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Article II. Definitions

Ord. 427-AC, 429-AC, 535-AC, 547-AC

Section

92.00. Definitions

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As used in this part, the following words and phrases shall have the meanings ascribed to them in this section:

Antenna. An “antenna” is equipment designed to transmit or receive electronic signals.

Base flood. A “base flood” is a flood having a one (1) percent chance of being equaled or exceeded in any given year. It is also known as the one hundred (100) year flood.

Boarding house. A “boarding house” is a residential use consisting of at least one (1) dwelling unit together with more than two (2) rooms that are rented or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A rooming house or boarding house is distinguished from a bed and breakfast or a tourist home in that the former is designed to be occupied by longer-term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

Building. A “building” is a structure designed to be used as a place of occupancy, storage or shelter.

Building, accessory. An “accessory building” is a minor building that is located on the same lot as a principal building and that is used incidentally to a principal building and that houses an accessory use.

Building, principal. A “principal building” is the primary building on a lot or a building that houses a principal use.

Certify. Whenever this part requires that some agency certify the existence of some fact or circumstance to the city, the city may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the city may accept certification by telephone from some agency when the circumstance warrants it, or the city may require that the certification be in the form of a letter or other document. Verbal certification is to be followed by a written document.

Childcare home. A “childcare home” is a home for not more than nine (9) orphaned, abandoned, dependent, abused, or neglected children, together with not more than two

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(2) adults who supervise such children, all of whom live together as a single housekeeping unit.

Childcare institution. A “childcare institution” is an institutional facility housing more than nine (9) orphaned, dependent, abused, or neglected children.

Circulation area. The “circulation area” is that portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

City. The “city” is the City of Needles.

Combination use. A “combination use” is a use consisting of a combination on one (1) lot of two (2) or more principal uses separately. (Under some circumstances, a second principal use may be regarded as not accessory to the first, and thus a combination use is not established. In addition, when two (2) or more separately owned or separately operated enterprises occupy the same lot, and all such enterprises fall within the same principal use classification, this shall not constitute a combination use.)

Conditional use permit. A “conditional use permit” is a permit issued by the city council that authorizes the recipient to make use of property in accordance with the requirements of this part as well as any additional requirements imposed by the council.

Convenience store. A “convenience store” is a one (1) story, retail store containing less than two thousand (2,000) square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a “supermarket”). It is designed to attract and depends upon a large volume of stop-and-go traffic. Illustrative examples of convenience stores are those operated by the “Circle K,” “7-11,” and “AM/PM” chains.

Council. The “council” is the city council of the City of Needles.

Day care center. A “day care center” is any childcare arrangement that provides day care on a regular basis for more than four (4) hours per day for more than five (5) children of preschool age.

Developer. A “developer” is a person who is responsible for any undertaking that requires a zoning permit., special use permit, conditional use permit, or sign permit.

Development. “Development” is that which is to be done pursuant to a zoning permit, special use permit, conditional use permit, or sign permit.

Dimensional nonconformity. A “dimensional nonconformity” is a nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

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Driveway. A “driveway” is that portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

Duplex. See Residence, duplex.

Dwelling Unit. A single dwelling unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. (Ord. 535-AC)

Expenditure. An “expenditure” is a sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.

Factory-built home. A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label that it is constructed in compliance with the California Administrative Code applicable to industrialized housing (see California Administrative Code, Title 25, Chapter 3, Subchapter 1, for legal definition).

Family. A “family” is one (1) or more persons living together as a single housekeeping unit.

Floodplain. A “floodplain” is any land area susceptible to be inundated by water from the base flood. As used in this part, the term refers to that area designed as subject to flooding from the base flood (one hundred (100) year flood) on the Flood Boundary and Floodway Map prepared by the U.S. Department of Housing and Urban Development, a copy of which is on file in the planning department.

Floodway. The “floodway” is the channel of a river or other watercourse 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. The term refers to that area designated as a floodway on the Flood Boundary and Floodway Map prepared by the U.S. Department of Housing and Urban Development, a copy of which is on file in the planning department.

Gross floor area. The “gross floor area” is the total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Habitable floor. A “habitable floor” is any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or any combination thereof. A floor used only for storage is not a habitable floor.

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Halfway house. A “halfway house” is a home for not more than nine (9) persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct, together with not more than two (2) persons providing supervision and other services to such persons, eleven (11) of whom live together as a single housekeeping unit.

Handicapped or infirm home. “Handicapped or infirm home” is a residence within a single dwelling unit for at least six (6) but not more than nine (9) persons who are physically or mentally handicapped or infirm, together with not more than two (2) persons providing care or assistance to such persons, all living together as a single housekeeping unit. Persons residing in such homes, including the aged and disabled, principally need residential care rather than medical treatment.

Handicapped or infirm institution. “Handicapped or infirm institution” is an institutional facility housing and providing care or assistance for more than nine (9) persons who are physically or mentally handicapped or infirm. Persons residing in such homes, including the aged or disabled, principally need residential care rather than medical treatment.

High-volume traffic generation. All uses other than low-volume traffic generation uses.

Home occupation. A “home occupation” is a commercial activity that: (1) is conducted by a person on the same lot (in a residential district) where such person resides; and (2) is not substantial or incidental or is not so commonly associated with the residential use as to be regarded as an accessory use but that can be conducted without any significantly adverse impact on the surrounding neighborhood.

Without limiting the generality of the foregoing, a use may not be regarded as having an insignificantly adverse impact on the surrounding neighborhood if: (1) goods, stock in trade, or other commodities are displayed; (2) any on-premises retail sales occur; (3) more than one (1) person not a resident on the premises is employed in connection with the purported home occupation; (4) it creates objectionable noise, fumes, odor, dust or electrical interference; or (5) more than twenty-five (25) percent of the total gross floor area of residential buildings plus other buildings housing the purported home occupation, or more than fifty (50) square feet of gross floor area (whichever is less), is used for home occupation purposes.

The following is a non-exhaustive list of examples of enterprises that may be home occupations if they meet the foregoing definition criteria: (1) the office or studio of a physician, dentist, artist, musician, lawyer, architect, engineer, teacher, or similar professional; (2) workshops, greenhouses, or kilns; (3) dressmaking or hairdressing studios.

Hotel, Motel or Motor Hotel. Hotel, Motel or Motor Hotel (“Premises”) shall mean a facility offering transient lodging accommodations on a daily basis of less than 30 days to the general traveling public, on a short-term basis except where a conditional use permit has been obtained to convert the Hotel, Motel or Motor Hotel use to Multi-Family Apt.-

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Conversion consisting of individual Dwelling Units (studio or larger). Upon completion of the conversion of the Premises to individual Dwelling Units (studio or larger), the premises shall be known as a Multi-Family Apt-Conversion. (Ord. 535-AC)

Intermediate care home. An “intermediate care home” is a facility maintained for the purpose of providing accommodations for not more than seven (7) occupants needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.

Intermediate care institution. An “intermediate care institution” is an institutional facility maintained for the purpose of providing accommodations for more than seven (7) persons needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.

Kennel. A “kennel” is a commercial operation that:
(1) provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian); or
(2) engages in the breeding of animals for sale.

Loading and unloading area. The “loading and unloading area” is that portion of the vehicle accommodation area used to satisfy the requirements of section 111.05.

Lot. A “lot” is a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

If a public body or any authority with the power of eminent domain condemns, purchases, or otherwise obtains fee simple title to or a lesser interest in a strip of land cutting across a parcel of land otherwise characterized as a lot by this definition, or a private road is created across a parcel of land otherwise characterized as a lot by this definition, and the interest thus obtained or the road so created is such as effectively to prevent the use of this parcel as one lot, then the land on either side of this strip shall constitute a separate lot.

Lot area. The “lot area” is the total area circumscribed by the boundaries of a lot, except that: (1) when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and thirty (30) feet from the center of the traveled portion of the street; and (2) in a residential district, when a private road that serves more than three (3) dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.

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Low-volume traffic generation. “Low volume traffic generation” are uses such as furniture stores, carpet stores, major appliance stores, etc., that sell items that are large and bulky, that need a relatively large amount of storage or display area for each unit offered for sale, and that therefore generate less customer traffic per square foot of floor space than stores selling smaller items.

Manufactured home. A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying it is constructed in compliance with the Federal Manufactured Home Construction and Safety Standards (see 24 CFR 3280 for legal definition).

Mobile home. A “mobile home” is a transportable, factory-built home, designed to be used as year-round residential dwelling. The city does not allow mobile homes built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, to be set up within the city limits.

Mobile home park. A “mobile home park” is a residential use in which more than one (1) mobile home is located on a single lot.

Nonconforming lot. A “nonconforming lot” is a lot existing at the effective date of this part (and not created for the purposes of evading the restrictions of this part) that does not meet the minimum area requirement of the district in which the lot is located.

Nonconforming project. A “nonconforming project” is any structure, development, or undertaking that is incomplete at the effective date of this part and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

Nonconforming situation. A “nonconforming situation” is any situation that occurs when, on the effective date of this part, any existing lot or structure or use of an existing lot or structure does not conform to one (1) or more of the regulations applicable to the district in which the lot or structure is located.

Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this part, or because land or buildings are used for purposes made unlawful by this part.

Nonconforming use. A “nonconforming use” is any nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with operating a retail clothing store in a residentially zoned area constitutes a nonconforming use.)

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Nursing care home. A “nursing care home” is an institutional facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to less than nine (9) persons.

Nursing care institution. A “nursing care institution” is an institutional facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to more than nine (9) persons.

Parking area aisles. “Parking area aisles” are portions of the vehicle accommodation area consisting of lanes providing access to parking spaces.

Parking space. A “parking space” is a portion of the vehicle accommodation area set aside for the parking of one (1) vehicle.

Person. A “person” is an individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

Planned residential development. A “planned residential development” is a development constructed on a tract under single ownership, planned and developed as an integral unit, and consisting of single-family detached residences combined with either two-family residences or multi-family residences, or both.

Planned unit development (PUD). A “planned unit development” is development constructed on a tract under single ownership, planned and developed as an integral unit, and consisting of a combination of residential and nonresidential uses on land within a PUD district in accordance with the City of Needles zoning regulations.

Planning jurisdiction. The “planning jurisdiction” is the area within the city limits as well as the area beyond the city limits within which the city is authorized to plan for and regulate development, as set forth.

Public water supply system. The “public water supply system” is any water supply system furnishing potable water to ten (10) or more dwelling units or businesses or any combination thereof.

Receive-only earth station. A “receive-only earth station” is an antenna and attendant processing equipment for reception of electronic signals from satellites.

Residence, duplex. A “duplex residence” is a two-family residential use in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

Residence, multifamily. A “multifamily residence” is a residential use consisting of a building containing three (3) or more dwelling units. For purposes of this definition, a

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building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch).

Residence, multifamily apartments. A “multifamily apartment residence” is a multifamily residential use other than a multifamily conversion or multifamily townhouse.

Residence, multifamily conversion. A “multifamily conversion residence” is a multifamily residence containing not more than four (4) dwelling units and results from the conversion of a single building containing at least two thousand (2,000) square feet of gross floor area that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single-family residence.

Residence, multifamily townhouses. A “multifamily townhouse residence” is a multifamily residential use in which each dwelling unit share a common wall (including without limitation the wall of an attached garage or porch) with at least one (1) other dwelling unit and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

Residence, primary with accessory apartment. A “primary residence with accessory apartment” is a residential use having the external appearance of a single-family residence but in which there is located a second dwelling unit that comprises not more than twenty-five (25) percent of the gross floor area of the building nor more than a total of seven hundred fifty (750) square feet.

Residence, single-family detached, more than one dwelling per lot. A “single-family detached residence, more than one dwelling per lot” is a residential use consisting of two (2) single-family detached dwelling units on a single lot.

Residence, single-family detached, one dwelling unit per lot. A “single-family detached, one dwelling unit per lot” is a residential use consisting of a single detached building containing one (1) dwelling unit and located on a lot containing no other dwelling units.

Residence, two-family. A “two-family residence” consists of a building containing two (2) dwelling units. If two (2) dwelling units share a common wall, even the wall of an attached garage or porch, the dwelling units shall be considered to be located in one (1) building.

Residence, two-family apartment. A “two-family residence apartment” is a two-family residential use other than a duplex, two-family conversion, or primary residence with accessory apartment.

Residence, two-family conversion. A “two-family residence conversion” is a two-family residence resulting from the conversion of a single building containing at least two thousand (2,000) square feet of gross floor area that was in existence on the effective

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date of this provision and that was originally designed, constructed and occupied as a single -family residence.

Road. A “road” is all private ways used to provide motor vehicle access to: (1) two (2) or more lots; or (2) two (2) or more distinct areas or buildings in unsubdivided developments.

Rooming house. (See Boarding house)

Second dwelling unit. A “second dwelling unit” is defined as a permanent dwelling unit that is accessory to a primary dwelling on the same site. A second dwelling unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking. A second dwelling unit may be attached to or detached from the primary dwelling. (Ord. 547-AC)

Signage. (See Signage definitions Article X)

Special events. “Special events” are circuses, fairs, carnivals, festivals, or other types of special events that: (1) run for longer than one (1) day but not longer than two (2) weeks; (2) are intended to or likely to attract substantial crowds; and (3) are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Special use permit. A “special use permit” is a permit issued by the planning commission that authorizes the recipient to make use of property in accordance with the requirements of this part.

Street. A “street” is a public street with respect to which an offer of dedication has been made.

Street, arterial. An “arterial street” is a major street in the city’s street system that serves as an avenue for the circulation of traffic onto, out, or around the city and carries high volumes of traffic.

Street, collector. A “collector street” is a street whose principal function is to carry traffic between minor, local, and sub-collector streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than one hundred (100) dwelling units and is designed to be used or is used to carry more than eight hundred (800) trips per day.

Street, cul-de-sac. A “cul-de-sac street” is a street that terminates in a vehicular turnaround.

Street, local. A “local street” is a street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least ten (10) but not more than

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twenty-five (25) dwelling units and is expected to or does handle between seventy-five (75) and two hundred (200) trips per day.

Street, marginal access. A “marginal access street” is a street that is parallel to an adjacent arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

Street, minor. A “minor street” is a street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than nine (9) dwelling units and is expected to or does handle up to eighty-one (81) trips per day.

Street, sub-collector. A “sub-collector street” is a street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect minor and local streets with collector or arterial streets. Including residences indirectly served through connecting streets, it serves or is designed to serve at least twenty-six (26) but not more than one-hundred (100) dwelling units and is expected to or does handle between two hundred (200) and eight hundred (800) trips per day.

Structure. A “structure” is anything constructed or erected.

Subdivision. A “subdivision” is the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future except for leases of agricultural land for agricultural purposes. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. “Subdivision” includes a condominium project, as defined in subdivision (f) of Section 1351 of the Civil Code, a community apartment project, as defined in subdivision (d) of Section 1351 of the Civil Code, or the conversion of five (5) or more existing dwelling units to a stock cooperative, as defined in subdivision (m) of Section 1351 of the Civil Code. As used in this section, “agricultural purposes” means the cultivation of food or fiber or the grazing or pasturing of livestock.

Subdivision, major. A “major subdivision” is any subdivision other than a minor subdivision.

Subdivision, minor. A “minor subdivision” is a subdivision that does not involve any of the following: (1) the creation of more than a total of four (4) lots; (2) the creation of any new public streets serving other lots; (3) the extension of a public water or sewer system serving other lots; or (4) the installation of drainage improvements through one (1) or more lots to serve one (1) or more other lots.

Temporary emergency, construction, or repair residence. A “temporary emergency, construction, or repair residence” is a residence (which may be a mobile

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home) that is: (1) located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed; or (2) located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site.

Tower. A “tower” is any structure whose principal function is to support an antenna.

Tract. A “tract” is a lot (see definition “Lot”). The term tract is used interchangeably with the term lot, particularly in the context of subdivisions, where one (1) tract is subdivided into several lots.

Travel trailer. A “travel trailer” is a structure that: (1) is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle); and (2) is designed for temporary use as sleeping quarters but that does not satisfy one (1) or more of the definitional criteria of a mobile home.

Use. The “use” is the activity or function that actually takes place or is intended to take place on a lot.

Use, principal. The “principal use” is a use listed in the table of permissible uses.

Utility facilities. “Utility facilities” are any aboveground structures or facilities (other than building, unless such buildings are used as storage incidental to the operation of such structure or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose by (the appropriate provision of state law) and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals.

Utility facilities, community or regional. “Utility facilities, community or regional” are all utility facilities other than neighborhood facilities.

Utility facilities, neighborhood. “Neighborhood utility facilities” are utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.

Variance. A “variance” is a grant of permission by the city council that authorizes the recipient to do that which, according to the strict letter of this part, he could not otherwise legally do.

Vehicle accommodation area. A “vehicle accommodation area” is a portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas.

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Wholesale sales. “Wholesale sales” are sales of goods primarily to customers engaged in the business of reselling the goods.

Zoning permit. A “zoning permit” is a permit issued by the city planner that authorizes the recipient to make use of property in accordance with the requirements of this part. Ord. 427-AC, Ord. 429-AC