An off-site temporary subdivision sign shall be removed if no subdivision has been advertised on it for a period of 90 days.

Proposed off-site subdivision signage is subject to review-approval by the City via a Master Sign Program application submittal to the Planning Division.

9-17-110 Readerboard, Electronic, and Freeway-Oriented Signs

(a) Readerboard signs with manual or electronic changeable copy may be displayed in lieu of building-mounted or freestanding signs, subject to the following requirements.

(1) K-8 and High Schools; Public Agencies. Elementary and High Schools shall be permitted one (1) readerboard sign, limited to 60 square feet in area and eight (8) feet in height. Governmental organizations, agencies and special districts shall be subject to these same requirements.

(2) Other Public Assemblies and Religious Assemblies not for Entertainment. Other public assemblies and religious assemblies that are not engaged in commercial entertainment shall be permitted one (1) readerboard sign, limited to 24 square feet in area and six (6) feet in height. Sign copy shall not be changed more than one (1) time per day.

(b) Freeway-Oriented Signs. One Freeway-Oriented Sign, which may be analog or digital, shall be permitted in the Mountain House Business Park with a maximum height of 70 feet and maximum size area of 1,200 square feet. Said sign shall be located at a location approved by the City and may include provisions for the display and maintenance of City of Mountain House logo and branding, subject to mutual agreement between the City and the sign owner. The Freeway-Oriented Sign shall comply in all respects with the State of California Outdoor Advertising Act, Chapter 2 in Division 3 of the California Business and Professions Code. The Freeway-Oriented Sign shall be approved by the Community Development Director through the Site Approval process.

9-17-111 Nonconforming Signs.

A nonconforming sign which fails to conform to this chapter shall be allowed to continue in use, subject to the following:

(a) The nonconforming sign shall not be expanded, moved, relocated, or replaced;

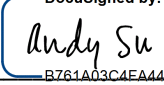
- (b) The nonconforming sign and sign structure may be maintained and repaired, but the maintenance and repair shall not exceed 50 percent of the sign's fair market value;
- (c) The sign copy and sign faces for nonconforming signs may be changed;
- (d) Other modifications / replacements of sign elements which constitute an improvement to the nonconforming sign may be allowed at the discretion of the Director; and,
- (e) The addition, reconstruction, relocation, or structural alteration of the nonconforming sign may be allowed but shall be subject to a new Sign Permit in compliance with the requirements of this Chapter.

THIS ORDINANCE was introduced with the first reading waived at a regular meeting of Mountain House City Council on the 25th day of March 2026 by the following vote:

AYES: DISKO, GREEN, HARRISON, TINGLE, MAYOR SU
 NOES: NONE
 ABSENT: NONE

And was adopted with the second reading waived at a regular meeting of the Mountain House City Council on the 8th day of April 2026 by the following vote:

AYES: DISKO, GREEN, HARRISON, TINGLE, MAYOR SU
 NOES: NONE
 ABSENT: NONE

DocuSigned by:

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 ANDY SU, MAYOR
 City of Mountain House
 County of San Joaquin, State of California

ATTEST:

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 MARGARET WIMBERLY
 City Clerk