

ORDINANCE NO.19-04-751

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEHACHAPI TO AMEND ORDINANCE NO. 14-03-717 SECTIONS 2.10.030, 2.10.040, 2.10.050, 2.10.060, 2.10.070, 2.10.080, 3.20.030, 3.20.040, 3.20.070, 3.20.080, 3.30.030, 3.30.040, 3.30.050, 3.30.060, 3.30.070, 3.30.080, 3.30.090, 3.30.100, 3.30.110, 3.30.130, 3.30.140, 3.30.150, 3.30.160, 4.40.020, 5.10.140, 7.10.155, 7.10.160, 7.10.210, 7.20.120, 7.20.160, 7.20.185, 7.20.200, 9.10.030, 9.60.020, 9.60.040, 9.60.050, 9.75, 11.10.020.

THE CITY COUNCIL OF THE CITY OF TEHACHAPI DOES ORDAIN AS FOLLOWS:

Section 1. Amendments.

The amendments or additions made herein are designated by underlining the new substituted words. Words being deleted are designated by brackets with a line drawn through said words.

Chapter 2.10 Traditional Neighborhood Development Site Planning Standards

Section 2.10.030 Site Planning Standards for Walkable Neighborhoods

A. Neighborhood Master Plan Required.

1. A neighborhood master plan must be prepared prior to subdividing any land. A neighborhood master plan shall consist of at least one pedestrian shed and address the ~~[following:]~~ proposed block and street network, ~~[and]~~ connectivity to the existing street network, proposed open space distribution, and the application of zoning to each block consistent with the General Plan. ~~[The]~~
2. An application for a neighborhood master plan shall be filed and processed in compliance with Chapter 9.10 (Application Processing Procedures).
3. The application shall include the information and materials specified in the Department handout for neighborhood master plans, together with the required fee.
4. Neighborhood master plans proposed ~~[may show less detail]~~ on sites not in the applicant's control ~~[by the applicant]~~ may show less detail as determined by the Director, but shall address the required topics established in Subsection 1.

B. General Neighborhood Layout

1. Any site over 10 acres must be master planned as a pedestrian shed. ~~[Generally described as a quarter mile radius, to determine its focal point.]~~
2. Any site over 120 acres must be master planned with one or more pedestrian sheds ~~[to determine neighborhood centers]~~

3. No more than 15 percent [%] of land should fall outside of a pedestrian shed unless it is being designated as T2 (Rural Edge).
4. Neighborhood master plans must allocate transect zones as stipulated in Section C. and the open space standards established in Chapter 8.10 (Specific to Open Space).

Section 2.10.040 Review Authority

The Neighborhood Master Plan application required by this Chapter shall be reviewed and approved by the Commission in compliance with procedures set out in Chapter 9.10 (Permit Processing Procedures) and in compliance with Chapter 10.20 (Appeals).

Section 2.10.050 Application Requirements

A. Application Filing

1. An Application for a Neighborhood Master Plan shall be filed and processed in compliance with Chapter 9.10 (Application Processing Procedures).
2. The application shall include the information and materials specified in the Department handout for Neighborhood Master Plan applications, together with the required fee.

Section 2.10.060 Findings and Decision

A. Decision

1. The Commission may approve, conditionally approve, or deny any application following the close of the public hearing on the matter or within 35 days thereafter by resolution. Such resolution shall include findings in compliance with this Chapter.
2. The decision shall be final, subject to appeal in compliance with Chapter 10.20 (Appeals).
3. In the event that the Commission is unable to reach a majority decision, as evidenced by a tie vote, the applicant shall have the option of continuing the public hearing until such time as a majority vote can be obtained or consider the application denied.

B. Findings

The Planning Commission may approve a Neighborhood Master Plan application only after making the following findings that the application:

1. Is consistent with the goals and policies of the City's General Plan and meets applicable district development standards;

2. Meets the minimum applicable requirements of this title and is in compliance with all other applicable laws, ordinances, and regulations of the City of Tehachapi and the State of California;
3. Will not be materially detrimental to the health, safety, and welfare of the public or to property and residents in the vicinity;
4. Complies with the terms and provisions of any prior zone change approval or Conditional Use Permit;
5. Adequately and safely provides for vehicular or pedestrian safety, both on and off site, by reason of properly arranged vehicular or pedestrian ingress and egress and internal circulation, or that excessive traffic congestion will not be created;
6. Makes adequate provision to protect adjoining properties and structures from excessive and unreasonable nuisances, including for example, noise, vibrations, gases or odors, which might interfere with the use and enjoyment of surrounding properties; and
7. Is consistent with the applicable provisions of the California Environmental Quality Act and the State CEQA Guidelines.
8. The proposed land use, site and architecture promote a design consistent with and appropriate for the location, and consistent with the intended physical environment of the zoning district.

C. Written Notice

Written notice of such decision shall be given by mail within seven calendar days, after the appeal period ends, to the applicant and any person filing a written request for notice of the decision.

Section 2.10.070 Post Decision Procedures

The procedures and requirements in Chapter 9.90 (Permit Implementation, Time Limits, and Extensions), and those related to appeals (Chapter 10.20) and Modifications and Revocations (Chapter 9.100) shall apply following the decision on a Neighborhood Master Plan application.

Section 2.10.080 Appeal

1. Any interested person that is adversely affected by a decision of the review authority, may file an appeal to the City Council.
2. Any such appeal shall be filed with the clerk of the city within 10 days after the action of the review authority from which the appeal is being taken in compliance with Section 10.20 (Appeals).

Chapter 3.20 Transect Zones

Section 3.20.030 Rural Edge (T2) Zone

B. Land Use Standards

Table 3.20.030 Land Use Standards

Category	Use	Permit	Pkg
Restaurant and Food	Drive-Through	-	-
	Pub/Bar, Microbrewery	-	-
	Restaurant (may incl alcohol sales)	MUP	1/400
	Outdoor Dining	P(1)	0
	Wine Tasting/Microbrewery	MUP	1/400
	Brewpub	MUP	1/400
Industrial	Manufacturing (perishable: e.g., cider, apple juice) < [2,000] 4,000 sq ft bldg.	MUP	0

Section 3.20.040 Rural General (T2.5) Zone

B. Land Use Standards

Table 3.20.040 Land Use Standards

Category	Use	Permit	Pkg
Restaurant and Food	Drive-Through	-	-
	Pub/Bar, Microbrewery	CUP	1/400
	Restaurant (may incl alcohol sales)	MUP	1/400
	Outdoor Dining	-	-
	Wine Tasting/Microbrewery	MUP	1/400
	Brewpub	MUP	1/400
Industrial	Manufacturing (perishable: e.g., cider, apple juice) < [1,500] 3,000 sq ft bldg.	CUP	1/500

Section 3.20.070 Neighborhood Center (T4.5) Zone

B. Land Use Standards

Table 3.20.070 Land Use Standards

Category	Use	Permit	Pkg
Restaurant and Food	Drive-Through	-	-
	Pub/Bar <1,000 sq ft	CUP	1/350
	Restaurant (may incl alcohol sales)	MUP	1:4
	Outdoor Dining	MUP (1)	0
	Wine Tasting [Microbrewery] <1,000 sq ft	MUP	1:4
	Brewpub	MUP	1/400

Section 3.20.080 Downtown (T5) Zone

B. Land Use Standards

Table 3.20.080 Land Use Standards

Category	Use	Permit	Pkg
Restaurant and Food	Drive-Through	-	-
	Pub/Bar	MUP	1:5
	Restaurant (may incl alcohol sales)	MUP	1:5
	Outdoor Dining	MUP (1)	0
	Wine Tasting/Microbrewery	P	1:5
	Brewpub	MUP	1/400

Section 3.30.100 Central Commercial (C-2) Zone

B. Land Use Standards

Table 3.30.100 Land Use Standards

Category	Use	Permit	Pkg
Restaurant and Food	Drive-Through	P	1/200
	Pub/Bar, Microbrewery	P(1)	1/200
	Restaurant (may incl alcohol sales)	P	1/200
	Outdoor Dining	-	-
	Wine Tasting	P	1/200
	Brewpub	MUP	1/200

Section 3.30.110 General Commercial (C-3) Zone

B. Land Use Standards

Table 3.30.110 Land Use Standards

Category	Use	Permit	Pkg
Restaurant and Food	Drive-Through	P	1/200
	Pub/Bar, Microbrewery	P(1)	1/200
	Restaurant (may incl alcohol sales)	P	1/200
	Outdoor Dining	-	-
	Wine Tasting	P	1/200
	Brewpub	MUP	1/200

Section 3.30.130 Light Industrial (M-1) Zone

B. Land Use Standards

Table 3.30.130 Land Use Standards

Category	Use	Permit	Pkg
Restaurant and Food	Drive-Through	P	1/200
	Pub/Bar, Microbrewery	P(1)	1/200
	Restaurant (may incl alcohol sales)	P	1/200
	Outdoor Dining	-	-
	Wine Tasting	P	1/200
	Brewpub	MUP	1/200
Industrial	Manufacturing (perishable: e.g., cider, apple juice) < [1,500] 4,500 sq ft bldg.	CUP	1/400

Section 3.30.140 Medium Industrial (M-2) Zone

D. Land Use Standards

Table 3.30.140 Land Use Standards

Category	Use	Permit	Pkg
Industrial	Manufacturing (perishable: e.g., cider, apple juice) < [2,000] 6,000 sq ft bldg.	CUP	1/500

Section 3.30.150 Agriculture (A) Zone

B. Land Use Standards

Table 3.30.150 Land Use Standards

Category	Use	Permit	Pkg
Industrial	Manufacturing (perishable: e.g., cider, apple juice) < [1,500] 3,000 sq ft bldg.	CUP	1/400

Chapter 3.30 Non-Transect Zones

Section 3.30.030 Estate (E) Zone

[Note this amendment also applies to the Encroachments Tables in all other non-transect zones, i.e. Sections 3.30.030 through 3.30.150]

C. Development Standards

J. Encroachments	Requirements
Encroachment into Front Setback	
Architectural Features	3' max.
Uncovered porches and necessary landings ¹	6' max.
Stairs and connected platforms or landings extending above the first floor of a building	6' max.
<u>Awnings and decks</u>	<u>50% of required setback</u>
Encroachment into Side or Rear Setback	
Uncovered stairs and necessary landings ¹	3' max.
<u>Awnings, decks, and trellises or patio covers ²</u>	<u>50% of required setback</u>
¹ Such stairs and landing shall not extend above the first floor of the building, except for a railing not exceeding three feet in height.	
² Height to the top of the trellis or patio cover is 9 feet max.	

Section 3.30.160 Planned Development (PD) Zone

D. General Standards

1. Development and Operational Standards

- a) Standards for area, coverage, light, and air orientation, building height, sign placement and design, setback requirements, open spaces, off-street parking, and screening for planned development uses, shall be established for each development for which a PD zone is requested and adopted ~~[governed] by [standards that]~~ the Commission ~~[shall adopt from time to time]~~ .

- b) The Commission shall, upon adopting such standards, be guided by those standards and requirements of the zone most similar in nature and function to the proposed planned development uses, and shall also be guided by the provisions of Article 9 (Procedures) and Article 4 (General to Zones).

Chapter 4.40 Landscape Standards

Section 4.40.020 Applicability

1. The Provisions of Section 4.40.070 (Maintenance) shall apply to all developed property within the City of Tehachapi at all times.

Chapter 5.10 Building Standards

Section 5.10.140 Villa Standards

A. Description and Intent

1. Description. A building with the appearance of a large house, containing up to eight dwellings with one or more common entries to ~~[-The Building has]~~ a central lobby that provides access to individual units. On-site open space is provided through individual patios in addition to the rear yard and other common open space on the lot. Multiple villa buildings may be arranged on a lot or block to provide flexibility in site layout provided that surface or covered parking is located along the rear with alley access behind the buildings. The building may accommodate ground floor non-residential uses in either a live-work configuration or as solely commercial/retail space facing the primary street as allowed by the zone
2. Examples of Intended Physical Character. The following examples are illustrative of the range of physical character for the Villa type in the zones allowed by this Code.

B. Design Standards

	Villa types are subject to the following as applicable.
	<u>The building site standards for the T4 and T4.5 zones do not apply when two or more villa buildings are proposed within a development on a half- or full-block.</u>
	Facades shall be composed of increments of 25 ft or less. Increments shall be created through projecting or recessing wall surfaces, changes in roofline and/or placement of piers and pilasters.
	Facades along frontage lines as defined by the zone shall apply frontage types per Section C.3 of the zone.
	Along any frontage, the building shall include a decorative parapet and/or a pitched roof with a visible eave from the sidewalk.
	Buildings on corner sites shall be designed with two facades of equal architectural expression.
	Building entries for non-residential units shall be at grade along the adjacent sidewalk. Building entries for dwellings shall be raised 1.5 ft from the adjacent sidewalk grade to provide some privacy for occupants. Where ramps are required, their design shall be per the ADA requirements and the frontage requirements in Section C.3 of the zone.
PE	Parking access driveways and spaces shall be located per Section C.2 of the zone standards.

Where ground floor residential is allowed, first floor living areas rather than sleeping or service rooms shall be oriented toward the street. Where the zone allows non-residential activity, retail or office space rather than service rooms shall be oriented toward the street.
The main entrance to each unit shall be from a common lobby within the main facade and accessed directly from the street. <u>Units along side streets may have a second common entry.</u>
Ground floor dwelling units fronting on a street may also have a separate entrance directly from the street through an allowed Frontage Type. However, the scale and design of entrances to individual units shall be such that the entrance to the shared lobby is clearly recognizable as the building's main entrance
Units along side streets may enclose private open space only through the Walled Yard type (5.20.110).
In T5, zero interior sideyard setback allowed if natural light provided to dwellings along the interior side of the building site. Otherwise, minimum 10 feet required.
<u>Where an alley is present, parking and services shall be accessed from the alley. Surface parking must be located to the rear of the building. Parking spaces may be enclosed, covered or open.</u>

Chapter 7.10 Downtown Signs

Section 7.10.155 Temporary Campaign Signs

Temporary political, religious and civic campaign signs may be erected for a period not to exceed ninety days and shall comply with the following standards:

- A. Each sign shall be removed on the earlier of (i) the ninetieth day from which it was erected and (ii) fifteen days following the conclusion of the campaign to which it pertains.
- B. In residential districts, each sign shall not exceed nine square feet in area or a height of four feet as measured from the surface of the ground to the top of the sign.
- C. In commercial districts each sign shall not exceed thirty-two square feet in area or a height of six feet as measured from the surface of the ground to the top of the sign.
- D. No signs shall be placed on property owned by the City or on which the City has an easement or a right-of-way.
- E. No signs shall be placed on vacant property that is not being used for any purpose or on which no improvements have been constructed.

Section 7.10.160 Prohibited Signs

The following signs are prohibited in the downtown area:

- A. Pole signs, provided, however, that notwithstanding this prohibition or any other prohibition in this chapter, each property may display the American flag or the flag of the state of California on a flag pole or wall mounted support provided the flag does not exceed twenty square feet in size;
- B. Internally illuminated canister signs;
- C. Pennants;

- D. Billboards;
- E. Inflatable signs;
- F. Spinning or rotating signs;
- G. Off-premises signs;
- H. On and off-site [~~human held signs also known as~~] sign walkers;
- I. Wire stake signs in commercial or industrial zones;
- J. Searchlights;
- K. Feather Signs;
- L. All signs described in Section 7.10.170 not otherwise specifically allowed herein.

Section 7.10.22 [1]0 Enforcement - Penalties

Violations of this chapter constitute a misdemeanor punishable by a fine of not more than five hundred dollars or by imprisonment in the county jail not to exceed six months or by both such fine and imprisonment.

Chapter 7.20 Signs Outside Downtown

Section 7.20.120 Temporary Campaign Signs

Temporary political, religious and civic campaign signs may be erected for a period not to exceed ninety days and shall comply with the following standards:

- A. Each sign shall be removed on the earlier of (i) the ninetieth day from which it was erected and (ii) fifteen days following the conclusion of the campaign to which it pertains.
- B. In residential districts, each sign shall not exceed nine square feet in area or a height of four feet as measured from the surface of the ground to the top [~~bottom~~] of the sign.
- C. In commercial and industrial districts, each sign shall not exceed thirty-two square feet in area or a height of six feet as measured from the surface of the ground to the top [~~bottom~~] of the sign.
- D. No signs shall be placed on property owned by the City or on which the City has an easement or a right-of-way.
- E. Any sign for a political, religious or civic campaign on an off-site advertising sign specifically permitted under any chapter of this title except Chapter 7.20 shall be exempt from this section
- F. No signs shall be placed on vacant property that is not being used for any purpose or on which no improvements have been constructed.

Section 7.20.160 Prohibited Signs

The following signs are prohibited in all zoning districts:

- A. Moving or rotating signs;
- B. Signs with flashing, moving, or animated illumination except as specified in subsection A of Section 7.20.180 (Special Sign Provisions);
- C. Off-premises [~~site advertising~~] signs unless specifically permitted;
- D. Any sign displaying an obscene, indecent, or immoral matter;
- E. Advertising signs that include the words, "Stop," "Look," or "Listen" or any other word, phrase, symbol, lights, motion, sound, fumes, mist, or other effluent that may interfere with, mislead, or confuse the driving public;
- F. Portable signs, except for temporary real estate signs as provided in Section 7.20.140 (Temporary Real Estate Signs);
- G. Inflatable signs or signs on inflatable advertising devices when the device is attached or secured to the ground;
- H. Signs extending above roof signs, except where specifically provided [~~for~~] under the provisions of this title for signs attached to buildings;
- I. Signs projecting from buildings, except where specifically provided [~~for~~];
- J. Wind activated signs;
- K. Any other advertising device attached to a building, fence, pole, or vehicle on display not specifically authorized by this title;
- L. Temporary signs as defined in Article 11 (Definitions) except as otherwise described in this chapter;
- M. Canister signs affixed to the fascia of a structure;
- N. Searchlights;
- O. Pennants (except when displayed during a grand opening or special community event through a temporary use permit in the manner described in Section 7.10.150 of this Chapter);
- P. Signs displayed on utility poles, street signs, or within the public right-of-way;
- Q. Banners displayed on poles;
- R. Wire stake signs in commercial or industrial zones
- S. On- and off-site sign walkers.

Section 7.20.185 Sign Maintenance

It shall be unlawful for any owner of record, lessor, lessee, manager, agent, or other person having lawful possession or control over a building, structure, or parcel of land to fail to maintain the property and all signs in compliance with the Zoning Code. Failure to maintain a sign constitutes a violation of this Chapter and shall be subject to enforcement action in compliance with the provisions of Section 7.20.200 (Enforcement - Penalties).

A. Maintenance

All signs, whether or not in existence prior to adoption of this Chapter, shall be maintained. Maintenance of a sign shall include periodic cleaning, replacement of flickering, burned out or broken light bulbs or fixtures, repair or replacement of any faded, peeled, cracked, or otherwise damaged or broken parts of a sign, and any other activity necessary to restore the sign so that it continues to comply with the requirements and contents of the sign permit issued for its installation and provisions of this Division.

B. Removal of Unused Sign Support Structures

Any vacant and/or unused sign support structures, angle irons, sign poles, or other remnants of old signs which are not currently in use or proposed for immediate reuse evidenced by a sign permit application for a permitted sign, shall be removed.

C. Obsolete Signs

Sign structures permitted as on-premises business signs may remain in place after the business vacates the premises, provided the sign is left non-illuminated and sign copy is removed within 30 days after the business vacates the premises. If an on-site use for the sign is not commenced within six months of the termination of the previous on-site use, the sign shall be deemed to be abandoned and subject to the provisions of Section 7.20.190 (Nonconforming Signs).

D. Removal of Unsafe Sign Structures

In addition to the remedies provided in Section 7.20.200 (Enforcement - Penalties), the Director shall have the authority to order the repair, maintenance, or removal of any sign or sign structure that has become dilapidated or represents a hazard to safety, health, or public welfare. If such a condition is determined by the Director to exist, the Director shall give notice by certified mail to the sign owner at the address shown on the sign permit, unless more recent information is available. If compliance has not been achieved within 30 days from service of notice, the Director may cause the sign to be removed or repaired, and the cost of such removal or repair will be charged to the sign owner and/or the property owner.

Section 7.20.200 Enforcement - Penalties

Violations of this chapter constitute a misdemeanor punishable by a fine of not more than five hundred dollars or by imprisonment in the county jail not to exceed six months or by both such fine and imprisonment.

Chapter 9.10 Application Processing Procedures
Section 9.10.020 Authority for Land Use and Zoning Decisions

Table 9.10.020. Review Authority		Role of Review Authority		
Type of Action	Code Chapter/Section	Director	Commission	Council
Administrative and Legislative Actions				
Zoning Code Amendments	10.10		Recommend	Decision
General Plan Amendments	10.10		Recommend	Decision
Interpretations	10.20.020	Decision	Appeal	Appeal
Specific Plans and Amendments	10.10		Recommend	Decision
Regulating Plan Amendments	10.10		Recommend	Decision
Planning Permits and Approvals				
Certificates of Appropriateness	9.20	See Section 9.20.030 (Review Authority)		
Conditional Use Permit	9.30	Recommend	Decision	Appeal
Home Occupation Permit	9.40	Decision	Appeal	Appeal
Minor Use Permit	9.30	Recommend	Decision	Appeal
Reasonable Accommodations	9.50	Decision	Appeal	Appeal
Architectural Design and Site Plan Review	9.60	Recommend	Decision	Appeal
Temporary Use Permit	9.70	Decision	Appeal	Appeal
Variances	9.80	Recommend	Decision	Appeal
Planned Development	3.30.160		Recommend	Decision
Mural Permit	9.110	Recommend	Decision	Appeal
Outdoor Seating/Dining Permit	9.120	Recommend	Decision	Appeal
Minor Residential Building Setback Reductions	4.20.040	Decision	Appeal	Appeal
<u>Neighborhood Master Plan</u>	<u>2.10</u>	<u>Recommend</u>	<u>Decision</u>	<u>Appeal</u>

Chapter 9.10 Application Processing Procedures
Section 9.10.030 Authority for Land Use and Zoning Decisions

Table 9.10.030. Permits and Approvals		
Name of Permit	Code Chapter/ Section	Applicability of Permit
Permits Required by this Zoning Code		
Conditional Use Permits	9.30	A Conditional Use Permit is required to authorize proposed land uses specified by Article 3 (Specific to Zones) as being allowable in the applicable zone subject to the approval of a Conditional Use Permit.
Certificates of Appropriateness	9.20	A Certificate of Appropriateness is intended to protect structures, improvements, natural features, and objects, of historic significance including, but not limited to areas of architectural, cultural, economic, historic, political, and social importance from any alteration, demolition, or removal which would have an adverse effect thereon.
Home Occupation Permits	9.40	A Home Occupation Permit is required to allow for home occupations that are conducted within a dwelling located in a residential zone, and are clearly incidental and secondary to the use of the dwelling for residential purposes and compatible with surrounding residential uses, as specified by Article 6 (Specific to Zones)
Sign Plan Approval	7.10/7.20	A Sign Plan Approval is required to allow the installation or remodeling of a sign except as specified in Article 7 (Signs)
Architectural Design and Site Plan Review	9.60	Architectural Design and Site Plan Review is required before construction of any structure erected in the Zones within Article 3 (Specific to Zones), except for the specified in Subsection 9.60.020.B (Exceptions).
Temporary Use Permits	9.70	A Temporary Use Permit is required to allow short term activities that might not meet the normal development or use standards of the applicable zone, but may otherwise be acceptable because of their temporary nature.
<u>Neighborhood Master Plan</u>	<u>2.10</u>	<u>A Neighborhood Master Plan is required prior to the subdividing of any land over 10 acres within the Transect Zones.</u>

Chapter 9.60 Architectural Design and Site Plan Review
Section 9.60.020 Applicability

A. When Required

Architectural Design and Site Plan Review shall be required for:

1. A [a]ll authorized uses;
2. A change of use resulting in an change in the number of dwelling units, parking spaces, or floor area of 25 percent or more;
3. [s]Structures erected to accommodate any of the land use activities listed in Article 3 (Specific to Zones);
4. Nonstructural remodeling of a building façade that affects 25 percent or more of the exterior elevation of the building visible from an adjacent public street with either a single or cumulative remodeling; or
5. Single or cumulative renovations to existing non-residential structures that result in an increase in the gross floor area of more than 400 square feet, except for those specified in Subsection B. (Exemptions).

C. Exemptions

The following are exempt from the requirement for [a] Architectural Design and Site Plan Review:

1. Detached single-family dwellings (up to two on one lot or parcel, where permitted by the zone, including a proposed single-family residence located on a parcel that is not part of a platted subdivision), duplexes, and related accessory uses and buildings in approved subdivisions;
2. A development for which a- Architectural Design and Site Plan Review has been previously granted under the conditions of a Use Permit, Variance, or Minor Use Permit issued in compliance with this Zoning Code;
3. [Other m] Minor structural additions and alterations, including single or cumulative building additions of [four hundred] 400 square feet or less;
4. Interior tenant alterations or improvements which do not affect parking requirements or exterior building appearance;
5. Nonstructural remodeling of a building façade that affects less than 25 percent of the exterior elevation of the building visible from an adjacent public street with either a single or cumulative remodeling; and
6. Changes of use to a use of equivalent intensity or a less intensive use as determined by the Director. [18.80.060]

Section 9.60.040 Findings and Decision

~~B. [Public Hearing and Appeal Provisions]~~

~~A public hearing shall not be required for Site Plan Development Plan Review application]~~

Section 9.60.050 Findings and Decision

A. Decision

1. The Commission may approve, conditionally approve, or deny any application following the close of the public hearing on the matter or within 35 days thereafter by resolution in compliance with the findings specified in Subsection B (Findings). [~~Such resolution shall include findings in compliance with this Chapter.~~]
2. The decision shall be final, subject to appeal in compliance with Chapter 10.20 (Appeals).
3. In the event that the Commission is unable to reach a majority decision, as evidenced by a tie vote, the applicant shall have the option of continuing the public hearing until such time as a majority vote can be obtained or consider the application denied.

B. Findings

The Planning Commission may approve an application for Architectural Design and Site Plan Review only after making the following findings that the application:

1. Is consistent with the goals and policies of the City's General Plan and meets applicable district development standards;
2. Meets the minimum applicable requirements of this title and is in compliance with all other applicable laws, ordinances, and regulations of the City of Tehachapi and the State of California;
3. Will not be materially detrimental to the health, safety, and welfare of the public or to property and residents in the vicinity;
4. Complies with the terms and provisions of any prior zone change approval or Conditional Use Permit;
5. Adequately and safely provides for vehicular or pedestrian safety, both on and off site, by reason of properly arranged vehicular or pedestrian ingress and egress and internal circulation, or that excessive traffic congestion will not be created;
6. Makes adequate provision to protect adjoining properties and structures from excessive and unreasonable nuisances, including for example, noise, vibrations, gases or odors, which might interfere with the use and enjoyment of surrounding properties; and
7. Is consistent with the applicable provisions of the California Environmental Quality Act and the State CEQA Guidelines.
8. The proposed land use, site and architecture promote a design consistent with and appropriate for the location, and consistent with the intended physical environment of the zoning district.

C. Written Notice

Written notice of such decision shall be given by mail within seven calendar days, after the ~~[date of the decision]~~ appeal period ends, to the applicant and any person filing a written request for notice of the decision.

Chapter 9.75: Minor Modifications

Section 9.75.010 Purpose

The purpose of this Chapter is to enable the Director to approve minor deviations from Zoning Code standards when such requests constitute a reasonable use of property but are not otherwise permissible under the strict application of this Zoning Code. An authorization to approve a Minor Modification does not extend to making any changes in the uses permitted in any zone.

Section 9.75.020 Applicability

This Chapter is applicable to all development standards of this Zoning Code.

- A.** The Director may approve a Minor Modification for only those items specified in Table A (Types of Minor Modifications Allowed), and only after first making the findings specified in Subsection 9.75.050 and Table A (Types of Minor Modification Allowed).

	<u>Type of Minor Modification Allowed</u>	<u>Additional Required Findings</u>	<u>Maximum Modification</u>
<u>1</u>	<u>An increase in lot coverage in residential zones.</u>	<u>The building is consistent with the intent of the zone and all other applicable standards of the zone.</u>	<u>5%</u>
<u>2</u>	<u>An increase in lot coverage in commercial or industrial zones.</u>	<u>The building is consistent with the intent of the zone and all other applicable standards of the zone.</u>	<u>10%</u>
<u>3</u>	<u>An increase or decrease in the minimum or maximum width or depth of a building or a portion of a building in all zones.</u>	<u>The building is consistent with the intent of the zone and all other applicable standards of the zone; and/or topographic constraints limit the ability to create an interconnected network of streets and blocks.</u>	<u>20%</u>
<u>4</u>	<u>A reduction in the minimum amount of linear frontage required.</u>	<u>The building is consistent with the intent of the zone and all other applicable standards of the zone; and may not be combined with any modification to frontage dimensions.</u>	<u>10%</u>
<u>5</u>	<u>An increase or decrease of the minimum or maximum required setback for primary buildings in all zones.</u>	<u>Existing building(s) on adjacent lots on the same block face is/are greater or less than the required setback; and the variation will allow the proposed project to be aligned with the adjacent building(s).</u>	<u>5 ft. or 20%, whichever is greater.</u>
<u>6</u>	<u>Allow an addition to an existing structure located as close to the property line as any existing encroachment.</u>	<u>The building is consistent with applicable Fire Code and Building Code limitations.</u>	<u>400 square feet</u>

<u>7</u>	<u>An increase or decrease in the standards for building frontages.</u>	<u>The building is consistent with the intent of the zone and all other applicable standards of the zone; and may not be combined with any modification to the façade zone</u>	<u>20%</u>
<u>8</u>	<u>An increase or decrease of the minimum façade zone standards.</u>	<u>The building is consistent with the intent of the zone and all other applicable standards of the zone.</u>	<u>10%</u>
<u>9</u>	<u>An increase in allowable building height.</u>	<u>The building is consistent with the intent of the zone and all other applicable standards of the zone.</u>	<u>5% or 2 feet, whichever is greater</u>
<u>10</u>	<u>An increase of the allowed maximum height of a fence or wall.</u>	<u>The use of the lot is consistent with the intent of the zone and all other applicable standards of the zone; and/or the height increase is justified by topographic considerations</u>	<u>20%</u>
<u>11</u>	<u>A reduction in the minimum number of required parking spaces (as applicable).</u>	<u>The use of the lot is consistent with the intent of the zone and all other applicable standards of the zone.</u>	<u>40%</u>
<u>12</u>	<u>An increase in the allowed height and area of a permanent sign.</u>	<u>The sign is otherwise consistent with all applicable sign regulations.</u>	<u>15%</u>
<u>13</u>	<u>A reasonable deviation from the prescribed standards where necessary to install features that facilitate access and mobility of disabled persons with limited mobility.</u>	<u>The building is consistent with the intent of the zone and all other applicable standards of the zone.</u>	<u>Determined on a case-by-case basis</u>

Section 9.75.030 Application Requirements

An application for a Minor Modification shall be prepared, filed, and processed in compliance with Chapter 9.10 (Application Processing Procedures) and this Chapter.

Section 9.75.040 Review, Notice, and Hearing

- A. Each Minor Modification application shall be reviewed on an individual case-by-case basis. The approval of a prior Minor Modification is not admissible evidence for the approval of a new Minor Modification.
- B. A public notice and hearing shall not be required for the Director's decision on a Minor Modification.

Section 9.75.050 Findings and Decision

The Director shall approve, with or without conditions, a Minor Modification application, only after the following findings are made:

- A. There are special circumstances applicable to the property (e.g., size, shape, topography, location, surroundings, etc.);
- B. The special circumstances applicable to the property are not self-imposed by any person presently having any interest in the property;
- C. The requested Minor Modification will not allow the establishment of a use that is not otherwise allowed in the zone;
- D. Granting the Minor Modification will not be materially detrimental to the public health, safety, or welfare and will not impair an adequate supply of light and air to adjacent property;
- E. The development is consistent with the General Plan and any applicable specific plan; and
- F. The development will comply with all other standards or requirements set forth in this Code.

Section 9.75.060 Post Decision Procedures

Unless otherwise specified in this Chapter, the procedures and requirements in Chapter 9.90 (Permit Implementation, Time Limits, Extensions), Chapter 10.20 (Appeals), and Chapter 9.100 (Permit Modification and Revocation) shall apply following the decision on a Minor Modification.

Chapter 11.10 Definitions

Section 11.10.020 Definitions of Specialized Terms and Phrases

A. Definitions

Architectural features. An exterior building feature including roofs, windows, doors, cornices, canopies, porches, stoops, balconies, eaves, or similar design elements.

B. Definitions

Brewpub (land use type): An establishment that produces alcoholic beverages such as ales, beers, meads, hard ciders, in quantities of 10,000 barrels or less annually for all beverage types combined. [to serve on-site.] This includes service of brewed beverages in conjunction with service of food, distribution of beverages for off-site consumption, and retail sales [Sale] of beverages for off-site consumption [is also permitted] in keeping with the regulations of the Alcohol Beverage Control (ABC) and Bureau of Alcohol, Tobacco, and Firearms (ATF). This does not include wholesale beverage sales. [Service of brewed beverages must be in conjunction with the service of food. Brew pubs may not produce more than 10,000 barrels of beverage (all beverage types combined) annually. May include the distribution of beverages for consumption at other sites.]

L. Definitions

Lot, Key: A lot with a side lot line that abuts the rear lot line of one or more adjoining lots.

Lot, Reverse Corner: A corner lot which has its exterior side yard adjacent to the front yard of the abutting lot.

Lot, Through: A lot, other than a corner lot, having frontage on two parallel, or approximately parallel, streets.

O. Definitions:

Off-premise Sign: Any sign that directs attention to a business, commodity, service, entertainment, product, structure, use or property different from a structure or use existing on the property where the sign is located, and/or any sign on which space is rented, donated or sold by the owner of said sign or property for the purpose of conveying a message.

Open Storage: The use of a site for the keeping or storing goods, commodities, or equipment not within an enclosed building, or the use of shipping containers or any other structure for storage purposes that is not architecturally similar to the main or primary building on the site. Open storage does not include public parking or the parking or storing of vehicles.

P. Definitions:

Pedestrian Shed: An area centered on a common destination that is an average one-quarter mile radius or 1,320 feet, and that represents approximately a five-minute walk at a leisurely pace. The common destination for a pedestrian shed can be a park, school, transit destination, commercial establishment or civic use.

S. Definitions:

Sign Walker: A person who wears, holds, or balances a sign.

Section 2. Severability.

Each of the provisions of this Ordinance are severable. If any provision shall be declared to be invalid, the remaining provisions shall not be affected thereby but shall remain in full force and effect.

Section 3. Effective Date.

This Ordinance shall take effect thirty (30) days after the date of its adoption and prior to the expiration of fifteen (15) days from the passage thereof shall be published in the manner authorized by law in the Tehachapi News, a newspaper of general circulation, published and printed in the City of Tehachapi.

INTRODUCED at a regular meeting of the City Council of the City of Tehachapi, California on the 1st day of July, 2019.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Tehachapi, California on the 1st day of July, 2019, by the following vote:

AYES: WIGGINS, SMITH, POGON-CORD, DAVIES

NOES: NONE

ABSTAIN: HETGE

ABSENT: NONE



SUSAN WIGGINS, Mayor of
the City of Tehachapi, California

ATTEST:



TORI MARSH, City Clerk
of the City of Tehachapi, California

I hereby certify that the foregoing Ordinance was duly and regularly adopted by the City Council of the City of Tehachapi by a regular meeting thereof held on July 1, 2019.



TORI MARSH, City Clerk
of the City of Tehachapi, California