

ORDINANCE NO.

ORDINANCE AMENDING THE VACAVILLE LAND USE AND DEVELOPMENT CODE TO EXTEND PROJECT EXPIRATION DATES, MODIFY ALLOWANCES FOR TEMPORARY COMMERCIAL USES AND EVENTS, EXPAND PROJECTS ELIGIBLE FOR ADMINISTRATIVE CLEARANCES, ALLOW PET DAY CARES, MAKE CERTAIN USES PERMITTED RATHER THAN CONDITIONAL USES IN COMMERCIAL ZONES, AND ALLOW STAFF LEVEL REVIEW OF CERTAIN DESIGN REVIEW APPLICATIONS.

Draft 1/14/2016

WHEREAS, the mission statement for the City's Economic Vitality Strategy (EVS) is to "Enhance the economic base of the community so that it supports and contributes to the improvement of Vacaville"; and

WHEREAS, the value statement of the EVS is "The City of Vacaville is a business-friendly community committed to sustaining a high quality of life by encouraging and facilitating stable, dependable, and diversified economic development"; and

WHEREAS, one strategy in the EVS is to streamline development processes to encourage businesses to locate and expand in Vacaville; and

WHEREAS, the City Council initiated amendments to the Land Use and Development Code aimed to streamline the development process; and

WHEREAS, Economic Development Committee recommended that measures be taken to streamline development process, and recommended the amendments herein.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF VACAVILLE DOES ORDAIN AS FOLLOWS:

*Note: Added text is shown in double underline
Deleted text is shown in ~~strikeout~~.
Commentary that is not part of the amendment is shown in a shaded box.*

Section 1. Amendment to definitions in Vacaville Municipal Code 14.02.016.020.

The following definitions in Vacaville Municipal Code 14.02.016.020 shall be amended as follows:

Kennels and Animal Boarding means any site, building, or structure where five or more small domestic pets, such as dogs and cats, at least 10 weeks of age are harbored.

Does not include:

■ The accessory use of boarding animals within completely enclosed buildings, dogs or cats in pet shops, or animal hospitals.

■ Pet Day Care.

Pet Day Care means a facility that temporarily boards small domestic pets, such as dogs and cats, during the day hours without overnight stays where a fee or other compensation is required for such boarding. Pet Day Care does not include pet shops where the animals are kept for sale or veterinary hospitals where the animals are kept for treatment.

Temporary Commercial Uses and Events means any use of a structure or land for an event for a limited period of time where the site is not permanently altered by grading or construction of accessory facilities. Commercial uses include, but are not limited to, sidewalk or parking lot sales, Christmas tree or seasonal sales, temporary vehicle sales, trade shows, and food carts. Events include, but are not limited to, art shows, carnivals, circuses, fairs, religious revivals, outdoor festivals, athletic events, organized walks or runs, public dances, rodeos and concerts.

See Section [14.09.084.100](#) for specific use requirements applicable to temporary commercial uses and events.

Section 2. Amendment of Section 14.09.072.130, Expiration of Approval, of the Vacaville Municipal Code.

Section 14.09.072.130, entitled “Expiration of Approval,” of the Vacaville Municipal Code is hereby amended to read as follows:

14.09.072.130 Expiration of Approval.

Permits and project approvals shall lapse and become void ~~one year~~two years after the approval date unless a greater time period is granted by the decision-maker, or unless any of the following occurs:

A. The following shall keep an approval active and valid:

1. A building permit is issued for the approved project and construction is commenced and diligently pursued toward completion;

2. If no building permit is required, and the use is initiated in accordance with the conditions of approval;

3. A complete application for a time extension has been filed and related fees have been paid. The original approval shall then be extended until a determination is made to approve, conditionally approve, or deny the time extension application. If, prior to the determination on the time extension, a building permit is issued or the use is initiated in accordance with the project conditions of approval, then a time extension shall no longer be required.

4. If a master plan has been approved for a phased project, and the initial building permit has been issued and diligently pursued, the original project approval shall remain valid.

B. If a conditional use has been established pursuant to a conditional use permit approved in accordance with the provisions of this division, and the use is subsequently discontinued for a period of at least ~~six months~~ one year, the use shall not be reestablished without a new conditional use permit being granted, or without the approval of the reestablishment of the use in accordance with Section 14.09.110.080, Reestablishment of Conditional Use, of Chapter 14.09.110, Conditional Use Permits, of this division.

C. With the exception of home occupation and large family day care permits, all land use approvals shall continue to be valid upon a change of ownership or operator of the subject site or structure.

D. The design review aspects of any unbuilt portion of a project shall expire 10 years after the original approval date, including any unbuilt portion approved in conjunction with a planned development, and a new design review approval shall be required in accordance with the provisions of Chapter 14.09.113, Design Review, of this division.

Section 3. Amendment of Section 14.09.072.140, Time Extensions, of the Vacaville Municipal Code.

Section 14.09.072.140, entitled "Time Extensions," of the Vacaville Municipal Code is hereby amended to read as follows:

14.09.072.140 Time Extensions.

Permits and entitlements may be granted a time extension with the filing of an application with the office of Community Development on a form prescribed by the Director and accompanied by the applicable filing fee. Time extensions shall be valid for one year unless otherwise specified by the decision-maker.

A. A request for a time extension shall be subject to the following conditions:

1. An application for a time extension must be filed prior to the expiration date of the original approval;

2. The Director shall be the decision-maker for a first time extension request of not more than one year. Otherwise, the~~The~~ decision-maker of the original project approval, notwithstanding any appeals, shall be the decision-maker on the time extension;

3. Public notice for a time extension shall be provided as determined by the Director;

4. Additional or revised conditions of approval may be applied to a project in accordance with the approval of a time extension;

5. A significant change in the project as it was originally approved, shall require the filing of a new application and shall not be eligible for a time extension. The Director is authorized to make the determination as to whether the project has changed significantly;

6. Approvals granted in accordance with the provisions of this division may receive no more than two time extensions; thereafter, a new application and fees must be submitted and a

new project approval must be granted. Additional extensions beyond the two extensions provided for in this section, may be granted only if the decision-maker determines that, based on evidence submitted by the applicant, circumstances beyond the applicant's control, such as a documented downturn in the economy affecting the marketplace, or other similar situations, have prevented the applicant from applying for and obtaining a building permit within the required time period.

7. The term of a time extension for an approval shall be the same as the time extension approved for a concurrently processed tentative map.

B. It shall be the responsibility of the applicant to submit an application for a time extension within the required time period.

Section 4. Amendment of Section 14.09.084.090.A.(10), of the Vacaville Municipal Code.

Section 14.09.084.090.A.(10) of the Vacaville Municipal Code, the list of exceptions to uses within enclosed structures, is hereby amended to read as follows:

10. Temporary commercial uses and events in accordance with Section 14.09.084.100 of this chapter;

Section 5. Amendment of Section 14.09.094.100, Temporary Uses, of the Vacaville Municipal Code.

Section 14.09.094.100, entitled "Temporary Uses," of the Vacaville Municipal Code is hereby amended to read as follows:

14.09.084.100 Temporary Commercial Uses and Events.

A. ~~Permitted Temporary Commercial Uses.~~ Temporary Commercial Uses and Events Allowed without a Permit. The following temporary commercial uses are permitted subject to the provisions herein. A temporary commercial use permit is not required, however the use must comply with all applicable standards, and the use must have a valid business license where applicable:

1. Temporary outdoor sale or display of products ~~that are a normal part of the sales inventory of on the site of~~ a permanent, on-site commercial use, such as sidewalk or parking lot sales, ~~and short term mobile food service carts, or the sale or display of products on a for-profit basis, which are not a normal part of the sales inventory or the services offered by a permanent, on-site use.~~

a. All such sales and merchandise shall be displayed outside of the pedestrian sidewalks and paths and any vehicular circulation areas and parking lots unless parking availability exceeds the requirements set forth in the Land Use and Development Code for the uses on the site.

b. Each site shall be allowed a maximum of six outdoor sales or displays per year. The maximum term of such uses shall be five consecutive days, with a minimum of 14 days between such uses or sales.

c. A separate City of Vacaville Business License is required if the vendor is other than the permanent on site business.

2. Christmas Tree and Pumpkin Sale Lots.

a. All such Christmas tree, pumpkin, or other seasonal sales shall be displayed outside of the pedestrian sidewalks and paths and any vehicular circulation areas and parking lots unless parking availability exceeds the requirements set forth in the Land Use and Development Code for the uses on the site.

b. Each site shall be allowed a maximum of one Christmas tree and two pumpkin sales per year.

c. Business License Required. A City of Vacaville Business License is required for vendors of Christmas trees and pumpkins.

3. The Director may approve an exception to the requirements of this section provided that the findings specified in subsection D.(7)(a) through (c) of this section can be made.

B. Temporary Commercial Uses and Events Requiring a Permit. Types of Uses Allowed Subject to the Approval of a Staff-Level Use Permit in Each Case. A Temporary Use Permit approved by the Community Development Director is required for any short-term commercial or entertainment activity on private property, whether open to the public or not, except as otherwise noted in this section. Such activities include, but are not limited to, amusement attractions; athletic events ~~not affiliated with a baseball team playing out of Travis Park;~~ carnivals, circuses, fairs, or festivals; indoor or outdoor concerts or performances; exhibits; fireworks displays; fundraising events; organized runs, walks, marathons or triathlons; parades; public dances; rodeos; temporary vehicle sales; trade shows; ~~temporary uses set forth in Land Use and Development Code Section 14.09.088.030;~~ or similar activities or events. These requirements do not apply to commercial uses or events being conducted within the approved capacity, limits, and conditions of the permanent venue, such as athletic events being held at an approved permanent stadium, concerts being held at an approved permanent amphitheater, or mobile food service uses locating at a site approved through design review for such uses. The following outlines specific requirements for certain temporary uses:

1. Off-site parking lot sale for new vehicles.

a. A maximum of six off-site auto sales per year on any site.

b. The maximum term for such each use shall be five consecutive days, with a minimum of 14 days between such uses or sales on any site.

2. Temporary outdoor operation of carnivals or other amusement activities in accordance with the provisions of Sections 9.17.010 through 9.17.140 of the Municipal Code. The maximum term of such uses shall be seven consecutive days, with a minimum of 120 days between such uses or sales.

4. Temporary use of a helicopter for construction-related activities unless considered as a part of the original Design Review, Use Permit, or Planned Development approving the use or structure on a site that is located within 1,000 feet away from a residential zoning district.

a. Prior to authorizing the use of a helicopter for construction related activities within 1,000 feet of a residential zoning district, the developer shall submit a schedule of the hours and days a helicopter will be used.

b. The Community Development Director shall notify all of the property owners within 1,000 feet of the construction site of where the use of a helicopter is proposed of the times and dates when the helicopter will be operated.

c. The use of a helicopter within 1,000 feet of a residential district is prohibited between dusk and dawn Monday through Saturday and all day on Sunday and holidays unless specifically approved by the Planning Commission at a duly noticed public hearing.

5. Mobile food service carts, trailers, vehicles and/or similar temporary, portable or mobile structures or vehicles. In addition to the minimum conditions set forth in subsection C of this section, the applicant shall submit a written business plan outlining, at a minimum, the following information:

a. Precise location on the property where the use or business will be located. The location cannot impede pedestrian or vehicular access nor impair site distance on or off the premises.

b. Proposed hours and days of operation.

c. Types of food products to be offered.

d. Applicant shall show evidence of compliance with all applicable regulations and requirements of the Solano County Health and Social Services Department. Prior to commencing the use, the applicant shall submit evidence to the Director that any and all permits and or licenses from the Solano County Health and Social Services Department, including but not limited to:

i. Location of the off-site commissary if required by the Solano County Health and Social Services Department.

ii. Location of any restroom facilities if required by the Solano County Health and Social Services Department.

e. Methods for ensuring adequate sanitation such as dishwashing and hand washing.

f. Provide photographs of the proposed vehicle, trailer, or cart, including any tow vehicle.

g. Provide a description of any proposed signs, including the size, number, and locations desired to be placed, including any signage or identification on the proposed vehicle.

Signs may not be located within any rights-of-way or other public property, and are subject to City site distance requirements.

h. If the proposed location will utilize existing parking spaces, the applicant shall submit an analysis of the existing uses on the site, the current Land Use and Development Code parking requirements for such uses, and evidence that the required number of parking spaces will be available for other patrons at the site.

i. ~~Only one mobile food service use shall be permitted on any single parcel or single commercial development with multiple parcels; only one such commercial site may be approved by the Director.~~ Where multiple mobile food services are proposed on a single site for any time period ending more than 30 days after the first date use is authorized, the Temporary Commercial Use Permit shall be subject to Planning Commission review and approval as set forth in the Land Use and Development Code.

j. If the mobile food service trailer, cart, or vehicle is to be moved from the site each day, indicate the location where it will be stored.

k. The number of employees anticipated at peak hours.

l. The proposed methods for collecting and disposing of waste and litter.

m. Provisions for prohibiting loitering.

n. Location of any proposed seating to be provided for patrons of the mobile food service trailer, cart, or vehicle.

o. At the next regularly scheduled Planning Commission meeting after the date the Director approves a ~~Staff-Level Use Permit~~ Temporary Commercial Use Permit for any time period ending more than 30 days after the first date use is authorized, the Director shall inform the Planning Commission of the action taken and any findings adopted for either approval or denial, and any conditions of approval imposed. The Planning Commission, by majority vote, may call up the decision of the Director for review at a duly noticed public hearing. The Planning Commission may sustain, overrule, or modify the decision of the Director.

6. The Director may approve an exception to the requirements of this section; provided, that the findings specified in subsections D.(7)(a) through (c) of this section can be made.

C. Operational Requirements.

1. Reasonable and adequate access for vehicles and pedestrians shall be provided on site. Vehicles, fences, or other objects shall not block public sidewalks, fire lanes, or vehicle access. Adequate provision shall be made for vehicles to exit the parking lot area without having to back out or turn around.

2. No temporary use shall displace any required parking. Parking required for on-site uses shall be maintained throughout the duration of temporary uses on the site.

3. All temporary uses and structures shall comply with the provisions of the Fire Code and all Construction Codes adopted by the City of Vacaville and the State of California.

4. Temporary uses which include food service facilities not addressed in subsection B.(6) of this section shall obtain all necessary permits from the Solano County Environmental Health Services Department.

5. All businesses whose permanent business location is located inside or outside the City of Vacaville and are proposing to sell goods and/or charge an entrance fee shall:

a. Obtain a business license from the City of Vacaville Finance Department.

b. Obtain a Sales and Use Tax Permit from the California State Board of Equalization. Supply Sales and Use Tax Permit number with the City business license.

6. All pre-event promotional activities such as any on-site or site advertising and signage, the nature and extent of directional signs such as “sign twirlers,” and night lighting shall be identified in advance of the event.

7. All post-event activities, including restoring the site to its previous condition, removal of any on-site or off-site advertising or directional signs.

8. Where deemed necessary to protect the health and safety of attendees as well as the general public, the Chief of Police may require the applicant to submit a security plan for the event. The Chief of Police shall review and approve the security plan prior to the event taking place. Should the approved security plan not be implemented in its entirety or prove to be inadequate to protect the public health and safety once the event commences, the Chief of Police may order the event cancelled and all activities shall cease immediately.

9. The Director may approve an exception to the requirements of this section; provided, that the findings specified in subsections D.(7)(a) through (c) of this section can be made.

D. Additional Requirements for Major Temporary Commercial Uses and Events. ~~Director Approval of a Staff-Level Use Permit.~~ In addition ~~to these uses outlined above specifically requiring a Staff-Level Use Permit~~ to the requirements in subsection C of this section, any temporary ~~uses commercial use or event~~ which would utilize a site area of one acre or more or have an expected attendance of 2,000 or more persons per day ~~shall be subject to the approval of the Director. All Staff-Level Use Permits~~ shall be subject to the following:

1. Application and Business Plan Required. The applicant shall submit a completed standard Planning Permit application with a detailed business and operation plan for the event(s).

2. Consent of Property Owner Required. The use of any site for a temporary commercial use or event shall be subject to the written approval of the property owner, or the owner’s authorized agent.

3. Site Plan of Event Area and Surrounding Area to Be Used Required. A complete, dimensioned, and legible site plan must be submitted as part of the application. At a minimum, this site plan shall include:

- a. The specific area of the event in relation to the entire site;
- b. The proposed parking layout;
- c. The location of any tents or other temporary structures;
- d. Any proposed interior or perimeter fencing, barriers, barricades, or other security measures;
- e. Access and exit points for vehicles;
- f. The names and locations of all streets or off-site areas that are part of the event;
- g. All portable and permanent restroom facilities;
- h. The location of all temporary structures such as stages, bleachers, grandstands, tents, portable restrooms, booths, trash containers, dumpsters, etc.;
- i. The location of any cooking and/or food service areas; alcohol service areas; vendor areas; and any other booth areas;
- j. The location of generators and/or source of electricity;
- k. The placement of vehicles and trailers;
- l. The entrance/exit locations for events that are fenced, and entrance/exit locations within tents or temporary structures;
- m. Identification of all event components that meet Americans with Disabilities Act accessibility requirements (including, but not limited to, accessible parking, passenger loading/unloading areas, restrooms, seating, and path of travel) if the event is open to the public;
- n. Any other information deemed necessary by the Community Development Director.

4. Referral to Other Departments. The Director shall refer any application to the Fire, Police, and Public Works Departments for review prior to approval.

5. Conditions of Approval. Conditions of approval relating to the operation of the use may be imposed by the Director.

6. Security Plan Required. The applicant may be required to submit an Event Security Plan for the review and approval of the Police Chief as set forth in subsection C.(8) of this section.

7. Required Findings. Approval shall be subject to the following findings:

a. That the proposed use would not unreasonably impair pedestrian or vehicular access or parking in the area;

b. That the proposed use includes provisions for adequate security and safety of the general public;

c. That the proposed use would not unreasonably impair the operation of any other residential, commercial, or industrial use in the area.

8. Recycling Plan Required. For any large event with 2,000 or more attendees each day of the event a recycling plan shall be submitted and shall be subject to the review and prior approval of the City of Vacaville Recycling Coordinator or equivalent position.

9. Exceptions Allowed. The Director may approve an exception to the requirements of this section; provided, that the findings specified in subsection D.(7)(a) through (c) of this section can be made.

~~10. Short-Term Events. Temporary events of no more than three consecutive days sponsored by a public agency on public property shall not require Director approval.~~

This requirement moved to E below.

~~11.10~~ Administrative Hearing Required. The Director shall hold an Administrative Hearing at City Hall no less than five days and no more than ten days prior to the first day of any ~~temporary use or event requiring a Staff-Level Use Permit~~ major temporary commercial use or event.

a. Notice of the time, date, and place of the Administrative Hearing shall be mailed to all property owners and businesses within 600 feet of the proposed location.

b. Anyone attending this Administrative Hearing may submit written and oral testimony. In rendering a decision, the Director shall consider all written and oral testimony received as well as the comments from City Police, Fire, and other Departments.

c. The applicant will be responsible for all costs associated with distributing public notice and other costs to conduct the duly noticed Administrative Hearing.

d. Notice of the Director's decision shall be mailed to the applicant, all City Departments, and any interested party requesting such information no less than five days prior to the event.

~~1211~~. Referral to Planning Commission. The Director, at his or her sole discretion, may refer any Temporary Use to the Planning Commission for a determination and action on the ~~Staff-Level Use Permit~~. Major Temporary Commercial Use Permit.

E. Special Events on Public Property. A Special Event Permit is required for any temporary commercial use or event open to the general public and located on City parks, public streets, City buildings, or other facilities. Special Event Permits are subject to approval of the Community Services Director.

Section 6. Amendment of Section 14.09.118.040, 040 Standards Eligible for an Administrative Clearance, of the Vacaville Municipal Code.

Section 14.09.118.040, entitled “Standards Eligible for an Administrative Clearance,” of the Vacaville Municipal Code is hereby amended to read as follows:

14.09.118.040 Standards Eligible for an Administrative Clearance.

The Director may grant adjustments to residential and non-residential development standards as described in this section.

A. Decreases in minimum standards may be granted as follows:

1. A decrease of not more than 20 percent of the required width of a side yard or the yard between buildings subject to the following:

a. In residential districts, no reduction shall be granted for balconies or room additions above the first floor;

b. In residential districts, no reduction shall be granted that results in a side yard of less than five feet or the alternative minimum standard approved through a planned development, in accordance with Chapter 14.09.111 of this division.

2. A decrease of not more than 25 percent of the required front yard subject to the following:

a. In single-family residential districts, no reduction shall be granted for front-entry garages or any portion of a structure greater than one story that results in a front yard of less than 18 feet.

b. In residential districts where the minimum front setback is 15 feet or where the minimum front setback to an unenclosed porch is 10 feet, no further reduction may be granted through an administrative clearance.

3. A decrease of not more than 25 percent of the required rear yard subject to the following:

a. In residential districts, no reduction shall be granted for balconies or room additions above the first floor except for rear yards adjacent to public open space;

b. Compensating open yard area must be available adjacent to the rear yard in an amount equivalent to the floor area of the addition within the required rear yard.

4. A decrease of the required pool setback of not less than three feet for the purpose of constructing a swimming pool or spa;

5. A decrease of not more than 20 percent of the minimum driveway width.

6. A decrease in the minimum number of parking spaces required by up to two spaces or up to 10 percent of the required number of spaces, whichever is greater.

B. Increases to maximum standards may be granted as follows:

~~1. An increase in the maximum fence height to eight feet subject to the following:~~

~~a. Increases shall be granted only for fences constructed on or within one foot of interior residential lot lines within the side or rear yard;~~

~~b. Any portion of the fence above six feet shall not be metal mesh, or chain link, excluding wrought iron;~~

~~c. Any portion of the fence above six feet shall be at least 25 percent open and integrated with the lower portion of the fence, both structurally and aesthetically;~~

~~d. For fences to be constructed on the property line, the property owners of the lots the fence will separate must agree in writing to the increase;~~

~~e. The fence shall comply with any applicable requirements of the Uniform Building Code.~~

The above was moved to be approvable without an administrative clearance.

1. An increase in the maximum fence height by up to two feet.

2. An increase in the maximum coverage by accessory structures in the required rear yard from 20 percent to no more than 35 percent, for lots with a single family dwelling, provided that there is compensating open yard area between the main structure and the required rear yard. (Ord. 1598, §10, 1998; Ord. 1564, §23, 1996)

Section 7. Amendment of Section 14.09.074.120 ,Masonry Walls and Fences, of the Vacaville Municipal Code.

Section 14.09.074.120, entitled "14.09.074.120," of the Vacaville Municipal Code is hereby amended to read as follows:

14.09.074.120 Masonry Walls and Fences.

Masonry walls and fences may be constructed in accordance with the standards of this section, to serve as a buffer between uses, to provide privacy or security, or to screen or separate uses or activities. Masonry walls and fences are defined in Division 14.02 of this Title. Unless otherwise specified, for the purposes of this section, the term “wall” shall mean masonry wall.

A. Standards. Walls and fences shall conform to the following standards of this chapter or of any applicable specific plan or policy plan regulations regarding walls and fences, unless otherwise provided for in this section.

1. Wall and Fence Height.

a. Interior lot lines. Rear and side yard walls and fences on interior lot lines shall be a maximum height of six feet;

b. Front yard. Walls, fences, and hedges within the required front yard shall not exceed three feet in height;

c. Corner lot. Walls and fences in the side yard of a corner lot or a reversed corner lot, or in the rear yard of a reversed corner lot shall comply with the following height standards:

i. A maximum height of six feet when located at least 15 feet from the face of curb, existing or planned;

ii. A maximum height of three feet when located closer than 15 feet from the face of curb, existing or planned, except that when the Director finds it necessary to provide one 10 foot wide fenced side yard on the lot, a maximum height of six feet may be allowed when located 10 feet from the curb;

d. Exceptions to Six Foot Height Limit. Walls and fences may be up to eight feet in height as follows:

i. When located in the side or rear yard of a lot in a residential district that abuts any of the following:

1. Non-residential zoning districts or non-residential uses in a residential district;

2. Parking facilities of four or more stalls for multi-family residential projects;

3. Conditional uses in a residential district;

4. Schools, parks, open space, and creekways;

5. A public street or alley.

ii. When a wall or fence is used in combination with a retaining wall, the total height may be up to eight feet, with the portion above the retaining wall being no higher than six feet;

iii. A variation in wall or fence height may be granted through the approval of a variance, administrative clearance, or planned development, in accordance with the applicable provisions of this division;

iv. When used for noise mitigation as described in subsection B.(3.e.) of this section.

v. An increase in the maximum fence height to eight feet subject to the following:

1. Increases shall be granted only for fences constructed on or within one foot of interior residential lot lines within the side or rear yard;

2. Any portion of the fence above six feet shall not be metal mesh, or chain link, excluding wrought iron;

3. Any portion of the fence above six feet shall be at least 25 percent open and integrated with the lower portion of the fence, both structurally and aesthetically;

4. For fences to be constructed on the property line, the property owners of the lots the fence will separate must agree in writing to the increase;

5. The fence shall comply with any applicable requirements of the Uniform Building Code.

e. Measuring Wall and Fence Height.

i. Wall and fence height shall be measured from the finished grade level established through a subdivision improvement plan or an approved grading plan, on the side of the fence on which the grade elevation is the greatest;

ii. When a retaining wall is used in combination with a wall or fence, the total height of the wall or fence shall be measured from the originally approved grade level, established through a subdivision improvement plan or an approved grading plan, on the side of the fence on which the grade elevation is the greatest.

2. Existing Fences. A legally established fence existing prior to the enactment of this ordinance (November 22, 1996) and which does not conform to the standards of this section, may be replaced in the same location, and at the same height, except as follows:

a. Fences which are required to be maintained or replaced as a condition of a new project approval, shall comply with the standards of this section.

3. Safety Hazards. No materials likely to create a safety hazard, such as nails, glass, and similar objects, shall protrude from any wall or fence. In addition, no electrified fences shall be allowed.

4. Walls and Fences in the Parkway. Front yard walls and fences may be extended into the parkway area behind the sidewalk. However, the City may, with 30 days written notice, require the removal of such wall or fence for the maintenance of the City property or other purposes. Removal shall be at the property owner's expense. Such fencing shall not obstruct access to water meters, fire hydrants, cable junction boxes, or other City or public utility equipment or devices. (Ord. 1564, §9, 1996)

B. Wall and Fence Requirements.

1. All walls or fences backing up to an arterial or collector street, as identified in the General Plan, or required as part of a land use approval or a new subdivision, shall be subject to design review;

2. Walls and fences installed by the owner of a single family dwelling for a lot that does not back up to an arterial or collector street and which consists of materials other than the acceptable wall and fence materials listed in this section, shall also be subject to design review. Design review requirements may be waived by the Director in accordance with the provisions of Chapter 14.09.113, of this division, for individually installed walls and fences:

a. Acceptable wall and fence materials shall include masonry, brick, wrought iron, chain link, or other tubular metal materials, and wooden fencing, excluding plywood or other composite panels or materials;

3. Masonry Walls Required. Masonry walls a minimum of six feet in height shall be required on property lines as follows:

a. When a multi-family residential district is adjacent to a single family residential district;

b. When a residential use is adjacent to a park, school, or other non-residential use, not including natural open space areas which includes creekways;

c. When a parking facility of four or more spaces is adjacent to a residential district;

d. When a mobile home park is adjacent to another residential or to a non-residential use;

e. For noise mitigation, as determined through an acoustical analysis:

i. The height of a masonry wall required for the mitigation of noise shall be determined by the findings of an acoustical study, but shall be no less than six feet in height;

ii. Berming shall be used in conjunction with a wall when an acoustical study has recommended that fencing over eight feet in height be installed;

iii. Masonry walls required as part of back-up treatment along an freeway, railroad right-of-way, or arterial shall be installed in accordance with the provisions of Division 14.12, Dedications and Improvements, of this Title.

f. In other locations when required through a design review or other project approval.

4. Fences adjoining property lines, and block end fences shall be required on perimeter lot lines, except in a required front yard;

5. Walls or fences shall be the responsibility of the developer when a new residential development is constructed that adjoins a public facilities district;

6. When a creekway is adjacent to a residential use in a residential district, a solid fence a minimum of six feet in height shall be required to be installed by the residential developer in conjunction with the residential development, with the following exception:

a. The decision-maker may waive this requirement when a single family lot does not abut a creekway, or for a multi-family project where private yard areas do not abut a creekway, when it is determined that a fence is not necessary for the public safety or convenience. (Ord. 1564, §9, 1996)

Section 8. Amendment of Section 14.09.110.080, Reestablishment of [Conditional] Use.

Section 14.09.110.080 of the Vacaville Municipal Code, entitled "Reestablishment of Use," is hereby amended to read as follows:

14.09.110.080 Reestablishment of Conditional Use.

Conditional uses may be reestablished as follows:

A. If a conditional use has been established pursuant to a conditional use permit approved in accordance with the provisions of this division, and the use is subsequently discontinued for a period of at least ~~six months~~one year, the use shall not be reestablished without a new conditional use permit being granted, or without the approval of the reestablishment of the conditional use.

~~1.~~ Discontinuation shall mean the cessation of the use regardless of the intent to resume the use, unless the Director is notified in writing of such intent prior to the use being discontinued, and has approved a schedule for the resumption of the use;

~~2. Written notification shall be provided to the Director prior to the use being discontinued.~~

B. A new conditional use permit shall be required to reestablish a conditional use that is damaged or destroyed to an extent greater than 50 percent of the replacement value of the combined structures on the site. The application process shall be as described in Section 14.09.110.050(C)(1)(a-c) of this chapter.

C. A new conditional use permit is not required to reestablish a conditional use that is damaged or destroyed to an extent less than 50 percent of the replacement value of the combined structures on the site. Structures destroyed to an extent of 50 percent or less of the replacement value shall not require a new conditional use permit but shall be subject to design review approval, as described in Section 14.09.110.050(D) of this chapter.

1. The Director may approve the reestablishment of a conditional use subject to all of the following:

a. That the current findings required to approve a conditional use permit can be made although the surrounding conditions may have changed since the original conditional use permit was approved;

b. That the current design review findings can be made; and

c. That reestablishing the use would not require exterior alterations such that a Planning Commission design review approval would be required.

D. A determination by the Director may be appealed in accordance with the provisions of Chapter 14.09.072, Development Review Process, of this division.

The current subsection C.1. on reestablishment of use appears to be incorrectly under subsection C referring to destroyed structures. The other changes are for clarification.

Section 9. Amendment of Table 14.09.085.01, Summary of Uses in Commercial Zoning Districts.

Table 14.09.085.01, Summary of Uses in Commercial Zoning Districts, is hereby amended to read as follows:

**TABLE 14.09.085.01
SUMMARY OF USES IN COMMERCIAL ZONING DISTRICTS**

Uses in Commercial Zoning Districts	CD	CG	CN	CO	CR	CS
Accessory uses and structures to a permitted use.	P	P	P	P	P	P
Accessory uses and structures to a conditional use.	C	C	C	C	C	C
Accessory uses to non-conforming single family and multi-family dwellings, and manufactured housing units, in accordance with Section 14.85.030 of this chapter.	P	P	NP	P	NP	P
Adult-oriented businesses, in accordance with Chapter 14.137 of this Title.	P	P	NP	NP	NP	NP
Agricultural uses, not including livestock.	NP	NP	NP	NP	C	NP

Uses in Commercial Zoning Districts	CD	CG	CN	CO	CR	CS
Amusement arcades.	<u>P/C (1)G</u>	<u>P/C (1)G</u>	<u>P/C (1)G</u>	<u>P/C (1)G</u>	<u>P/C (1)G</u>	NP
Amusement arcades, accessory.	P	P	P	P	P	P
Automobiles and other vehicles, rental and leasing services.	NP	<u>P/C (1)G</u>	NP	NP	NP	<u>P/C (1)G</u>
Automobiles and other vehicles, sales and service, new.	NP	P	NP	NP	NP	P
Automobiles and other vehicles, sales, used.	NP	C	NP	NP	NP	C
Banks and financial services.	P	P	P	P	NP	NP
Bars and lounges.	P	P	NP	NP	NP	NP
Body and paint shops.	NP	C	NP	NP	NP	C
Building materials and supply stores.	NP	P	NP	P	NP	P (34)
Business support services.	P	P	P	P	NP	P
Commercial centers.	NP	C	C	C	NP	NP
Commercial service center.	NP	C	NP	NP	NP	NP
Commercial uses designated as a permitted use by an applicable policy plan or specific plan.	P	P	P	P	P	P
Commercial uses designated as a conditional use by an applicable policy plan or specific plan.	C	C	C	C	C	C
Commercial communication services.	P	P	C	C	NP	NP
Community care facilities, large.	C	C	C	C	NP	NP
Convenience markets.	<u>G</u> <u>P/C(2)(64)</u>	<u>GP/C(2)</u>	C	C	NP	C
Day care centers.	P	P	P	P	NP	NP
Demolition of historic structures <u>within a Historic Preservation Overlay District</u> in accordance with the provisions of Chapter 14.09.105, Historic Preservation Overlay District, of this division.	C	NP	NP	NP	NP	NP
Dried and dehydrated fruit and vegetable facilities, excluding onions, garlic, and other such malodorous products, legally established prior to the enactment of this ordinance (January 10, 1997). (35)	NP	NP	NP	NP	NP	C
Drive-in businesses.	C (46)	<u>GP/C(1)</u>	C	C	NP	<u>GP/C (1)</u>
Fitness centers.	P	P	P	NP	NP	NP

Uses in Commercial Zoning Districts	CD	CG	CN	CO	CR	CS
Food stores (see Division 14.02, Definitions).	P	C (911)	P	C (911)	NP	NP
Furniture, furnishings, and equipment stores.	P	P	P (34)	P	NP	P (34)
Golf courses.	NP	NP	NP	NP	C	NP
Hotels and motels.	C	P/C(1)G	NP	NP	NP	NP
Libraries and museums.	P	P	NP	P	NP	NP
Lumber and general building materials, yard and stores, legally established prior to the enactment of this ordinance (January 10, 1997).	NP	C (75)	NP	NP	NP	C (34,75)
Medical offices and clinics.	P	P	P	P	NP	NP
Membership organization facilities.	P (42)	P	P	P	P	P
Motor freight transporting and storage services.	NP	NP	NP	NP	NP	C
Limited expansion of non-conforming non-residential uses, in accordance with Chapter 14.09.135, Non-Conforming Uses and Structures, of this division.	C	C	C	C	NP	C
Reconstruction of non-conforming residential structures and the reestablishment of non-conforming residential uses, in accordance with the provisions of Chapter 14.09.135, Non-Conforming Uses and Structures, of this division.	C	C	NP	C	NP	C
Nurseries, retail.	P	P	P	NP	NP	P
Offices.	P	P	P	P	NP	P
Outdoor commercial recreation.	NP	C	NP	NP	C	NP
Outdoor storage or sales, accessory to a principal use where the storage or sales area is 15 percent or less of the gross floor area of the principal use.	P	P	P	P (86)	P	P
Outdoor storage or sales, accessory to a principal use where the storage, sales, area exceeds 15 percent of the gross floor area of the principal use.	NP	GP/C (1)	NP	NP	NP	P/C (1) G
Outdoor service or repair, accessory to a principal use.	NP	P/C (1) G	NP	NP	NP	P/C (1) G
Parks and playgrounds.	C	C	C	C	C	NP
Parking lots.	P	P	P	P	NP	P

Uses in Commercial Zoning Districts	CD	CG	CN	CO	CR	CS
Personal services.	P	P	P (34)	P	NP	P
<u>Pet day cares</u>	<u>P/C (1)</u>	<u>P/C (1)</u>	<u>P/C (1)</u>	<u>P/C (1)</u>	<u>NP</u>	<u>P</u>
Post offices.	P	P	NP	NP	NP	NP
Public safety facilities.	C	C	C	C	NP	C
Public utility and public service buildings and structures.	C	C	C	C	C	C
Recreation centers and facilities.	P	P	NP	NP	NP	NP
Rental centers, commercial.	NP	<u>P/C (1)C</u>	NP	C	NP	P
Rental centers, household.	P	P	P	P	NP	P
Repair and maintenance, consumer products.	P	P	P	P	NP	P
Repair and maintenance, vehicles.	NP	<u>P/C (1)C</u>	NP	NP	NP	P
Restaurants and eating establishments.	P	P	P (97)	P (97)	NP	P(97)
Retail and general merchandise stores.	P	P	P	P	NP	NP
Schools, specialized – small.	P	P	P	P	NP	C
Schools, specialized – large.	NP	C	C	NP	NP	NP
Service stations.	C	<u>P/C (2)C</u>	C	C	NP	<u>P/C (2)C</u>
Social service facilities.	C	C	C	NP	NP	NP
Storage, household and business.	NP	<u>P/C (1)C</u>	NP	NP	NP	P
Telecommunication facilities, major. (<u>1240</u>)	C	C	C	C	C	C
Telecommunication facilities, minor. (<u>1240</u>)	P	P	P	P	P	P
Temporary commercial uses and events.	P	P	P	P	P	P
Theaters and meeting halls.	P (42)	P	C (108)	NP	NP	NP
Trade contractor shops.	NP	NP	NP	NP	NP	P
Transit stations and terminals.	C	C	NP	NP	NP	C
Veterinary hospitals.	P	P	P	P	NP	P
Wholesaling and distribution, legally established prior to the enactment of this ordinance (January 10, 1997). (<u>35</u>)	NP	C	NP	NP	NP	NP
Wholesaling and distribution, small.	NP	NP	NP	NP	NP	NP

Uses in Commercial Zoning Districts	CD	CG	CN	CO	CR	CS
P = Permitted Use / C = Conditional Use / NP = Not a Permitted Use or a Conditional Use						
CD: Downtown Commercial CN: Neighborhood Commercial CR: Recreation Commercial						
CG: General Commercial CO: Office Commercial CS: Service Commercial						

NOTES TO USES IN COMMERCIAL ZONING DISTRICTS TABLE

(1) The use is a conditional use the lot on which the use is proposed abuts a residential district. Otherwise it is a permitted use.

(2) The use is a conditional use the lot on which the use is proposed abuts a residential district, or the use requires a Determination of Public Convenience and Necessity under Chapter 14.09.124. Otherwise it is a permitted use.

(34) In the CS district, large home furnishings and equipment stores, such as furniture and appliance stores, building materials and supply stores, and lumber and general building materials, yards, and stores shall be conducted in an area not to exceed 40,000 square feet in gross floor area; any other retail use shall not exceed 5,000 square feet in gross floor area.

In the CN district, furniture, home furnishings and equipment stores, and personal services uses shall be limited to a floor area not to exceed 10,000 square feet of gross floor area.

(42) In the CD district:

- a. Membership organization facilities, and theaters and meeting halls with an assembly occupant load of less than 50 persons in each room is a permitted use;
- b. Membership organization facilities, and theaters and meeting halls that have at least one room with an assembly occupant load of 50 or more persons is a conditional use.

(53) Uses legally established prior to the enactment of this ordinance (July 10, 1997) may expand or be altered in accordance with the provisions of Section [14.09.110.050](#) of this division, for pre-existing conditional uses.

(64) In the CD district, convenience markets and drive-in businesses are not allowed in the downtown historic district.

(75) In the CG and CS districts, lumber and general building materials, yards, and stores shall not be located adjacent to a residential district, unless such use was legally established prior to the enactment of this ordinance (January 10, 1997). Such uses legally established may expand or be altered in accordance with the provisions of Section [14.09.110.050](#) of this division for pre-existing conditional uses.

(86) In the CO district, outdoor storage is a permitted use except that outdoor storage shall not be allowed in the PO-Professional Office Overlay District.

(97) In the CN district:

- a. Restaurants and eating establishments are a permitted use when there is no separate area allowed for the sale and consumption of alcoholic beverages;
- b. Restaurants and eating establishments are a conditional use when a specific area is devoted to the sale and consumption of alcoholic beverages, or when the hours of operation for full food service are less than the hours of operation for serving alcoholic beverages. Such specific area may not exceed one third of the gross floor area of the establishment.

In the CO district, restaurants and eating establishments are a permitted use when there is no separate area for the sale and consumption of alcoholic beverages.

In the CS district, restaurants and eating establishments shall be conducted in an area not to exceed 5,000 square feet in gross floor area, and shall have no separate area for the sale and consumption of alcoholic beverages.

(108) In the CN district, only movie theaters are allowed, subject to a conditional use permit, and must be accessory to a commercial center.

(119) In the CG and CO districts, a development application for a new food store shall require a conditional use permit supported by a market study to determine the City-wide and neighborhood necessity for a new food store. In approving a conditional use permit, the decision-maker shall find that the new store will not result in an undue concentration of food stores within any portion of the City, that the new store is not likely to result in increases in the vacancy rates of existing shopping centers, and that the new use will promote the orderly growth and development of the City.

(1249) Chapter 14.09.125, Telecommunication Facilities, should be consulted for regulations pertaining to the four categories of telecommunication facilities: exempt, accessory, minor, and major, and for the location, performance, and design criteria contained within the provisions of that chapter.

(1344) Hotels and motels existing as of the effective date of the ordinance codified in this section (March 25, 2010) shall be subject to the standards of Section [14.09.135.070](#), Limited Expansion of a Non-Residential, Non-Conforming Use. Extended stay hotels/motels for greater than 30-day occupancy are prohibited unless approved through a conditional use permit.

Section 10. Amendment Section 14.09.086.030, Permitted Uses [in the CD District]

Section 14.09.086.030, Permitted Uses [in the CD District] is hereby amended to read as follows:

14.09.086.030 Permitted Uses.

A. The following uses are permitted uses in the CD district, and include, but are not limited to:

1. Accessory uses and structures to a permitted use;
2. Accessory uses to non-conforming single-family and multi-family dwellings in accordance with Section [14.09.085.030](#);
3. Adult-oriented businesses in accordance with the provisions of Chapter 14.09.137 of this code;
4. Amusement arcades, accessory where not abutting a residential district;
5. Banks and financial services;
6. Bars and lounges;
7. Business support services;
8. Day care centers;
9. Convenience markets where not abutting a residential district, not in the downtown historic district, and not requiring a City Determination of Public Convenience and Necessity under Chapter 14.09.124;
- 9-10. Commercial uses designated as a permitted use by an applicable policy plan or specific plan;
110. Commercial communication services;
124. Fitness centers;
132. Food stores;
143. Furniture, furnishings, and equipment stores;
154. Libraries and museums;
165. Medical offices and clinics;
176. Membership organization facilities with an assembly occupant load of less than 50 persons in each room;
 - a. Accessory uses in accordance with the requirements in Section [14.02.016.020](#),
Definitions;
187. Nurseries, retail;
198. Offices;

2049. Outdoor storage or sales, accessory to a principal use, in accordance with Section 14.09.084.090.A.12, where the storage or sales area is 15 percent or less of the gross floor area of the principal use, and the use being stored or sold is not a use listed under Sections 14.09.084.090.A.1 through A.11;

219. Parking lots;

224. Personal services;

23. Pet day cares where not abutting a residential district;

242. Post offices;

253. Recreation centers and facilities;

264. Rental centers, household;

275. Repair and maintenance, consumer products;

286. Restaurants and eating establishments;

297. Retail and general merchandise stores;

3028. Schools, specialized, small;

3129. Temporary commercial uses and events;

3230. Theaters and meeting halls with an assembly occupant load of less than 50 persons in each room;

3334. Veterinary hospitals;

3432. Telecommunication facility, minor, in accordance with the provisions of Chapter 14.09.125, Land Use Permits and Approvals, Telecommunication Facilities.

Section 11. Amendment Section 14.09.086.040, Conditional Uses [in the CD District]

Section 14.09.086.030, Conditional Uses [in the CD District] is hereby amended to read as follows:

A. The following conditional uses are allowed in the CD district upon the granting of a conditional use permit, in accordance with the provisions of Chapter 14.09.110 of this code, and include:

1. Accessory uses and structures to a conditional use;

2. Amusement arcades where not abutting a residential district;

3. Commercial uses designated as a conditional use by an applicable policy plan or specific plan;

4. Community care facilities, large;

5. Convenience markets outside the downtown historic district where abutting a residential district or requiring a City Determination of Public Convenience or Necessity under Chapter 14.09.124., except in the downtown historic district;

6. Demolition of historic structures in accordance with the provisions of Chapter 14.09.105, Overlay Districts – HP, Historic Preservation;

7. Drive-in businesses, except in the downtown historic district;

8. Hotels and motels;

9. Membership organization facilities that have at least one room with an assembly occupant load of 50 or more persons;

a. Accessory uses in accordance with the requirements in Section [14.02.016.020](#), Definitions;

10. The limited expansion of non-conforming, non-residential uses, in accordance with Chapter 14.09.135, Supplemental Standards, Non-Conforming Uses and Structures;

11. The reconstruction of non-conforming residential structures and the reestablishment of non-conforming residential uses, in accordance with the provisions of Chapter 14.09.135, Supplemental Standards, Non-Conforming Uses and Structures;

12. Parks and playgrounds;

13. Pet day cares where abutting a residential district;

~~43~~14. Public safety facilities;

~~44~~15. Public utility and public service buildings and structures;

~~45~~16. Service stations;

~~46~~17. Social service facilities;

~~47~~18. Theaters and meeting halls that have at least one room with an assembly occupant load of 50 or more persons;

~~48~~19. Transit stations and terminals;

~~49~~20. Telecommunication facility, major, in accordance with the provisions of Chapter 14.09.125, Land Use Permits and Approvals, Telecommunication Facilities.

Section 12. Amendment Section 14.09.087.030, Permitted Uses [in the CG District]

Section 14.09.087.030, Permitted Uses [in the CG District] is hereby amended to read as follows:

14.09.087.030 Permitted Uses.

A. The following uses are permitted uses in the CG district, and include, but are not limited to:

1. Accessory uses and structures to a permitted use;
2. Accessory uses to non-conforming single-family, multi-family, and manufactured housing units in accordance with Section [14.09.085.030](#);
3. Adult-oriented businesses in accordance with the provisions of Chapter 14.09.137 of this code;
- [4. Amusement arcades where not abutting a residential district:](#)
4. Amusement arcades, accessory;
- [#. Automobiles and other vehicles, rental and leasing services where not abutting a residential district:](#)
5. Automobiles and other vehicles, sales and service, new;
6. Banks and financial services;
7. Bars and lounges;
8. Building material and supply stores;
9. Business support services;
10. Day care centers;
- [11. Drive-in businesses where not abutting a residential district:](#)
- [1244.](#) Commercial uses designated as a permitted use by an applicable policy plan or specific plan;
- [13. Convenience markets where not abutting a residential district and not requiring a City Determination of Public Convenience or Necessity:](#)
- [1442.](#) Fitness centers;
- [1543.](#) Furniture, furnishings, and equipment stores;

16. Hotel and motels where not abutting a residential district:

1744. Libraries and museums;

1845. Medical offices and clinics;

1946. Membership organization facilities;

a. Accessory uses in accordance with the requirements in Section [14.02.016.020](#),
Definitions;

2047. Nurseries, retail;

21. Outdoor service or repair, accessory to a principal use, where not abutting a residential district:

2248. Outdoor storage or sales, accessory to a principal use, in accordance with Section [14.09.084.090.A.12](#) (commercial districts development standards), where the storage or sales area is 15 percent or less of the gross floor area of the principal use, and the use being stored or sold is not a use listed under Sections [14.09.084.090.A.1](#) through A.11;

23. Outdoor storage or sales, accessory to a principal use, in accordance with Section [14.09.084.090.A.12](#), where the storage or sales area exceeds 15 percent of the gross floor area of the principal use, the use being stored or sold is not a use listed under Sections [14.09.084.090.A.1](#) through A.11, and the use does not abut a residential district:

2419. Offices;

2520. Parking lots;

2624. Personal services;

27. Pet day cares where not abutting a residential district:

2822. Post offices;

2923. Recreation centers and facilities;

30. Rental centers, commercial, where not abutting a residential district.

3124. Rental centers, household;

3225. Repair and maintenance, consumer products;

3326. Restaurants and eating establishments;

3427. Retail and general merchandise stores;

~~2835~~. Schools, specialized, small;

36. Service stations where not abutting a residential district and not requiring a City Determination of Public Convenience or Necessity under Chapter 14.09.124;

37. Storage, household and business where not abutting a residential district;

~~3829~~. Temporary commercial uses and events;

~~3930~~. Theaters and meeting halls;

~~4034~~. Veterinary hospitals;

~~4132~~. Commercial communication services;

~~4233~~. Telecommunication facility, minor, in accordance with the provisions of Chapter 14.09.125, Land Use Permits and Approvals, Telecommunication Facilities.

Section 13. Amendment Section 14.09.087.040, Conditional Uses [in the CG District]

Section 14.09.087.040, Conditional Uses [in the CG District] is hereby amended to read as follows:

A. The following conditional uses are allowed in the CG district upon the granting of a conditional use permit, in accordance with the provisions of Chapter 14.09.110 of this code, and include:

1. Accessory uses and structures to a conditional use;
2. Amusement arcades where abutting a residential district;
3. Automobiles and other vehicles, sales, used;
4. Automobiles and other vehicles, rental and leasing services, where abutting a residential district;
5. Body and paint shops;
6. Commercial centers;
7. Commercial service center;
8. Commercial uses designated as a conditional use by an applicable policy plan or specific plan;
9. Community care facilities, large;

10. Convenience markets where abutting a residential district or requiring a City Determination of Public Convenience or Necessity;

11. Drive-in businesses where abutting a residential district;

12. Food stores (see Table 14.09.085.01, note 9);

13. Hotels and motels where abutting a residential district;

14. Lumber and general building materials, yards and stores, provided such use shall not be located adjacent to a residential district, unless legally established prior to the enactment of the ordinance codified in this section (January 10, 1997);

15. The limited expansion of non-conforming, non-residential uses, in accordance with Chapter 14.09.135, Non-Conforming Uses and Structures;

16. The reconstruction of non-conforming residential structures and the reestablishment of non-conforming residential uses, in accordance with the provisions of Chapter 14.09.135, Supplemental Standards, Non-Conforming Uses and Structures;

17. Outdoor commercial recreation;

18. Outdoor storage or sales, accessory to a principal use, in accordance with Section [14.09.084.090.A.12](#), where the storage or sales area exceeds 15 percent of the gross floor area of the principal use, **and** the use being stored or sold is not a use listed under Sections 14.09.084.090.A.1 through A.11, and the use abuts a residential district;

19. Outdoor service or repair, accessory to a principal use, where abutting a residential district;

20. Parks and playgrounds, less than two acres in size;

21. Pet day cares where abutting a residential district;

2224. Public safety facilities;

2322. Public utility and public service buildings and structures;

2423. Rental centers, commercial, where abutting a residential district;

2524. Repair and maintenance, vehicles, where abutting a residential district;

2625. Schools, specialized – large;

2726. Service stations where abutting a residential district or requiring a City Determination of Public Convenience or Necessity under Chapter 14.09.124;

2827. Social service facilities;

~~2829~~. Storage, household and business, where abutting a residential district;

~~3029~~. Transit stations and terminals;

~~3139~~. Wholesaling and distribution, legally established prior to the enactment of the ordinance codified in this section (January 10, 1997);

~~3234~~. Telecommunication facility, major, in accordance with the provisions of Chapter 14.09.125, Land Use Permits and Approvals, Telecommunication Facilities.

Section 14. Amendment Section 14.09.088.030, Permitted Uses [in the CN District]

Section 14.09.088.030, Permitted Uses [in the CN District] is hereby amended to read as follows:

14.09.088.030 Permitted Uses.

A. The following uses are permitted uses in the CN district, and include, but are not limited to:

1. Accessory uses and structures to a permitted use;

~~2~~. Amusement arcades where not abutting a residential district;

~~32~~. Amusement arcades, accessory;

~~43~~. Banks and financial services;

~~54~~. Business support services;

~~65~~. Day care centers;

~~76~~. Commercial uses designated as a permitted use by an applicable policy plan or specific plan;

~~87~~. Fitness centers;

~~98~~. Food stores;

~~109~~. Furniture, furnishings, and equipment stores, subject to the provisions of Section 14.09.088.050.B. of this chapter;

~~1149~~. Medical offices and clinics;

~~1244~~. Membership organization facilities;

a. Accessory uses in accordance with the requirements in the Definitions Section of this Title, Section 14.02.016.020;

1342. Nurseries, retail;

1443. Offices;

1544. Outdoor storage or sales, accessory to a principal use, in accordance with Section 14.09.084.090.A.(12) of Chapter 14.09.084, Commercial Districts Development Standards, of this division, where the storage or sales, area is 15 percent or less of the gross floor area of the principal use, and the use being stored or sold, is not a use listed under Section 14.09.084.090.A.(1-11);

1645. Parking lots;

1746. Personal services, subject to the provisions of Section 14.09.088.050.B. of this chapter;

18. Pet day cares where not abutting a residential district;

1947. Rental centers, households;

2048. Repair and maintenance, consumer products;

2149. Restaurants and eating establishments, provided there is no separate area primarily devoted to the sale and consumption of alcoholic beverages;

2220. Retail and general merchandise stores;

2324. Schools, specialized, small;

2422. Temporary commercial uses and events;

2523. Veterinary hospitals;

2624. Telecommunication facility, minor, in accordance with the provisions of Chapter 14.09.125, Telecommunication Facilities, of this division.

Section 15. Amendment of Section 14.09.088.040, Conditional Uses [in the CN District]

Section 14.09.088.040 of the Vacaville Municipal Code, entitled “Conditional Uses,” is hereby amended to read as follows:

14.09.088.040 Conditional Uses.

A. The following conditional uses are allowed in the CN district upon the granting of a conditional use permit, in accordance with the provisions of Chapter 14.09.110 of this division, and include:

1. Accessory uses and structures to a conditional use;

2. Amusement arcades where abutting a residential district;
3. Commercial uses designated as a conditional use by an applicable policy plan or specific plan;
4. Commercial centers;
5. Commercial communication services;
6. Community care facilities, large;
7. Convenience markets;
8. Drive-in businesses;
9. Movie theaters accessory to a commercial center;
10. The limited expansion of non-conforming, non-residential uses, in accordance with the provisions of Chapter 14.09.135, Non-Conforming Uses and Structures, of this division;
11. Parks and playgrounds;
12. Pet day cares where abutting a residential district;
1342. Public safety facilities;
1443. Public utility and public service buildings and structures;
1544. Restaurants and eating establishments provided no more than one-third of the gross floor area is principally devoted to the sale and consumption of alcoholic beverages or where the hours of operation for full food service are less than the hours of operation for serving alcoholic beverages;
1645. Service stations;
1746. Social service facilities;
1847. Schools, specialized – large;
1948. Telecommunication facility, major, in accordance with the provisions of Chapter 14.09.125, Telecommunication Facilities, of this division.

Section 16. Amendment of Section 14.09.089.030, Permitted Uses [in the CO District]

Section 14.09.089.030 of the Vacaville Municipal Code, entitled “Permitted Uses,” is hereby amended to read as follows:

14.09.089.030 Permitted Uses.

A. The following uses are permitted uses in the CO district, and include, but are not limited to:

1. Accessory uses and structures to a permitted use;

2. Accessory uses to non-conforming single-family, multi-family, and manufactured housing units in accordance with Section [14.09.085.030](#);

3. Amusement arcades where not abutting a residential district:

43. Amusement arcades, accessory;

54. Banks and financial services;

65. Building material and supply stores;

76. Business support services;

87. Commercial uses designated as a permitted use by an applicable policy plan or specific plan;

98. Furniture, furnishings, and equipment stores;

109. Libraries and museums;

1140. Medical offices and clinics;

1244. Membership organization facilities;

a. Accessory uses in accordance with the requirements in Section [14.02.016.020](#),
Definitions;

1342. Offices;

1443. Outdoor storage or sales, accessory to a principal use, in accordance with Section [14.09.084.090](#).A.12 (commercial districts development standards), where the storage or sales area is 15 percent or less of the gross floor area of the principal use, and the use being stored or sold is not a use listed under Sections [14.09.084.090](#).A.1 through A.11;

1544. Parking lots;

1645. Personal services;

17. Pet day cares where not abutting a residential district:

1846. Repair and maintenance, consumer products;

1917. Rental centers, household;

2048. Restaurants and eating establishments, provided there is no separate area devoted to the sale and consumption of alcoholic beverages;

2149. Retail and general merchandise stores;

2220. Temporary commercial uses and events;

2324. Veterinary hospitals;

2422. Day care centers;

2523. Schools, specialized – small;

2624. Telecommunication facility, major, in accordance with the provisions of Chapter 14.09.125, Land Use Permits and Approvals, Telecommunication Facilities.

Section 17. Amendment of Section 14.09.089.040, Conditional Uses [in the CO District]

Section 14.09.089.040 of the Vacaville Municipal Code, entitled “Conditional Uses,” is hereby amended to read as follows:

14.09.089.040 Conditional Uses.

A. The following conditional uses are allowed in the CO district upon the granting of a conditional use permit, in accordance with the provisions of Chapter 14.09.110 of this code, and include:

1. Accessory uses and structures to a conditional use;
2. Amusement arcades where abutting a residential district;
3. Commercial centers;
4. Commercial uses designated as a conditional use by an applicable policy plan or specific plan;
5. Community care facilities, large;
6. Convenience markets;
7. Drive-in businesses;
8. Food stores (see Table 14.09.085.01, note 9);

9. The limited expansion of non-conforming non-residential uses, in accordance with the provisions of Chapter 14.09.135, Supplemental Standards, Non-Conforming Uses and Structures;

10. The reconstruction of non-conforming residential structures and the reestablishment of non-conforming residential uses, in accordance with the provisions of Chapter 14.09.135, Supplemental Standards, Non-Conforming Uses and Structures;

11. Parks and playgrounds;

12. Pet day cares;

1342. Public safety facilities;

1413. Public utility and public service buildings and structures;

1544. Rental centers, commercial;

1645. Service stations;

1746. Commercial communication services;

1847. Telecommunication facility, major, in accordance with the provisions of Chapter 14.09.125, Land Use Permits and Approvals, Telecommunication Facilities.

Section 18. Amendment of Section 14.09.090.030, Permitted Uses [in the CR District]

Section 14.09.090.030 of the Vacaville Municipal Code, entitled "Permitted Uses," is hereby amended to read as follows:

14.09.090.030 Permitted Uses

A. The following uses are permitted uses in the CR district:

1. Accessory uses and structures to a permitted use;

2. Amusement arcades where not abutting a residential district;

32. Amusement arcades, accessory;

43. Commercial uses designated as a permitted use by an applicable policy plan or specific plan;

54. Membership organization facilities;

a. Accessory uses in accordance with the requirements in the Definitions Section of this Title, Section [14.02.016.020](#);

65. Outdoor storage or sales, accessory to a principal use in accordance with Section [14.09.084.090.A.\(12\)](#) of Chapter 14.09.084, Commercial Districts Development Standards, of this division, where the storage or sales area is 15 percent or less of the gross floor area of the principal use, and the use being stored or sold is not a use listed under Section [14.09.084.090.A.\(1-11\)](#);

76. Temporary commercial uses and events;

87. Telecommunication facility, minor, in accordance with the provisions of Chapter 14.09.125, Telecommunication Facilities, of this division.

Section 19. Amendment of Section 14.09.090.040, Conditional Uses [in the CR District]

Section 14.09.090.040 of the Vacaville Municipal Code, entitled “Conditional Uses,” is hereby amended to read as follows:

14.09.090.040 Conditional Uses.

A. The following conditional uses are allowed in the CR district upon the granting of a conditional use permit, in accordance with the provisions of Chapter 14.09.110 of this division, and include:

1. Accessory uses and structures to a conditional use;
2. Agricultural uses, not including livestock;
3. Amusement arcades where abutting a residential district;
4. Commercial uses designated as a conditional use by an applicable policy plan or specific plan;
5. Golf courses;
6. Outdoor commercial recreation;
7. Parks and playgrounds;
8. Public utility and public service buildings and structures;
9. Telecommunication facility, major, in accordance with the provisions of Chapter 14.09.125, Telecommunication Facilities, of this division.

Section 20. Amendment of Section 14.09.091.030, Permitted Uses [in the CS District]

Section 14.09.091.030 of the Vacaville Municipal Code, entitled “Permitted Uses,” is hereby amended to read as follows:

14.09.091.030 Permitted Uses.

A. The following uses are permitted uses in the CS district, and include, but are not limited to:

1. Accessory uses and structures to a permitted use;
2. Accessory uses to non-conforming single family, multi-family, and manufactured housing units in accordance with Section [14.09.085.030](#) of this division;
3. Amusement arcades, accessory;
4. Automobiles and other vehicles, rental and leasing services, where not abutting a residential district:
 54. Automobiles and other vehicles, sales and service, new;
 65. Building material and supply stores, subject to the provisions of Section [14.09.091.050](#).B. of this chapter;
 76. Business support services;
 87. Commercial uses designated as a permitted use by an applicable policy plan or specific plan;
 9. Drive-in businesses where not abutting a residential district:
 108. Furniture, furnishings, and equipment stores, subject to the provisions of Section [14.09.091.050](#).B.1. of this chapter;
 119. Nurseries, retail;
 1240. Offices;
 1344. Outdoor storage or sales, accessory to a principal use, in accordance with Section [14.09.084.090](#).A.(12) of Chapter 14.09.084, Commercial Districts Development Standards, of this division, when the storage or sales, area does not exceed 15 percent of the gross floor area of the principal use; and the use being stored or sold, is not an exempted use listed under Section [14.09.084.090](#).A.(1-11);
 14. Outdoor storage or sales, accessory to a principal use, in accordance with Section [14.09.084.090](#).A.(12) of Chapter 14.09.084, Commercial Districts Development Standards, of this division, when the storage or sales, area does not exceed 15 percent of the gross floor area of the principal use, the use being stored or sold, is not an exempted use listed under Section [14.09.084.090](#).A.(1-11), and the use does not abut a residential district:
 15. Outdoor service or repair, accessory to a principal use, where not abutting a residential district:

~~4216~~. Parking lots;

~~4317~~. Personal services;

18. Pet day cares:

~~1944~~. Rental centers, household;

~~2045~~. Rental centers, commercial;

~~2146~~. Repair and maintenance, consumer products;

~~2247~~. Repair and maintenance, vehicles;

~~2348~~. Restaurants and eating establishments, subject to the provisions of Section [14.09.091.050](#).B. of this chapter;

24. Service stations where not abutting a residential district and not requiring a City Determination of Public Convenience or Necessity under Chapter 14.09.124;

~~2549~~. Storage, household and business;

~~2620~~. Temporary commercial uses and events;

~~2724~~. Trade contractor shops;

~~2822~~. Veterinary hospitals;

~~2923~~. Wholesaling and distribution, small;

~~3024~~. Telecommunication facility, minor, in accordance with the provisions of Chapter 14.09.125, Telecommunication Facilities, of this division.

Section 21. Amendment of Section 14.09.091.040, Conditional Uses [in the CS District]

Section 14.09.091.040 of the Vacaville Municipal Code, entitled “Conditional Uses,” is hereby amended to read as follows:

14.09.091.040 Conditional Uses.

A. The following conditional uses are allowed in the CS district upon the granting of a conditional use permit, in accordance with the provisions of Chapter 14.09.110 of this division, and include:

1. Accessory uses and structures to a conditional use;
2. Automobiles and other vehicles, sales, used;

3. Automobiles and other vehicles, rental and leasing services, where abutting a residential district;
4. Body and paint shops;
5. Commercial uses designated as a conditional use by an applicable policy plan or specific plan;
6. Convenience markets;
7. Dried and dehydrated fruit and vegetable facilities, excluding onions, garlic, and other such malodorous products, legally established prior to the enactment of this ordinance (January 10, 1997);
8. Drive-in businesses where abutting a residential district;
9. Lumber and general building materials, yards and stores, subject to the provisions of Section [14.09.091.050](#).B.1. of this chapter, and provided such use shall not be located adjacent to any residential district, unless such use was legally established prior to the enactment of this ordinance (January 10, 1997);
10. Membership organization facilities;
 - a. Accessory uses in accordance with the requirements in the Definitions Section of this Title, Section [14.02.016.020](#);
11. Motor freight transporting and storage services;
12. The limited expansion of non-conforming, non-residential uses, in accordance with Chapter 14.09.135, Non-Conforming Uses and Structures, of this division;
13. The reconstruction of non-conforming residential structures and the reestablishment of non-conforming residential uses, in accordance with the provisions of Chapter 14.09.135, Non-Conforming Uses and Structures;
14. Outdoor storage or sales, accessory to a principal use, in accordance with Section [14.09.084.090](#).A.(12) of this division, when the storage or sales, area exceeds 15 percent of the gross floor area of the principal use; ~~and~~ the use being stored or sold, is not an exempted use listed under Section [14.09.084.090](#).A.(1-11); and the use abuts a residential district.
15. Outdoor service or repair, accessory to a principal use, where abutting a residential district;
16. Public safety facilities;
17. Public utility and public service buildings and structures;

18. Service stations where abutting a residential district or requiring a City Determination of Public Convenience or Necessity under Chapter 14.09.124;

19. Transit stations and terminals;

20. Schools, specialized – small;

21. Telecommunication facility, major, in accordance with the provisions of Chapter 14.09.125, Telecommunication Facilities, of this division.

Section 22. Amendment Section 14.09.100.030, Permitted Uses [in the CF District]

Section 14.09.100.030, Permitted Uses [in the CF District] is hereby amended to read as follows:

14.09.100.030 Permitted Uses.

A. The following uses are permitted uses in the CF district, subject to design review approval, and include, but are not limited to:

1. Accessory uses and structures to a permitted use;
2. Detention basins, flood control channels, and water supply canals;
3. Grazing of livestock subject to the following:
 - a. Grazing shall be on pasture land or hillside grasslands;
 - b. Seasonal supplemental feed shall be permitted;
 - c. Grazing shall not include the confining of livestock in enclosures such as feedlots or corrals where feed is provided on a regular basis;
4. Growing of fruit and nut trees, vegetables, grains, field crops, horticultural specialties, and timber;
5. Hospitals and related medical facilities, as designated in an applicable policy plan or specific plan;
6. Libraries and museums;
7. Membership organization facilities;
 - a. Accessory uses in accordance with the requirements in the Definitions Section of this Title, Section [14.02.016.020](#);
8. Offices owned or leased by a local, state, county, regional, or federal agency, or special districts, including offices leased to or operated by private parties;

- 9. Parking lots;
- 10. Public safety facilities;
- 11. Public facilities designated as a permitted use by an applicable policy plan or specific plan;
- 12. Recreation uses such as playgrounds, neighborhood parks, bike and pedestrian paths, creekways, arboretums, and community gardens;
- 13. Public schools, including elementary, junior high schools, high schools, colleges, and vocational schools;
- 14. Temporary commercial uses and events in accordance with the provisions of Section 14.09.084.100 of this division;
- 15. Water wells and pumps stations and other similar utility facilities within an enclosed structure or below ground, when located on the same site as a permitted use;
- 16. Telecommunication Facility, Minor, in accordance with the provisions of Chapter 14.09.125, Telecommunication Facilities, of this division;
- 17. Gas-fired thermal power plants and any facilities appurtenant thereto, including transmission lines and pipelines, which are subject to the jurisdiction of the California Energy Resources Conservation and Development Commission, currently 50 megawatts or greater, provided such plants are located within two miles of a transmission interconnection and near a source of reclaimed water for power plant cooling.

Section 23. Policy Plan Amendments

The policy plans and specific plans indicated in the table below are hereby amended to add “Pet Day Care” as a permitted or conditional use in the areas shown in the table.

Policy Plans/Specific Plans	Pet Day Care added as:
Airport Business Area	Add as a permitted use in Area I
Allison Business Area	Add as a permitted use in Area I
East Side of Alamo	Add to the list of Provisional Uses
Green Tree Park	Add as a permitted use in Area I & II
Interchange Business Park	Add as a permitted use in Area I; In Areas II and III add as a permitted use in the list under “Commercial and Service uses for employees and business . . . ”

North Village	Add as a permitted use in commercial areas (add to list under “Service establishments primarily engaged. . . .”), Add as a permitted use in Business Park areas under “Incidental commercial uses and services”
Nut Tree Business Park	Add as a permitted use in Sector I, Areas 1, 2A, and 5
Orange Tree Business Park	Add as a permitted use in Area I
Vacaville-Golden Hills Business Park	Add as a conditional use in Area I (add to list under “Service establishments primarily engaged”); add as a permitted use in Area II (add to list under “Commercial and Service uses for employees and business.”)
Willow-Kilkenny	Add as a permitted use in Area I (add to list under “Service establishments primarily engaged”),

Section 24. Amendment Section 14.09.113.040, Projects Requiring a Design Review Application

Section 14.09.113.040 of the Vacaville Municipal Code, entitled “Projects Requiring a Design Review Application,” is hereby amended to read as follows:

14.09.113.040 Projects Requiring a Design Review Application.

All plans submitted for a land use approval or a building permit are subject to design review at the time of submittal. New uses, structures, or site improvements, or alterations or enlargements to existing uses, structures, or site improvements, as described in this section, shall require a design review approval by the applicable decision-maker. Modifications to approved projects, conditional use permits, and planned developments shall incorporate, as part of the approval of an application, design review approval in accordance with the provisions of this chapter. A separate design review application shall not be required.

A. Planning Commission approval.

1. Non-residential: New structures or the enlargement of existing structures which involve more than any of the following gross square feet of new floor area:

~~a. New structures or the enlargement of existing structures which involve more than 5,000 gross square feet of new floor area.~~

a. In commercial districts, more than 5,000 square feet where abutting a residential district, or 25,000 square feet where not abutting a residential district.

b. In industrial or Business Park districts, more than 5,000 square feet where abutting a residential district, or 100,000 square feet where not abutting a residential district.

c. In other districts, more than 5,000 square feet.

2. Residential:

a. Multi-family buildings or single family attached buildings involving more than 10 dwelling units;

b. Single family detached units other than those described in subsections B(2)(b)(c) of this section.

3. Any major modifications where the Planning Commission is the decision-maker;

4. Specific Plan and Policy Plan Areas:

a. New residential subdivisions requiring a tentative map and all residential developments consisting of 10 or more units.

B. Director Approval.

1. Nonresidential.

a. A change of use in an existing building or to a site;

b. New structures or the enlargement of existing structures which do not involve more than any of the following gross square feet of new floor area:

i. In commercial districts, 5,000 square feet where abutting a residential district, or 25,000 square feet where not abutting a residential district.

ii. In industrial or Business Park districts, 5,000 square feet where abutting a residential district, or 100,000 square feet where not abutting a residential district.

iii. In other districts, 5,000 square feet.

~~b. New uses and structures when the gross floor area of the new structure is 5,000 square feet or less;~~

~~c. Enlargements to existing uses and structures when the new gross floor area of the enlargement is 5,000 square feet or less;~~

c.d. Exterior alterations of existing buildings or alterations to a site;

d.e. Adult-oriented businesses.

2. Residential.

a. Multifamily buildings or single-family attached units involving 10 or fewer dwelling units;

b. Single-family detached units, involving one builder and totaling no more than three building permits on one block WITHIN a 12-month period;

c. Custom homes.

3. Director Is Decision-Maker. Any modification or application for a major modification where the Director is the decision-maker.

4. Specific Plan and Policy Plan Areas. All projects, regardless of size, within an adopted specific plan or policy plan area, including new uses and structures and alterations or enlargements of existing uses and structures, except as noted in Subsection A.(4)(a) of this section.

DRAFT