

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS
AMENDING SECTION SIX (6) (DEFINITIONS) OF THE ZONING ORDINANCE OF
THE CITY OF WILLOWS PROVIDING A DEFINITION FOR STORAGE
CONTAINER AND AMENDING THE DEFINITION OF ACCESSORY USE WITH THE
REMAINDER OF DEFINITIONS REMAINING UNCHANGED**

**THE CITY OF COUNCIL OF THE CITY OF WILLOWS DOES ORDAIN AS
FOLLOWS:**

SECTION 1. The City Council does hereby amend Section Six (6) (Definitions) of the City of Willows Zoning Ordinance to read as follows:

6.01 CONSTRUCTION OF GENERAL TERMS

Words in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular. The word “building” includes the word “structure”, and the word “shall” is mandatory and directory. The term “City Council” shall mean the City Council of the City of Willows, and the term “Planning Commission” shall mean the Planning Commission of the City of Willows.

6.02 ABUTTING

Land having a common property line or separated only by an alley, easement or private road.

6.03 ACCESS

The place by which pedestrians and/or vehicles have usable ingress and egress to a property or use.

6.04 ACCESSORY BUILDING

An accessory building is a detached subordinate building, the use of which is incidental to that of the main building on the same lot or to the use of the land.

6.05 ACCESSORY USE

An accessory use is a use of land or building incidental to subordinate to the principal use or building on the same lot. Accessory use shall not include storage containers

6.06 ADULT ENTERTAINMENT BUSINESS

See Section 8.01

6.07 AGENCY

An agency is an office or commercial establishment in which goods, material, or equipment are received for servicing, treatment, or processing elsewhere.

6.08 ALLEY

An alley is a public or permanent private way or land less than forty (40) feet in width which affords a secondary means of access to abutting property.

6.09 AMENDMENT

Any change, modification, deletion, or addition to the wording, text or substance of the zoning regulations or any change, modification, deletion, or addition to the application of the zoning regulations to property within the City of Willows, including any alteration in the boundaries of a zone, in the manner prescribed by law.

6.10 APARTMENT HOUSE

An apartment house is any building or portion thereof which is designed and built for occupancy of three (3) or more families.

6.11 AUTOMOBILE/EQUIPMENT REPAIR

- (1) Major. General repair, rebuilding or reconditioning of engines; motor vehicle, farm equipment truck or trailer collision service including body, frame or fender straightening or repair; over-all painting or body shop.
- (2) Minor. Upholstering, replacement of parts and motor service, not including removal of the motor, to passengers and trucks not exceeding one and one-half (1 1/2) tons capacity, but not including any operation under "automobile repair, major."

6.12 AUTOMOBILE SERVICE STATION

A place which provides for the servicing, washing and fueling of motor vehicles, including "minor automobile repairs", and sales of merchandise incidental thereto.

6.13 BASEMENT

A basement is a space partly or wholly underground and having more than one-half (1/2) of its height, measured from its floor to its finished ceiling, below the average adjoining grade. If the finished floor level directly above a basement is more than six (6) feet above grade at any point, such basement shall be considered a story.

6.14 BED AND BREAKFAST

A building or portion thereof occupied as a residence wherein guest rooms, including the service of breakfast, intended for occupancy by transient visitors are provided for compensation.

6.15 BOARDINGHOUSE

A boardinghouse is a building or portion thereof, other than a hotel, where regular meals for three (3) or more persons are provided for compensation or profit.

6.16 BUILDING

A building is any structure having a roof supported by columns and/or walls and intended for the housing or shelter of any persons, animals, or property.

6.17 BUILDING HEIGHT

The building height is the vertical distance measured from the average level of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof, ridge, or parapet wall.

6.18 BUILDING, MAIN

A building or structure which is devoted to a principally permitted or conditionally permitted use.

6.19 BUILDING SITE

The building site is the land area of a lot which may be occupied by permitted uses or buildings.

6.20 CARPORT

A detached accessory building not enclosed on more than two sides and designed for and used to shelter or house automobiles and is subject to all regulations and yard requirements of an accessory building. When attached to the main building, a carport becomes a part thereof and is subject to all the yard and other regulations which apply to the main building.

6.21 CEQA

California Environmental Quality Act, commencing with Section 21000 of the Public Resources Code.

6.22 COMMUNICATION EQUIPMENT BUILDING

Communication equipment building shall mean buildings housing electrical and mechanical equipment necessary for the conduct of a public communications business with or without personnel.

6.23 CONDOMINIUM PROJECT

A condominium project as defined in Section 1350 of the Civil Code of the State of California, a community apartment project as defined in Section 11004 of the Business and Professions Code, or a stock cooperative per Section 11003.2 of Business and Professions Code of the State of California.

6.24 CONDITIONAL USE

A use subject to a Use Permit. Such use shall be permitted when all specific additional restrictions are completed and permanently satisfied in conformance with an approved Use Permit. The use will remain conditional so long as the permit requirements are complied with, but shall become illegal use if the conditions are not complied with.

6.25 COTTAGE INDUSTRY

An accessory use of a non-residential nature which is performed within a legal structure on the lot, by an occupant of the dwelling unit, and which is clearly incidental and secondary to the residential use of the property. Home occupations are subject to the Home Occupations Regulations.

6.26 DAY CARE

The care, supervision, or guidance of a child or group of children unaccompanied by their parent of a period of less than 24 hours per day.

6.27 DENSITY

The number of dwelling units per acre.

6.28 DEVELOPMENT

On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste; grading, removing, dredging, mining or extraction of any materials; change in the density or intensity of use of land, including but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition or alteration of the size of any structure, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and

timber operations which are in accordance with a timber harvesting plan submitted pursuant to Government Code Section 4511 et seq.

6.29 DWELLING

A dwelling is a building designed for and intended to be occupied as living quarters by a family or by families in individual dwelling units.

6.30 DWELLING GROUP

A dwelling group is two (2) or more detached dwellings, other than commercial hotel or motel units located upon a building site, together with all open space as required by this ordinance. Dwellings shall be considered detached if they do not have a common wall.

6.31 DWELLING, MULTIPLE

A multiple-family dwelling is a building or portion thereof used and designed for and intended to be occupied as living quarters by three (3) or more families living independently of each other.

6.32 DWELLING, SINGLE-FAMILY

A one-family dwelling is a building designed for and intended to be occupied as living quarters by one (1) family.

6.33 DWELLING, TWO-FAMILY

A building containing not more than two kitchens and designed and used to house not more than two families living independently of each other.

6.34 EASEMENT

A recorded right or interest in the land of another, which entitles a holder thereof to a use, privilege, or benefit of said land.

6.35 FAMILY

A family is one or more persons related by blood, marriage, legal adoption, or legal guardianship or a group not exceeding five (5) unrelated persons living together as a single housekeeping unit sharing common housekeeping facilities.

6.36 FAMILY DAY CARE CENTER

Refers to any facility which provides to more than twelve (12) persons non-medical care on a less than twenty-four (24) hour basis.

6.37 FAMILY DAY CARE HOME

An occupied residence in which a person living at the residence provides day care for twelve (12) or fewer children (including those residing at the subject location) on a less than twenty-four (24) hour basis.

6.38 FILL

A deposit of earth or other material by artificial means.

6.39 FLOOD

A general and temporary condition of a partial or complete inundation of normally dry lands as a result of unusual and rapid accumulation of surface waters from any source.

6.40 FLOOD PLAIN

The area subject to inundation by the 100 year or base flood.

6.41 FLOODWAY

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

6.42 FLOOR AREA

The total of the gross horizontal areas of all floors including usable basements and cellars below the roof and within exterior walls of principal or accessory buildings.

6.43 FRONTAGE

The length of any property line of a lot which abuts a legally accessible street right-of-way.

6.44 GARAGE, COMMERCIAL

A commercial garage is a building, other than a private garage, used for the parking, repair, or servicing of motor vehicles.

6.45 GARAGE, PRIVATE

A private garage is an accessory building or portion of a main building designed and/or used only for the shelter or storage of vehicles by the occupants of the dwelling on the same lot. A garage must be a building with a roof supported by walls.

6.46 GARAGE, PUBLIC

A public garage is designed and/or used on a commercial basis for the storage only of vehicles.

6.47 GRADE, FINISHED

The finished surface of the ground after grading for development.

6.48 GRADE, NATURAL

The surface of ground prior to grading for development.

6.49 GREENHOUSE

A facility for the indoor propagation of plants, constructed with transparent or translucent panels.

6.50 GROUP DWELLING

A group of more than five (5) persons not constituting a “family” sharing a non-profit, single dwelling unit and common housekeeping facilities.

6.51. GUEST HOUSE

A detached accessory building which does not contain kitchen facilities and which is designed for use by non-paying transient visitors to the occupants of the residence on the lot.

6.52. HEIGHT OF BUILDING

The vertical distance from the average level of the highest and lowest portion of the lot covered by building to the topmost point of the roof.

6.53. HOME OCCUPATION

An accessory use of a non-residential nature which is performed within a legal structure on the lot, by an occupant of the dwelling unit, and which is clearly incidental and secondary to the residential use of the property. Home occupations are subject to the Home Occupation Regulations.

6.54 HOSPITAL

An institution which specializes in giving clinical, temporary and emergency services of a medical or surgical nature to injured persons and which operates twenty-four (24) hour inpatient services. Any hospital must be licensed by the State Department of Health.

6.55 HOTEL

A hotel is any building or portion thereof containing six (6) or more guest rooms intended or designed to be hired out for compensation and to be occupied by six (6) or more guests. This definition shall include hotels, lodging and rooming houses, dormitories, Turkish baths, bachelor hotels, studio hotels, public and private clubs and any such building of any nature whatsoever so occupied, designed, or intended to be so occupied, except jails, hospitals, asylums, sanitariums, orphanages, detention homes and similar buildings where human beings are housed or detained under legal restraint.

6.56 JUNKYARD

A junkyard is any area of two hundred (200) square feet or more used for the storage of junk or scrap materials or for the wrecking or dismantling of automobiles or other vehicles or machinery. This definition includes wrecking yards.

6.57 KENNEL

Any premises where five (5) or more small domestic animals not sick or injured, are boarded for compensation or cared for or trained or kept for sale or breeding purposes.

6.58 KEY LOT

A key lot is an interior lot, a side lot line of which is all or part of the rear lot line of an adjoining corner lot.

6.59 LOADING SPACE

An area, other than a street or an alley, on the same lot with a building or group of buildings, which is permanently reserved for the temporary parking of commercial vehicles while loading and unloading merchandise or materials.

6.60 LODGING HOUSE

A lodging house is a building or portion thereof, other than a hotel, where regular meals for three (3) or more persons are provided for compensation or profit.

6.61 LOT

A lot is a parcel of land used or capable of being used under the regulations of this ordinance and including both the building site and all required yards and other open spaces and frontage as defined herein.

Except as otherwise provided, a lot having an area, frontage, width or depth less than the minimum prescribed for the zone in which the lot is located, as depicted on a subdivision map duly approved and recorded prior to adoption of this title, may be used for any use permitted in the zone, but shall be subject to all other standards for the zone in which the lot is located.

6.62 LOT, CORNER

A corner lot is a lot located at the junction of two (2) or more intersection streets, with a boundary line thereof bordering on each of such streets. The shortest such street frontage shall constitute the front of the lot.

6.63 LOT COVERAGE

The percentage of lot size covered by any structure excluding structures not extending above grade.

6.64 LOT DEPTH

The horizontal distance between the rear lot line and the front lot line, measured back from the midpoint of the side lot lines.

6.65 LOT LINE

Any property line bounding a lot.

6.66 MANUFACTURED HOME

Manufactured home for purposes of this division, means a vehicle other than a motor vehicle which is designed and equipped for human habitation and for being drawn by a motor vehicle and which exceeds eight (8) feet in width or is forty (40) feet or greater in length and requires a special permit or chauffeur's license, or both, to be moved upon public highways. Manufactured home does not include trailer, travel-trailer, camp trailer, trailer coach, house car, automobile trailer or motor home. The term, as used in this division, is synonymous with the term "mobile home". This definition is not intended to supersede or conflict with the California Health and Safety Code Section 18007 definition of this term.

6.67 MOBILE HOME

Mobile home means a vehicle other than a motor vehicle which is designed and equipped for human habitation and for being drawn by a motor vehicle and which exceeds eight (8) feet in width or is forty (40) feet or greater in length and requires a special permit or chauffeur's license or both to be moved upon public highways. Mobile home does not include trailer, travel-trailer, camp trailer, trailer coach, house car, automobile trailer or motor home.

6.68 MOBILE HOME PARK

A lot or a parcel of land where mobile home sites are rented or leased or offered for rent or lease for the accommodation of two or more mobile homes.

6.69 MOTEL

A building or group of buildings comprising individual living quarters or dwelling units for accommodation of transient guests, which is designed so that parking is on the same building site. This definition includes auto court, tourist court, and motor hotel but does not include accommodations for mobile homes or trailers.

6.70 NONCONFORMING BUILDING OR USE

A nonconforming building or use is a building or use which was lawfully existing at the time provisions of this ordinance became effective and thereby created a situation in which the building or use is in nonconformity with any such provisions.

6.71 OPEN SPACE, MINIMUM

The percentage of lot area which must be maintained in grass or other living vegetation.

6.72 OUTDOOR ADVERTISING

Outdoor advertising is any outdoor display of advertising material in any form upon any physical structure or natural object.

6.73 PARKING LOT

A parking lot is an area of land, a yard, or other open space on a lot used for or designed for use by standing motor vehicles.

6.74 PARKING SPACE

An unobstructive space or area other than a street or alley which is permanently reserved and maintained for the parking of the motor vehicle.

6.75 PATH

A dedicated public way intended for pedestrian movement.

6.76 PERMIT

Any license, certificate, approval or other entitlement for use granted or denied by any public agency.

6.77 PLANNED DEVELOPMENT

A planned development is a development which encourages design flexibility by resulting in a comprehensive development equal to or better than a traditional "lot by lot" land use development.

6.78 PUBLIC UTILITY

A company or corporation regulated by the California Public Utilities Commission.

6.79 RECREATIONAL VEHICLE

A motor home, travel trailer, truck camper or camping trailer with or without native power, designed for human habitation for recreational or emergency occupancy, with a living area less than three hundred twenty (320) square feet excluding built-in equipment such as closets, cabinets, kitchen units, bath and toilet rooms.

6.80 RIGHT-OF-WAY

An area or strip of land either public or private on which an irrevocable right of passage has been recorded for the use of vehicles and/or pedestrians.

6.81 ROOMING HOUSE

A rooming house is a building or portion thereof, other than a hotel, where regular meals for three (3) or more persons are provided for compensation.

6.82 SERVICE STATION

A place which provides for the servicing, washing, and fueling of motor vehicles, including “minor automobile repairs,” and sales of merchandise incidental thereto.

6.83 SETBACK

A required specified distance between buildings or structures or structures and a lot line(s), measured perpendicular to a horizontal plane extending across the complete length of the lot line(s).

6.84 SETBACK, FRONT, REAR, SIDE

See yard.

6.85 SETBACK LINE

A setback line is a line established by this ordinance to govern the placement of buildings with respect to streets and alleys.

6.86 SIGN

A structure whether located inside or outside a building, with the primary purpose of conveying an idea, advertisement, endorsement, identification, or information by means of visual symbols, letter, illustration, or any other means of directing attention or communication. A sign includes display surfaces together with such improvements as

are utilized in supporting, maintaining, and illuminating the display surfaces and is subject to the Sign Regulations.

6.87 STABLE, COMMERCIAL

A commercial stable is a stable for horses to be let, hired, or used on a commercial basis.

6.88 STABLE, PRIVATE

A private stable is a stable for horses to be used by the owners thereof.

6.88(a) STORAGE CONTAINER

Unmodified, stackable, box-shaped metal shipping containers that are greater than one hundred twenty (120) square feet, enclosed on all sides including top and bottom, including those units originally designed and built to serve as commercial shipping or cargo containers, truck trailers or boxes.

6.89 STREET

A street is a public or permanent private way forty (40) feet or more in width which affords a primary means of access to property.

6.90 STRUCTURAL ALTERATION

A structural alteration is any change in the supporting members of a building, as bearing walls, columns, beams or girders and floor joints, ceiling joists or roof rafters.

6.91 STRUCTURE

A structure is anything constructed or erected upon the ground or attached to a structure having location on the ground.

6.92 SUBDIVISION

A subdivision is a division of land as defined in Government Code Section 66424 of the Subdivision Map Act.

6.93 TOURIST COURT

A tourist court is any building or portion thereof containing six (6) or more guests rooms intended or designed to be hired out for compensation and to be occupied by six (6) or more guests. This definition shall include hotels, lodging and rooming houses, dormitories, Turkish baths, bachelor hotels, studio hotels, public and private clubs, and any such building of any nature whatsoever so occupied, designed, or intended to be so occupied, except jails, hospitals, asylums, sanitariums, orphanages, detention homes, and similar buildings where human beings are housed or detained under legal restraint.

6.94 TRAILER

A trailer is any vehicle without motive power or designed to be drawn by a motor vehicle and to be used in such a manner as to permit temporary occupancy thereof as sleeping quarters, or the conduct of any business, trade or occupation, or use as a selling or advertising device, or use for the storage or conveyance of tools, equipment or machinery and so designed that it is mounted on wheels and may be used as a conveyance on highways and streets. Trailer shall include the terms “camp trailer;”, “trailer coach,” “automobile trailer,” and “house trailer,” except when “house trailer” falls within the definition of “mobile home”. For the purpose of this chapter trailers shall be considered structures when such trailers are parked in mobile home parks or trailer camps and are used on such sites for human habitation, offices, wash houses, storage, or similar auxiliary services necessary to the human habitation of the court or camp. Trailer shall include “recreational vehicle” which is defined in Section 18010.5 of the California Health and Safety Code as follows:

“A motor home, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy with a living area less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms.”

6.95 TRAILER COURT

A trailer court is any area or tract of land which is rented or held out for rent for one or more trailers of the camping, weekend, or temporary occupancy-during-vacation type of use. As distinguished from a mobile home park, a trailer camp is usually located in or adjacent to a recreation or resort facility and is primarily designed to serve as a seasonal facility or as a place of temporary residence for persons who have a permanent residence established elsewhere.

6.96 TRAVEL TRAILER

A motor home, travel trailer, truck camper, or camping trailer, with or without native power, designed for human habitation for recreational or emergency occupancy, with a living area less than 320 square feet excluding built-in equipment such as closets, cabinets, kitchen units, bath and toilet rooms.

6.97 USE

The specified and primary use of land or a main building which is compatible with the purpose of the zone and which is permitted in the zone.

6.98 USE, PRINCIPLE PERMITTED

The specific and primary use of the land or a main building which is compatible with the purpose of the zone and which is permitted in the zone.

6.99 YARD

A yard is the land unoccupied or unobstructed, except for such encroachments as may be permitted by this ordinance, surrounding a building site.

6.100 YARD, FRONT

A front yard is a yard extending across the full width of the lot measured between the street line (of the lot line connected to a street by legal access) and the nearest line of the main building or enclosed or covered porch. The front yard of a corner lot is the yard adjacent to the shorter street frontage.

6.101 YARD, REAR

A rear yard is a yard extending between the side yards of the lot measured between the rear line of the lot and the rear line of the main building or enclosed or covered porch nearest the rear line of the lot.

6.102 YARD, SIDE

A side yard is a yard on either side of the lot extending from the front yard to the rear lot line, the width of each yard measured between the sideline of the lot and the nearest part of the main building or enclosed porch.

6.103 ZONE

A mapped portion of the City to which a uniform set of regulation applies.

SECTION 2. The City Council of the City of Willows finds that the foregoing amendment and adoption of Ordinance No. _____ is consistent with the General Plan, all applicable specific Plans and the City of Willows Zoning Ordinance.

SECTION 3. The City Council of the City of Willows has considered the proposed Negative Declaration, along with comments received during the public review period and the environmental impacts outlined in the Negative Declaration prior to the adoption of this Ordinance, and have approved the Negative Declaration by the adoption of Resolution _____.

The City Council of the City of Willows further finds that the California Environmental Quality Act and environmental protection has been complied with by virtue of the above findings and the CEQA Resolution No. _____ passed prior to the adoption of this amendment.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional in any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. Judicial Review. The time within which judicial review must be sought is governed by California Code of Civil Procedure Section 1094.6.

SECTION 6. Effective Date. This Ordinance shall become effective 30 days after the date of adoption.

SECTION 7. Posting. The City Clerk shall cause this Ordinance to be published and/or posted within fifteen days after its adoption.

INTRODUCED for first reading on the _____ day of _____, 2007.

PASSED AND ADOPTED at a _____ meeting of the City Council of the City of Willows on the _____ day of _____, 2007, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

VINCE HOLVIK, Mayor

ATTEST: _____
City Clerk

APPROVED AS TO FORM: _____
City Attorney