

## ZONING

### CHAPTER 22.04

#### DEFINITIONS

**22.04.010 Generally.**

For the purposes of this Title, certain words and terms used herein are defined as set out in this Chapter. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4 (part).)

**22.04.020 Construction.**

All words in the present tense shall include the future tense. All words in the singular number shall include the plural number and all words in the plural number shall include the singular number, unless the natural construction of the wording indicates otherwise. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(1).)

**22.04.025 Activities Devoted Primarily to the Sale or Exchange of Tobacco-Related Products.**

"Activities devoted primarily to the sale or exchange of tobacco-related products" are activities either devoting 20 percent of floor area or display area to, or deriving 75 percent or more of gross sales receipts from, the sale or exchange of tobacco-related products. (Ord. 1290 C.S. § 3 (part), 2001.)

**22.04.026 Aggregate Side Yards.**

"Aggregate side yards" means the sum of the two side yards. (Ord. No. 1359 C.S., § 1, 12-15-2010)

**22.04.027 Agriculture - Large Scale.**

"Large scale agriculture" means general farming, wholesale horticulture, viticulture and floriculture, dairying, livestock production, fur farms, poultry raising, animal breeding, aviaries, apiaries, forestry and similar agricultural uses. (Ord. No. 1359 C.S., § 2, 12-15-2010)

**22.04.028 Agriculture - Small Scale.**

"Small scale agriculture" means crop and tree farming, horticulture and viticulture. (Ord. No. 1359 C.S., § 3, 12-15-2010)

**22.04.030 Alley.**

"Alley" means a public way permanently reserved primarily for vehicular service access to the rear or side of properties otherwise abutting on a street. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(4).)

**22.04.040 Alter.**

"Alter" means to make a change which will prolong the life of the supporting members of a structure, such as bearing walls, columns, beams or girders. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(5).)

## ZONING

### **22.04.041 Animal Structures - Large.**

"Large animal structures" means accessory structures provided for the shelter or housing of livestock including, but not limited to, barns and stables. (Ord. No. 1359 C.S., § 4, 12-15-2010)

#### **Editor's note—**

Ord. No. 1359, § 4, adopted December 15, 2010, amended the Code by, in effect, repealing former § 22.04.041 and adding a new § 22.04.041. Former § 22.04.041 defined the term "antique shops," and derived from Ord. 1284 C.S. of 2001.

### **22.04.042 Animal Structures—Small.**

"Small animal structures" means accessory structures provided for the shelter or housing of small animals including, but not limited to, chicken coops, rabbit hutches, and similar scale structures. (Ord. No. 1359 C.S., § 5, 12-15-2010)

### **22.04.045 Antique Shops.**

"Antique shops" means establishments engaged in retail sales of objects of art or pieces of furniture, household implements and the like, which, because of age, rarity, and fabrication or the manufacture at a time much earlier than present, have acquired a collectors' quality and value. This definition does not include any objects or materials that are obsolete and have secondhand or salvage value only. (Ord. No. 1359 C.S., § 6, 12-15-2010)

### **22.04.050 Apartment Hotel.**

"Apartment Hotel" means a combined multiple dwelling and hotel which maintains an interior lobby through which tenants must pass to gain access to dwelling units and hotel rooms, and in which not less than 50% of the accommodations are designed and used as dwelling units. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(6).)

### **22.04.051 Bail Bonds Shops.**

Establishments that provide security for the due appearance of an individual in order to obtain temporary release from imprisonment. (Ord. 1284 C.S. § 4 (part), 2001.)

### **22.04.052 Bar.**

"Bar" shall mean a business where alcoholic beverages, but not including beer and wine only, are sold for on-site consumption, with either no or limited food service which do not include a "bona-fide public eating place." "Bar" does not include a business where alcoholic beverages are served which business complies with all of the following: a) operates as "a bona-fide public eating place", b) possesses a license type issued by ABC which is issued only to establishments with a "bona-fide public eating place"; and c) provides meals, prepared on-site in a full commercial kitchen conforming to all current requirements of the Contra Costa County Health Services Department, the

## ZONING

Municipal Code of the City of Martinez and the City Building Official. (Ord. No. 1377 C.S., § 4, 2-5-2014)

### **Editor's note—**

Ord. No. 1377 C.S., §§ 4 and 5, adopted February 5, 2014, amended the Code by, in effect, renumbering former § 22.04.052 as a new § 22.04.054, and adding a new § 22.04.052.

### **22.04.054 Bed and Breakfast Inn.**

"Bed and Breakfast Inn" means a business operated as part of a dwelling in which lodging or lodging and meals are provided for compensation for more than 2 but not more than 6 persons other than members of the resident family, excluding a nursing home as defined in this Chapter, where the following conditions are met:

- A. The business is conducted within a dwelling by an inhabitant thereof.
- B. No signage is displayed other than a name plate not exceeding six (6) square feet in area.
- C. No noisy or otherwise objectionable machinery or equipment is used in the conduct of the business.
- D. No storage of equipment or supplies takes place outside of the dwelling.
- E. Off-street parking is provided at the rate of 2 spaces plus 1 space for each guest room.
- F. The conduct of the business does not create excessive pedestrian, automobile or truck traffic in the vicinity.

(Ord. No. 1377 C.S., § 5, 2-5-2014; Ord. 1027 C.S. § 2, 1984.)

**Note—**See editor's note, § 22.04.052.

### **22.04.060 Block.**

"Block" means the properties abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad rights-of-way, unsubdivided land or watercourse. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(7).)

### **22.04.063 Bona-fide Public Eating Place.**

"Bona-fide public eating place" shall have the same meaning as set forth in California Business and Professions Code Section 23038 and includes a place which regularly serves meals and which has suitable kitchen facilities connected therewith. "Bona-fide public eating places" does not include establishments with only limited food service such as only sandwiches or salads or pre-prepared foods. (Ord. No. 1377 C.S., § 6, 2-5-2014)

### **22.04.070 Breezeway.**

"Breezeway" means a structure for the principal purpose of connecting the main structure on a site with another main structure or an accessory structure on the same site. A breezeway shall not exceed 12 feet in height and no more than fifty percent (50%) of the sides of the structure shall be enclosed with any material other than that necessary for roof supports. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(8).)

## ZONING

### **22.04.080 Building.**

"Building" means any structure having a roof, support by columns or walls, for the housing or enclosure of persons, animals, chattels or property of any kind. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(9).)

### **22.04.090 Carport.**

"Carport" means an accessory structure or portion of a main structure having a roof but open on two or more sides and designed for the storage of motor vehicles. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(10).)

### **22.04.091 Check Cashing Shops.**

Establishments with a primary purpose of cashing checks and making loans other than a financial institution such as a bank or credit union. (Ord. 1284 C.S. § 4 (part), 2001.)

### **22.04.092 Christmas Tree Farm.**

"Christmas tree farm" means the seasonal sale of trees grown on site. Customer selection and cutting of trees may be part of the sales process. (Ord. No. 1359 C.S., § 7, 12-15-2010)

#### **Editor's note—**

Ord. No. 1359, § 7, adopted December 15, 2010, amended the Code by, in effect, repealing former § 22.04.092 and adding a new § 22.04.092. Former § 22.04.092 defined the term "commercial vehicle," and derived from Ord. 1342 C.S. of 2008.

### **22.04.095 Commercial Vehicle.**

"Commercial vehicle" shall have the same meaning as set forth in the California Vehicle Code as the same may be amended from time to time, except that commercial vehicle shall not include a pickup truck as defined in the California Vehicle Code as the same may be amended from time to time. (Ord. No. 1359 C.S., § 8, 12-15-2010)

### **22.04.100 Commissions, Officers, Boards.**

A. "Board of Adjustments" and "Board" mean the Zoning Administrator, or the Planning Commission, as determined by the Planning & Building Director.

B. "Building Inspector" means the Building Inspector of the City of Martinez.

C. "City Engineer" means the City Engineer of the City of Martinez.

D. "City Planning Commission" and "Commission" mean the Planning Commission duly appointed by the City Council.

E. "Zoning Administrator" means the Planning and Building Director, or his designee.

(Ord. 1041 C.S. § 1, 1985: Ord. 822 C.S. § 2 (part), 1975: prior code § 0,102.4(3)(part).)

### **22.04.110 Common Open Space.**

"Common Open Space" means land area of the site not covered by buildings or structures which is accessible to all occupants or dwelling units within the development. It does not include proposed street rights-of-way, open parking areas, driveways, school

## ZONING

sites, commercial areas and related facilities, or areas determined unsuitable by the Planning Commission. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(11).)

### **22.04.112 Day Care, General.**

"General day care" means a commercial business or institution that provides care for persons on a less than 24-hour basis. This classification is exclusive to those facilities licensed by the State, and includes nursery schools, preschools and day care centers for children or adults, but excludes smaller facilities such as family day care home. (Ord. No. 1359 C.S., § 9, 12-15-2010)

### **22.04.120 Depth.**

"Depth" means the horizontal distance between the front and rear property lines of a site measured along a line midway between the side property lines. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(12).)

### **22.04.125 Disabled Person(s).**

"Disabled person(s)" means a person who has a medical, physical, or mental impairment or condition that substantially limits 1 or more major life activities, as those terms are defined in the California Government Code Section 12926, anyone who is regarded as having such a condition or anyone who has a record of having such a condition. It includes a person or persons, or an authorized representative of a disabled person. The term disabled persons does not include a person who is currently using illegal substances, unless he or she has a separate disability. (Ord. No. 1379 C.S., § 4, 2-19-2014)

### **22.04.130 Dog Fancier.**

"Dog fancier" means a person owning or keeping four or more dogs over the age of six months:

- A. As pets;
- B. For showing in recognized dog shows, field trials or obedience trials;
- C. For working or hunting;
- D. For improving the variety of breed in temperament or conformation with a view to exhibition in shows or trials, or for use as working dogs in hunting.

(Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(13).)

### **22.04.140 Dog Kennels, Commercial.**

"Commercial dog kennels" means any lot, building, structure, enclosure or premises where one or more dogs are kept or maintained for commercial purposes, including boarding, breeding and veterinary care, for the primary purpose of sale or service for profit. All dogs maintained in commercial dog kennels are to be confined on the premises under the owner's control, and shall be enclosed in a building during the hours of darkness. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(14).)

### **22.04.150 Dwelling.**

"Dwelling" means a one-family dwelling, multiple dwelling, lodging house or apartment hotel. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(15).)

## ZONING

### **22.04.160 Dwelling Unit.**

"Dwelling unit" means 1 or more rooms and a single kitchen, designed for occupancy by one family for living and sleeping purposes. This includes mobile homes constructed after 1976 (certified under the National Mobile Home Construction and Safety Standards Act of 1974) and placed on permanent foundations. (Ord. 960 C.S., 1982; Ord. 822 C.S. § 2 (part), 1975; prior code § 10,102.4(16).)

### **22.04.165 Fair Housing Laws.**

"Fair Housing Laws" means the Federal Fair Housing Act (42 United States Code Section 3601 et. seq.) and the California Fair Employment and Housing Act (California Government Code Section 12926 and 12955 et. seq.), including amendments there to. (Ord. No. 1379 C.S., § 5, 2-19-2014)

### **22.04.170 Family.**

"Family" means an individual or two or more persons related by blood or marriage, or a group of not more than 6 persons, not including servants, who need not be related by blood or marriage, living as a single housekeeping unit. The limitation of a family to 6 persons who need not be related by blood or marriage shall not be applied to a family, otherwise complying with this chapter, with adoptive or foster children. (Ord. 822 C.S. § 2 (part), 1975; prior code § 10,102.4(17).)

### **22.04.175 Family Day Care Home.**

A facility located in a residential district which provides licensed family day care to 12 or fewer children including children who reside at the home. (Ord. 1055 C.S. § 2, 1985.)

### **22.04.180 Floor Area, Gross.**

"Gross floor area" means the total horizontal area in square feet on each floor within the exterior walls of a structure but not including the area of inner courts, shaft enclosures or exterior walls. (Ord. 822 C.S. § 2 (part), 1975; prior code § 10,102.4(18).)

### **22.04.182 Foster Family Home.**

"Foster family home" means any residential facility providing 24-hour care for six or fewer foster children that is owned, leased, or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed, or as defined and regulated by the California Health and Safety Code. (Ord. No. 1359 C.S., § 10, 12-15-2010)

### **22.04.190 Frontage.**

"Frontage" means the property line of a site abutting on a street, other than the sideline of a corner lot. (Ord. 822 C.S. § 2 (part), 1975; prior code § 10,102.4(19).)

## ZONING

### **22.04.200 Garage.**

"Garage" means an accessory structure or a portion of a main structure, enclosed on 3 or more sides, designed for the storage of motor vehicles. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(20).)

### **22.04.210 Garage, Repair.**

"Repair garage" means a structure or part thereof where motor vehicles are repaired or painted. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(21).)

### **22.04.220 Garage, Storage.**

"Storage garage" means a structure or part thereof used for the storage, parking or servicing of motor vehicles but not for the repair thereof. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(22).)

### **22.04.230 Group Care and Rehabilitation Facilities.**

"Group care and rehabilitation facilities" means residential facilities which provide supervision, care and/or rehabilitation services to resident mentally disordered persons, resident persons who have suffered such problems or diseases as alcoholism, drug addiction, or the like or other handicapped resident persons. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(23).)

### **22.04.240 Home Occupation.**

A. "Home occupation" means the conduct of an art or profession, the offering of a service or the conduct of a business, or the handcraft manufacture of products, but not including any of the following:

1. Appliance repair, other than repair of small household appliances;
2. Motorized garden tool repair such as, but not limited to, lawnmowers;
3. Massage parlor, as defined in Chapter 5.58 of this Code;
4. Pest control;
5. Vehicle production and services such as, but not limited to, the following: cleaning, dismantling, embellishment, installation, manufacture, repair or service, sale, lease or rental, and towing, excluding the dispatching of vehicles such as limousines, taxicabs, and ambulances;
6. Welding;
7. Any use which requires a hazardous materials permit from the Fire Department;
8. Medical marijuana dispensary, as provided in Chapter 22.41;
9. Any other use which does not comply with any of the conditions listed in subsection B of this Section.

B. All home occupations are subject to the following conditions:

1. The home occupation shall be conducted within a dwelling by an inhabitant thereof and shall be clearly incidental to the use of the structure as a dwelling;
2. There shall be no external alteration of the dwelling in which the home occupation is conducted;
3. No sign shall be displayed other than a nameplate in which the home occupation is conducted;

## ZONING

4. No one other than a resident of the dwelling shall be employed in the conduct of a home occupation, except that a doctor, dentist, osteopath or chiropractor may employ one assistant;

5. There shall be no noisy or otherwise objectionable machinery or equipment used in the conduct of the home occupation;

6. There shall be no storage, keeping or display of equipment, supplies or merchandise outside or in the vicinity of the dwelling. No goods, merchandise or products shall be sold or offered for sale inside of, outside of, or in the vicinity of, the dwelling. As used in this subsection, vicinity includes any private property located in the same street block as the dwelling;

7. The conduct of the home occupation shall not create excessive pedestrian, automobile or truck traffic in the vicinity or on the property of any other residence. (Ord. 1277 C.S. § 6, 2000.)

### **22.04.244 Homeless Person(s).**

"Homeless person(s)" means an individual who lacks a fixed, regular and adequate nighttime residence; and/or an individual who has a primary nighttime residence that is:

A. A supervised, publically or privately operated shelter designed to provide temporary living accommodations, including but not limited to emergency shelters, congregate shelters and transitional housing;

B. An institution that provides a temporary residence for individuals intended to be institutionalized; or

C. A public or private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings.

(Ord. No. 1379 C.S., § 6, 2-19-2014)

### **22.04.246 Homeless Shelter, Emergency.**

"Homeless shelter, emergency" means a residential facility, other than a community care facility, operated by a provider which provides temporary accommodations to persons or families with low income. The term "temporary accommodations" means that a person or family will be allowed to reside at the shelter for a time period not to exceed 180 days. For purpose of this definition, a "provider" shall mean a government agency or private non-profit organization which provides or contracts with recognized community organizations to provide emergency or temporary shelter, and which may also provide meals, counseling and other services, as well as common areas for residents of the facility. Such a facility may have individual rooms, but is not developed with individual dwelling units. (Ord. No. 1379 C.S., § 7, 2-19-2014)

### **22.04.248 Homeless Shelter, Ongoing.**

"Homeless shelter, ongoing" means a program, operated by a religious or eleemosynary institution (with the intent of placing the homeless in permanent dwelling units within 90 days after first occupying the shelter) that provides overnight shelter, 2 meals a day and case management services for homeless persons, with no predetermined limitation to length of occupancy. (Ord. No. 1379 C.S., § 8, 2-19-2014)

## ZONING

### **22.04.250 Hotel.**

"Hotel" means a structure or portion thereof in which there are 16 or more individual guest rooms or suites, usually occupied on a transient basis, where lodging, with or without meals is provided for compensation, and in which more than 50% of the individual guest rooms and suites are without kitchens. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(25).)

### **22.04.260 Junkyard.**

"Junkyard" means a site or portion of a site on which waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including used furniture and household equipment yards, house wrecking yards, used lumber yards and the like excepting a site on which such uses are conducted within a completely enclosed structure and excepting motor vehicle wrecking yards as defined in this chapter. An establishment for the sale, purchase or storage of used cars or salvaging machinery in operable condition, and the processing of used or salvaged materials as part of a manufacturing operation shall not be deemed a junkyard. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(26).)

### **22.04.264 Kitchen.**

"Kitchen" shall mean an area used or designed to be used for the preparation of food and equipped with any one or all of the following:

- A. A sink and/or other device for dishwashing;
- B. A stove, microwave or other device for cooking or heating food;
- C. A refrigerator or other device for cool storage of food;
- D. Cabinets, shelves or counters for storage of equipment and utensils for food preparation.

(Ord. 965 C.S. § 5, 1982.)

### **22.04.270 Lodging House.**

"Lodging house" means a dwelling in which lodging or lodgings and meals are provided for compensation for more than 6 but not more than 15 persons other than members of the resident family, excepting a nursing home as defined in this Chapter. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(27).)

### **22.04.280 Lot.**

"Lot" means a parcel of subdivided land which is shown on a duly approved and recorded subdivision map. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(28).)

### **22.04.290 Lot, Corner.**

"Corner lot" means a site bounded by two or more adjacent street lines which have an angle of intersection of not more than 135 degrees. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(30).)

### **22.04.300 Lot, Corridor Access.**

"Corridor access lot" means a site with access to a street by means of a corridor having not less than 20 feet of frontage and a width less than the required site width but

## ZONING

not less than 20 feet. The area of an access corridor shall not be included in determining site area. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(29).)

### **22.04.310 Lot, Double Frontage.**

"Double frontage lot" means an interior lot having frontage on two parallel or approximately parallel streets. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(31).)

### **22.04.320 Lot, Interior.**

"Interior lot" means a lot other than a corner lot. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(32).)

### **22.04.330 Lot, Key.**

"Key lot" means the first interior lot to the rear of a reversed corner lot. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(33).)

### **22.04.340 Lot Line, Front.**

"Front lot line" means a line separating an interior lot from a street, or a line separating the narrower street frontage of a corner lot from a street. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(35).)

### **22.04.350 Lot, Reversed Corner.**

"Reversed corner lot" means a corner lot the side line of which is substantially a continuation of the front property line of the first lot to the rear. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(34).)

### **22.04.355 Lunch Wagon.**

A cart or motor vehicle from which beverages and ready-to-eat food items are sold. (Ord. 1245 C.S. § 1 (part), 1997.)

### **22.04.360 Major Thoroughfare.**

"Major thoroughfare" means a major street having two or more lanes for each direction of travel, designated as a thoroughfare on the circulation element of the General Plan. For the purposes of this title, this shall apply to all of Alhambra Avenue; Berrellesa Street; Escobar Street and Marina Vista from Berrellesa Street easterly; Pine Street from Jones Street northerly; and Pacheco Boulevard. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(36).)

### **22.04.361 Massage Parlors.**

Establishment engaged in the purpose of massage treatments by one or more therapists. This category does not include day spas. (Ord. 1284 C.S. § 4 (part), 2001.)

### **22.04.362 Mobile Storage Container.**

"Mobile storage container" means any enclosed or partially enclosed storage structure, including, but not limited to, cargo or shipping containers, "POD" units, and

## ZONING

other pre-fabricated structures intended for the storage or transport of goods. (Ord. 1342 C.S. § 2, 2008.)

### **22.04.370 Motel.**

"Motel" means a structure, or portion thereof, or a group of attached or detached structures containing individual guest rooms, suites or dwelling units, usually occupied on a transient basis and usually with a garage attached or parking space located in proximity to each unit, where lodging is provided for compensation. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(37).)

### **22.04.380 Motor Vehicle Wrecking Yard.**

"Motor vehicle wrecking yard" means a site, or portion of a site, on which the dismantling or wrecking of used vehicles, whether self-propelled or not, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts is conducted. The presence on a site of three or more motor vehicles which have not been capable of operating under their own power for thirty (30) days or more or, in the case of vehicles not self-propelled, which have not been towable or from which parts have been removed for reuse or sale, shall constitute prima facie evidence of a motor vehicle wrecking yard. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(38).)

### **22.04.390 Multiple Dwelling.**

"Multiple dwelling" means a structure containing more than 1 dwelling unit, designed for occupancy or occupied by more than 1 family and usually not occupied on a transient basis. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(39).)

### **22.04.392 Net Lot Area.**

"Net lot area" means total parcel area excluding street rights-of-way including but not limited to streets, alleys and access corridors, and creek setbacks. (Ord. No. 1359 C.S., § 11, 12-15-2010)

### **22.04.395 Non-Taxable Merchandise.**

"Non-taxable merchandise" means products, commodities, or items the sale of which is not subject to California State sales tax. (Ord. 1296 C.S. § 1 (part), 2002.)

### **22.04.400 Nursery School.**

"Nursery school" means a school for 13 or more pre-elementary school age children (including those residing on the site), or use of a site, or portion of a site, for a group day care program. (Ord. 1055 C.S. § 1, 1985: Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(40).)

### **22.04.410 Nursing Home.**

"Nursing home" means a structure operated as a lodging house in which nursing, dietary and other personal services are rendered to convalescents, invalids and aged persons not including persons suffering from contagious or mental diseases, alcoholism or drug addiction, and in which surgery is not performed and primary treatment, such as customarily is given in hospitals and sanitariums, is not provided. A convalescent home

## ZONING

or a rest home shall be deemed a nursing home. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(41).)

### **22.04.420 Off-Street Loading Facilities.**

"Off-street loading facilities" means a site, or a portion of a site, devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives and landscaped areas. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(42).)

### **22.04.430 Off-Street Parking Facilities.**

"Off-street parking facilities" means a site, or portion of a site, devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives and landscaped areas. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(43).)

### **22.04.440 Outdoor Advertising Structure.**

"Outdoor advertising structure" means any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, located on a site other than the site on which the advertised use is located or on which the advertised product is produced. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(44).)

### **22.04.441 Pawnshops.**

Establishment engaged in retail sales of new or secondhand merchandise and offering loans secured by personal property. (Ord. 1284 C.S. § 4 (part), 2001.)

### **22.04.442 Reasonable Accommodation.**

"Reasonable accommodation" means providing disabled persons flexibility or removal of constraints in the application of land use and zoning regulations and procedures, or even waiving certain requirements, when necessary to eliminate barriers to housing opportunities. It may include such things as yard area modifications for ramps, handrails or other such accessibility improvements; hardscape additions, such as widened driveways, parking areas or walkways; building additions for accessibility; tree removal; or reduced off-street parking where the disability clearly limits the number of people operating vehicles. Reasonable Accommodation does not include an accommodation which would impose an undue financial or administrative burden on the City, or require a fundamental alteration in the nature of the City's land use and zoning program. (Ord. No. 1379 C.S., § 10, 2-19-2014)

#### **Editor's note—**

Ord. No. 1379 C.S., §§ 9 and 10, adopted February 19, 2014, amended the Code by renumbering former §§ 22.04.442—22.04.447 as new §§ 22.04.443—22.04.448, and adding a new § 22.04.442.

### **22.04.443 Recreational Vehicle.**

A. "Recreational vehicle" means each of the following as defined in the California Vehicle Code, as the same may be amended from time to time:

1. All terrain vehicle;

## ZONING

2. Bus;
  3. Camp trailer;
  4. Camper;
  5. Fifth-wheel travel trailer;
  6. Golf cart;
  7. House car;
  8. Motor truck;
  9. School bus;
  10. Semitrailer;
  11. Snowmobile;
  12. Tow truck;
  13. Trailer;
  14. Trailer coach;
  15. Trailer bus;
  16. Truck tractor;
  17. Utility trailer;
  18. Youth bus.
- B. Recreational vehicle also means any of the following:
1. Horse trailer;
  2. Off-road motorcycle;
  3. Boat;
  4. Jet ski or other watercraft.

(Ord. No. 1379 C.S., § 9, 2-19-2014; Ord. 1342 C.S., § 3, 2008; Ord. 974 C.S., § 1, 1982.)

**Note**—Former § 22.04.442. See editor's note, § 22.04.442.

### **22.04.444 Recreational Vehicle, Oversized.**

"Oversized recreational vehicle" means any recreational vehicle, as defined in Section 22.04.442, that exceeds either: (1) a height of 12 feet; or (2) a length of 35 feet. (Ord. No. 1379 C.S., § 9, 2-19-2014; Ord. 1342 C.S., § 4, 2008.)

**Note**—Former § 22.04.443. See editor's note, § 22.04.442.

### **22.04.445 Residential Congregate Care Facility.**

"Residential congregate care facility" means a facility operated by a person with all required state and local agency approvals or licenses, where not more than six persons reside or receive care, not including the licensee or members of the licensee's family or persons employed as facility staff, or as defined and regulated by the California Health and Safety Code. (Ord. No. 1379 C.S., § 9, 2-19-2014; Ord. No. 1359 C.S., § 12, 12-15-2010)

**Note**—Former § 22.04.444. See editor's note, § 22.04.442.

### **22.04.445.5 Restaurant.**

"Restaurant" shall mean an eating and drinking establishment, including, but not limited to, a bona-fide public eating place, sandwich shop, café, coffee shop, beer garden or wine bar, but not including a bar. (Ord. No. 1379 C.S., § 9, 2-19-2014; Ord. No. 1377 C.S., § 7, 2-5-2014)

## ZONING

**Note**—Former § 22.04.444.5. See editor's note, § 22.04.442.

### **22.04.446 Secondary Housing Unit.**

"Secondary housing unit" means an additional dwelling unit constructed or adapted within, onto, or apart from an existing, or built concurrently with, a single-family dwelling in any residential district. (Ord. No. 1379 C.S., § 9, 2-19-2014; Ord. 1312 C.S., § II, 2004; Ord. 963 C.S., § 1, 1982.)

**Note**—Former § 22.04.445. See editor's note, § 22.04.442.

### **22.04.447 Secondhand Stores.**

The retail sale of used appliances, clothing and miscellaneous household or personal items. This classification excludes antique shops primarily engaged in the sale of used furniture and accessories other than appliances. (Ord. No. 1379 C.S., § 9, 2-19-2014; Ord. 1284 C.S., § 4 (part), 2001.)

**Note**—Former § 22.04.446. See editor's note, § 22.04.442.

### **22.04.448 Sales Floor Area.**

"Sales floor area" means only interior building space devoted to the sale of merchandise, and does not include restrooms, office space, storage space, automobile service areas, or open-air garden sales space. (Ord. No. 1379 C.S., § 9, 2-19-2014; Ord. 1296 C.S., § 2 (part), 2002.)

**Note**—Former § 22.04.447. See editor's note, § 22.04.442.

### **22.04.450 Service Station.**

"Service station" means a place where gasoline or any other motor fuel, lubricating oil or grease for the operation of passenger vehicles is offered for sale to the public and deliveries are made directly into the vehicle, including lubrication on the site and the washing of automobiles where no chain conveyor, blower or steam cleaning device is used. (Ord. 822, C.S. § 2 (part), 1975; prior code § 10.102.4(45).)

### **22.04.460 Shall.**

The word "shall" is mandatory and not directory. (Ord. 822 C.S. § 2 (part), 1975; prior code, § 10,102.4(2).)

### **22.04.470 Site.**

"Site" means a parcel of land, subdivided or unsubdivided, occupied or to be occupied by a use or structure. (Ord. 822, C.S. § 2 (part), 1975; prior code, § 10,102.4(46).)

### **22.04.480 Site Area.**

"Site area" means the total horizontal area included within the property lines of a site. (Ord. 822 C.S. § 2 (part), 1975; prior code § 10,102.4(47).)

### **22.04.482 Small Animal Farming.**

"Small animal farming" means the raising of poultry, rabbits and other grain-fed rodents and birds. (Ord. No. 1359 C.S., § 13, 12-15-2010)

## ZONING

### **22.04.490 Stable.**

"Stable" means a structure accessory to a dwelling, used or designed to be used to shelter horses, including a corral or paddock. (Ord. 822 C.S. § 2 (part), 1975; prior code, § 10,102.4(48).)

### **22.04.500 Street.**

"Street" means a thoroughfare, dedicated as such or acquired for public use as such, other than an alley, which affords the principal means of access to abutting land. (Ord. 822 C.S. § 2 (part), 1975; prior code, § 10,102.4(49).)

### **22.04.510 Street Intersection.**

"Street intersection" means the intersection of the right-of-way or side lines of the street at a corner, or the intersection of a straight line extension of such right-of-way or side lines thereof. (Ord. 822 C.S. § 2 (part), 1975: prior code, § 10,102.4(50).)

### **22.04.520 Structure.**

"Structure" means anything constructed or erected which requires a location on the ground, including a building but not including a fence or a wall used as a fence. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(51).)

### **22.04.530 Structure, Accessory.**

"Accessory structure" means an attached or detached subordinate structure, which is, subordinate in size and incidental to the use of the main structure or the main use of the land, and which is located on the same site with the main structure or use. Examples of attached accessory structures include, but are not limited to, unenclosed structures and unconditioned enclosed structures such as: decks that are 18 inches or more above grade, trellises, and patio covers/enclosures. Examples of detached accessory structures include, but are not limited to, those features permitted as attached accessory structures, as well as: garages, carports, storage sheds, greenhouses, gazebos, and secondary housing units. The size of an enclosed accessory structure is defined as the floor area within the structure. The size of an unclosed accessory structure, such as a carport, gazebo or deck, is defined as the structure's projected roof or deck area. In-ground swimming pools where no part of the pool and/or ancillary features is more than 18 inches above grade, are not defined as accessory structures for purposes of height, minimum yard and/or maximum coverage limitations. (Ord. 1335 C.S. § 1, 2007: Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(52).)

### **22.04.540 Structure, Main.**

"Main structure" means a structure housing the principal use of a site or functioning on the principal use. (Ord. 822 C.S. § 2 (part), 1975: prior code § 1,102.4(53).)

## ZONING

### **22.04.541 Supportive Housing.**

"Supportive Housing" means housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of Section 53260 and as per subdivision (b) of Section 50675.14 of the California Health and Safety Code, and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. (Ord. No. 1379 C.S., § 12, 2-19-2014)

#### **Editor's note—**

Ord. No. 1379 C.S., §§ 11 and 12, adopted February 19, 2014, amended the Code by renumbering former § 22.04.541 as a new § 22.04.543, and adding a new § 22.04.541.

### **22.04.543 Tattoo Parlors.**

Establishments specializing in providing tattoos, body piercing or other similar service involving permanent coloring or adorning of skin or body parts. (Ord. No. 1379 C.S., § 11, 2-19-2014; Ord. 1284 C.S., § 4 (part), 2001.)

#### **Editor's note—**

Former § 22.04.051. See editor's note, § 22.04.051.

### **22.04.545 Tobacco-Related Products.**

"Tobacco-related products" are any substance containing tobacco leaf, including but not limited to, cigarettes, cigars, pipes, tobacco, snuff, chewing tobacco and dipping tobacco; cigarette papers; or any other instrument or paraphernalia that is designed for the smoking or ingestion of tobacco and products prepared from tobacco. (Ord. 1290 C.S., § 3 (part), 2001.)

### **22.04.548 Transit Stop.**

"Transit Stop" means a regularly scheduled bus stop, as posted in a transit agency's most current publication of routes and stops, including but not limited to Central Contra Costa Transit Authority's (CCCTA) "County Connection" bus service. (Ord. No. 1379 C.S., § 13, 2-19-2014)

### **22.04.549 Transitional Housing.**

"Transitional Housing" and "Transitional Housing Development" means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than 6 months, per subdivision (h) of Section 50675.2 of the California Health and Safety Code. (Ord. No. 1379 C.S., § 14, 2-19-2014)

### **22.04.550 Transmission Line.**

"Transmission line" means a system designed to impart direction to any energy, force, material or substance for the purpose of conveying said items from one location to another location without the lines' output content being reduced, in comparison to line input content, by direct distribution to consumers. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(54).)

## ZONING

### **22.04.560 Usable Open Space.**

"Usable open space" means outdoor area on ground, roof, balcony, deck or porch which is designed and accessible for outdoor living, recreation, utility space, pedestrian access or landscaping. Such areas:

- A. Shall not include off-street parking space or driveways;
- B. Shall not include the required front yard nor the street side yard of any corner lot, except that any portion of such yard which is located beyond the first 16 feet may be included if it meets all other qualifications of usable open space;
- C. Shall have a minimum dimension of 12 feet in any direction and a minimum area of 200 square feet, provided:
  1. Balconies may be included if they have a minimum dimension of 7 feet and a minimum area of 80 square feet; and
  2. Roof, deck and/or porch areas may be included if they have a minimum dimension of 10 feet and a minimum area of 120 square feet and are designed to be accessible to and usable by the occupants of the building(s). (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(55).)

### **22.04.570 Use.**

"Use" means the purpose for which a site or structure is arranged, designed, intended, constructed, erected, moved, altered or enlarged, or for which either a site or a structure is or may be occupied or maintained. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(56).)

### **22.04.580 Width.**

"Width" means the horizontal distance between the side property lines of a site measured at right angles to the depth at a point midway between the front and rear property lines. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(57).)

### **22.04.585 Wind Generator.**

"Wind generator" means the equipment used to convert wind energy into electrical power, including a rotor (e.g., propeller), support pole and/or wires, and all interconnection and auxiliary equipment. (Ord. 1323 C.S. § I, 2005.)

### **22.04.590 Yard.**

"Yard" means an open space on the same site as a structure unoccupied and unobstructed from the ground upward, including a front yard, side yard, rear yard or space between structures. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(58).)

### **22.04.600 Yard, Front.**

"Front yard" means a yard extending across the full width of a site, the depth of which contains all areas between the front property line back to the wall(s) of the building which are parallel or generally face the front property line. The minimum required front yard is an area extending across the full width of the lot between the front property line and the minimum required setback distance, as required by the applicable

## ZONING

zoning district standards. (Ord. 1342 C.S. § 5, 2008; Ord. 822 C.S. § 2 (part), 1975; prior code § 10,102.4(59).)

### **22.04.610 Yard, Rear.**

"Rear yard" means a yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the rear property line and line parallel thereto on the site. (Ord. 822 C.S. § 2 (part), 1975; prior code § 10,102.4(60).)

### **22.04.620 Yard, Side.**

"Side yard" means a yard extending from the rear line of the required front yard, or the front property line of the site where no front yard is required, to the front line of the required rear yard, to the rear property line of the site when no rear yard is required, the depth of which is the minimum horizontal distance between the side property line and a line parallel thereto on the site. (Ord. 822 C.S. § 2 (part), 1975; prior code § 10,102.4(61).)

### **22.04.630 Yard, Street-Side Side.**

"Street-side side yard" means a yard extending from the front yard to the rear property line, the depth of which contains all areas between the side property line of a corner lot back to the wall(s) of the building which are parallel or generally face the side property line. The minimum required side yard on the street side of a corner lot is an area extending across the full length of the lot between the street side property line and the minimum required street-side yard setback distance, as required by the applicable zoning district standards. (Ord. 1342 C.S. § 6, 2008.)